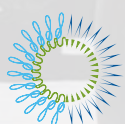


# A METHODOLOGY

For Capacity Needs Assessments  
Towards Implementation of  
The Port State Measures Agreement



THE  
**PEW**  
ENVIRONMENT GROUP



A NERACD Programme



Northern Fisheries Development Services

## Author's Note

The Pew Environment Group, the conservation arm of The Pew Charitable Trusts, is a nongovernmental organisation working on a number of ocean conservation issues, including work to end overfishing across the world's oceans. The Pew Environment Group has had an active project to combat illegal, unreported and unregulated fishing since 2007. Part of this work has included contributing to the development of the PSMA. This CNA methodology is a collaborative endeavour with the Partnership for African Fisheries, a programme of the New Partnership for Africa's Development, through its Stop Illegal Fishing Programme, to help developing countries build the capacity needed to implement the PSMA.

The work leading to the development of the CNA methodology was undertaken by Nordenfjeldske Development Services (NFDS) on behalf of the Pew Environment Group. The study team consisted of Dr. Peter Manning, who completed field visits to six ports, supported by Sandy Davies and Per Erik Bergh.

## Acknowledgements

The team would like to express its sincere thanks to all those who assisted in this study, including Stefan Flothmann, Adriana Fabra, Frank Meere, Karen Sack and Elsa Lee of the Pew Environment Group; Sloans Chimatiro of the New Partnership for Africa's Development; Seraphin Dedi Nadjé of the Fishery Committee for the West Central Gulf of Guinea; Judith Swan of U.N. FAO, Isidore Bagrou, Konan Angaman, Helguile Shep of Cote d'Ivoire; Stephen Ndegwa, Martha Mukira, Monor Godfrey Vincent, Simon Warui, Barabara Side, Maxine Yalo and Collins Ngoro of Kenya; Avelino Alfiado, Manuel Castiano, Peter Flewwelling and Ivone Lichucha of Mozambique; Dame Mboup, Adama Fale and Mamadou Ndiaye of Senegal; Randolph Payet, Roy Clarisse and Jude Talma of Seychelles; Hosea Gonza Mbilinyi, Geoffrey Nanyaro and Janet Uronu of United Republic of Tanzania; and Estelle van der Merwe of South Africa.

Many others provided their valuable thoughts and insights, and their contributions are equally acknowledged with appreciation.

Cover photo: © Sandy Davies, Nordenfjeldske Development Services (NFDS)

## Executive Summary

Port-based compliance and enforcement measures for fishing and fishing-support vessels are a relatively cost-effective element of a monitoring, control and surveillance (MCS) system and, as such, are attractive and effective. The main cost is related to establishing and maintaining an adequate, well-trained fisheries inspectorate with good levels of communication between national agencies, including customs and port authorities, and cooperation with regional and global bodies. This core capacity requirement, both in human and institutional terms, received considerable attention during negotiation of the recently adopted U.N. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). Developing countries were especially concerned about the resources required to build this capacity. It is for this reason that the Pew Environment Group has been working to develop a simple and robust methodology that can determine the specific and real capacity-building needs of each country, and provide a platform for the development of a capacity-building plan which, when implemented, would enable ratification of and effective compliance with the PSMA.

In cooperation with the New Partnership for Africa's Development (NEPAD), through its Stop Illegal Fishing Working Group, and six African countries,<sup>1</sup> the Pew Environment Group has supported the development of a capacity needs assessment (CNA) methodology, which is part of a set of tools that we have committed to help develop to ensure that States have the necessary tools at hand to effectively implement the PSMA, and can move quickly towards closing all ports to the world's fleets engaged in illegal, unreported and unregulated (IUU) fishing.

## Port State Measures (PSM) to Combat IUU Fishing

Today, when illegal fishing vessels need to put into harbour, they can select the most convenient and cost-efficient ports available to them. These ports are a lifeline to the world's illegal fishing industry—an industry that undermines global ocean governance and threatens the sustainability of marine life, ecosystems and the people who depend upon them. The PSMA is an ambitious agreement that aims to close all ports to IUU fishing and its support vessels. However, if it is to receive the necessary support from governments and be implemented effectively, it needs to be accompanied by a comprehensive *implementation toolkit* that identifies the capacity needs of the implementing States and responds to them.



Cape Town, South Africa

<sup>1</sup> Côte d'Ivoire, Kenya, Mozambique, Senegal, Seychelles and United Republic of Tanzania.

The PSMA provides a unique opportunity to harmonize and strengthen port State controls around the globe. It establishes, among other things, a duty for port States to designate ports for use by foreign-flagged vessels; inspect foreign-flagged fishing vessels and other vessels supporting or servicing fishing vessels; deny port entry or port use (including access to port services) to IUU vessels; and take other measures in cooperation with flag States, coastal States and Regional Fisheries Management Organisations (RFMOs) to ensure that fishing is conducted in accordance with agreed conservation and management measures. The port state measures that will be implemented through this agreement should be seen as part of a larger, integrated MCS system that needs to operate from 'ship to shelf' to combat IUU fishing. Port State measures are particularly useful for the regulation of foreign-flagged fishing vessels that operate on the high seas or within a country's exclusive economic zone (EEZ). These measures can, thus, provide a vital tool in the fight against IUU fishing.

Generally, it is from larger, better-equipped ports that foreign-flagged fishing vessels and vessels engaged in fishing-related activities tend to seek harbour services. This suggests that efforts to encourage implementation of the PSMA should be targeted initially at the larger ports that are used by distant-water fleets. Subsequently, other ports may be used by IUU vessels as they are barred from ports they had been accustomed to using. Closing all ports to these vessels must be the overall objective.

There is a tendency, at least in some parts of the world, for fishing vessels to avoid going into port for months on end with the catch being transhipped and vessels being resupplied at sea. This highlights the great importance of having rules in place for fishing-support vessels as well.

## The Capacity Needs Assessment Methodology

Scrutiny of the PSMA reveals that its effective implementation requires each country to have:

- The **legal authority** to enable effective enforcement action in accordance with provisions of the PSMA and other international legal instruments relating to fisheries.
- A **sufficiently staffed, adequately trained and well-informed inspectorate**, operationally well-integrated with the larger MCS system.
- **Systematic cooperation and sharing of information and intelligence** between national agencies associated with different aspects of MCS and among port, flag and coastal States, RFMOs and other organizations.

The Pew Environment Group's CNA methodology was developed in an easy-to-use format with clear steps that States may wish to consider when addressing their PSMA capacity-building needs. The document explains the PSMA clearly and thoroughly, and provides a number of checklists, questionnaires and analytical tools to facilitate engagement in such an assessment process. The methodology identifies three key steps to assessing capacity gaps:

**STEP 1: Ensure that the capacity needs required to implement the PSMA are translated to fit the country-specific context.** States should complete the capacity checklist provided for each of the ports and countries examined. It requires consideration of the main human resources and institutional capacity requirements necessary for adequate implementation of the PSMA, and comparison with current situations in each country. The checklists allow comparison of national standards with the standards set by the PSMA on:

- Human resources, such as the capacity of senior fisheries staff, port management staff, legal drafters and fisheries inspectors.
- The main institutional capacity requirements, such as a well-organised and adequately staffed port inspection

service, an information-exchange system, an appropriate legal authority and access to adequate monitoring technology and equipment.

**STEP 2: Examine the performance of existing systems and identify capacity.** A questionnaire provides the initial framework for determining the extent to which the PSMA is accommodated within the laws and regulations of each country and to what extent they might need to be amended. In addition, it is essential to gain the support and involvement of key stakeholders before the assessment process can begin. To do this, these stakeholders, the roles they play and how they cooperate and communicate with other players must be identified.

This step identifies the players, which typically will include:

- The fisheries agency.
- The customs service.
- Quarantine authorities.
- Immigration officials.
- Health services.
- Port authorities.
- The maritime authority.
- Port police.

Without involving these players in the needs assessment, the process will lack the necessary insights and legitimacy. Frequently, limited systematic cooperation between these agencies and the fisheries ministry or department responsible for port inspections presents a challenge to the assessment. A range of tools, techniques, questionnaires and checklists is provided to assist in this task and help in accurately documenting how the system works.

**STEP 3: Identify the capacity deficit and thus the capacity-building needs.** This step must be accurate and comprehensive. It demands an honest assessment of the gap between existing capacity, in terms of human resources and institutions, and what is needed to effectively implement the PSMA. Recommendations are provided that support a facilitated process to achieve consensus among stakeholders, which builds on ownership and leads to an agreed, prioritised list of capacity needs. Guidelines and techniques are provided to assist in compiling a robust and agreed final assessment that will pave the way for capacity building.

To support these three key steps, the CNA contains the following tools:

- An article-by-article analysis of the PSMA that identifies the capacity requirements.
- A capacity checklist organised by main capacity area.
- An initial capacity questionnaire.
- A questionnaire specifically for fisheries inspectors.
- A draft plan to assist in organising fieldwork.
- Guidelines for completing Annexes A and C of the PSMA.
- Details on how to perform SWOT analyses (strengths, weaknesses, opportunities and threats) and gap analyses.

Completed CNAs will provide a country-specific measure of the gap in capacity required to implement the PSMA. The CNA methodology report also proposes regional capacity-building workshops; the development of generic curricula for training; regional and global approaches to information sharing; and a mechanism to facilitate funding to developing countries. All of these are complementary and parallel processes that will enhance a country or region's capacity to effectively implement port State measures.

## Table of Contents

|  |    |
|--|----|
| Acknowledgements   | 2  |
| Executive Summary  | 3  |
| Table of Contents  | 6  |
| List of Abbreviations and Acronyms   | 7  |
| 1. Why a Capacity Needs Assessment Methodology?                                  | 8  |
| 1.1 Introduction and Background  | 8  |
| 1.2 Article 21 of the PSMA—Meeting Requirements of Developing States             | 9  |
| 1.3 How the PSMA Works   | 9  |
| 1.4 Developing the CNA Methodology   | 11 |
| 1.5 Points for Attention When Considering a CNA                                  | 13 |
| 1.5.1 Who Should Conduct the CNA?  | 13 |
| 1.5.2 How Long Will It Take and What Will It Cost?                               | 13 |
| 1.5.3 What Are the Regional and Global Information Requirements?                 | 14 |
| 1.5.4 Are There Any Priority Ports for CNA?                                      | 14 |
| 1.5.5 What Are the Implications of Avoiding Port Visits by Transshipping at Sea? | 14 |
| 1.5.6 How to Build on the Existing System of Port State Controls?                | 14 |
| 1.6 Next Steps   | 15 |
| 1.6.1 Raising Awareness Towards PSMA Implementation                              | 15 |
| 1.6.2 Conducting CNAs  | 15 |
| 1.6.3 Preparing for Capacity Building Regionally and Globally                    | 15 |
| 1.6.4 Moving Towards Capacity Building Plans                                     | 16 |
| 2. Conducting the CNA—Methodology  | 17 |
| 2.1 Identify Capacity Needs for Implementing the PSMA                            | 17 |
| 2.1.1 Confirming Capacity Needs  | 17 |
| 2.2 Review and Analyse Existing Control Systems and Capacity                     | 19 |
| 2.2.1 Preliminary Steps  | 19 |
| 2.2.2 Planning a Country and Port Visit  | 20 |
| 2.2.3 Identifying and Engaging Stakeholders                                      | 20 |
| 2.2.4 Gathering Information  | 21 |
| 2.2.5 Inception Workshop   | 21 |
| 2.2.6 Individual Meetings with Agencies and Other Elements of the MCS System     | 22 |
| 2.2.7 Meeting with Inspectors  | 22 |
| 2.3 Identify the Capacity Gaps and Prioritise—Capacity Building Needs (CBN)      | 23 |
| 2.3.1 Report-Back Meeting  | 23 |
| 2.3.2 Complete and Circulate the CNA Report                                      | 23 |
| Appendices   | 25 |
| Appendix 1 – Analysis of Articles of the PSMA                                    | 25 |
| Appendix 2—Capacity Checklist  | 35 |
| Appendix 3—Initial Questionnaire   | 38 |
| Appendix 4—Questionnaire for Fisheries Inspectors                                | 41 |
| Appendix 5—Draft Plan for Fieldwork  | 43 |
| Appendix 6—Annexes A and C of the PSMA and Guidelines for Completing Them        | 45 |
| Annex A of PSMA—Information to be Provided in Advance by Vessels                 | 45 |
| Annex C—Report of the Results of Inspection                                      | 47 |
| Appendix 7—SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats)      | 53 |
| Appendix 8—Gap Analysis  | 54 |

## List of Abbreviations and Acronyms

| ACRONYM  | FULL NAME  |
|----------|--|
| CBM      | Capacity Building Mechanism  |
| CBP      | Capacity Building Plan   |
| CNA      | Capacity Needs Assessment  |
| CSM      | Capacity Support Mechanism   |
| EEZ      | Exclusive Economic Zone  |
| EU       | European Union   |
| FAO      | Food and Agriculture Organization of the United Nations  |
| IMO      | International Maritime Organization of the United Nations  |
| IPOA-IUU | International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing   |
| IUU      | Illegal, Unreported and Unregulated (fishing)  |
| LDC      | Least-Developed Country  |
| MCS      | Monitoring, Control and Surveillance   |
| NEPAD    | New Economic Partnership for Africa  |
| NFDS     | Nordenfjeldske Development Services  |
| NPOA-IUU | National Plan of Action on IUU fishing   |
| PAF      | Partnership for African Fisheries  |
| PSM      | Port State Measures  |
| PSMA     | Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing   |
| RFMO     | Regional Fisheries Management Organisation   |
| RPOA-IUU | Regional Plan of Action on IUU fishing   |
| SIDS     | Small Island Developing State  |
| SIF      | Stop Illegal Fishing   |
| SWOT     | Strengths, Weaknesses, Opportunities and Threats   |
| UNCLOS   | United Nations Convention on the Law of the Sea, 1982  |
| UNFSA    | Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995 |
| VMS      | Vessel Monitoring System   |

## 1. Why a Capacity Needs Assessment Methodology?

### 1.1 Introduction and Background

On 22 November 2009, the Conference of the U.N. Food and Agriculture Organisation (FAO) adopted the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing (PSMA) and opened it for signature. The PSMA grew out of the FAO's earlier Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing and, before that, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). The PSMA's development began in March 2007 when the FAO Committee on Fisheries endorsed a timetable to develop the legally binding agreement on port State measures. An Expert Consultation took place in Washington in September 2007 to prepare a draft text of the new Agreement. This draft was considered by a Technical Consultation, which met in four sessions at FAO headquarters in Rome in June 2008 and in January, May and August 2009. At the August 2009 session, 91 countries met to finalise the text.

This legally binding international agreement established a duty for port States to take a number of measures against foreign-flagged fishing vessels and other vessels supporting or servicing fishing vessels, which are known or suspected to be engaged in illegal, unreported and unregulated fishing. Measures include denial of port entry to vessels; denial of port use and services if such vessels are already in port; and inspections of vessels, depending on the circumstances. Port States may allow IUU vessels into their harbours for enforcement actions. Other measures are to be taken as appropriate in cooperation with flag States, coastal States and RFMOs. The PSMA aims to put an end to 'ports of convenience'—ports that attract IUU fishing vessels because of their lax controls—and to assist port State authorities that are unwittingly allowing foreign IUU fishing vessels into their ports. This often happens due to limited capacity to inspect and to access and share information.

Port State measures should be considered a part of a larger, integrated MCS (monitoring, control and surveillance) system,<sup>2</sup> particularly useful for the regulation of foreign-flagged vessels that have fished or may have fished outside the waters of the port State.<sup>3</sup> They tend to be relatively cost-effective when compared with many other elements of an MCS system. The measures apply to fishing vessels and, significantly, to vessels engaged in fishing-related activities (such as transshipping and resupplying) that may have supported IUU fishing vessels. The latter is particularly important where there is extensive transshipment and resupply at sea.

The PSMA centres on a port State's authority to deny a vessel port entry or port use and services and to inspect a vessel when it voluntarily seeks to enter, or does enter, its port. Thus, an adequate, well-trained fisheries inspectorate is a key feature in the successful operation of port State measures. The optimum use of information gathered during inspection and from other components of the national, regional and international MCS system is also an important characteristic of the PSMA. This implies that to fully implement the PSMA, good communication is needed among national agencies involved in fisheries management, such as customs and the port authority, as well as cooperation with appropriate regional and global bodies.

<sup>2</sup> A well-integrated fisheries MCS system would include cooperation with national agencies that could contribute to the overall MCS system, such as customs, the port authority, navy, police, the vessel safety inspectorate, etc.

<sup>3</sup> The port State enjoys full jurisdiction over vessels entitled to fly its flag and has extensive powers to regulate the activities of foreign-flagged vessels fishing within its waters.

### 1.2 Article 21 of the PSMA—Meeting Requirements of Developing States

During negotiation of the Agreement, African and other developing states indicated that they would not immediately be able to meet the PSMA's requirements and that there is a need for capacity building so they will be able to fulfil these requirements. The capacity-building needs of a country will vary according to local circumstances and the local capacity deficit, in terms of human resources, institutions and, to an extent, access to appropriate and necessary technology. It is important, therefore, to identify through careful assessment the specific and real capacity-building needs within each country and develop a capacity building plan (CBP) that would enable effective PSMA implementation.

Article 21 of the PSMA provides the response to this capacity-building need in developing states, and it is hoped that this article, if adequately implemented, will play a major role in the successful implementation of the Agreement. It is in light of this provision that this methodology has been developed in cooperation with six African countries,<sup>4</sup> and within the framework of the New Partnership for Africa's Development's (NEPAD) Partnership for African Fisheries (PAF) programme under the auspices of the Stop Illegal Fishing Working Group (SIF).

The CNA (capacity needs assessment) methodology is the first step in developing a comprehensive *implementation toolkit* that identifies the different capacity needs of developing countries and responds to them. It is hoped that the CNA will assist in ensuring that the development assistance provided under Article 21 will be well targeted to meet the real priority needs of each country and that the wider *implementation toolkit* will assist in building the necessary capacity. However, it is important to note that an assessment will only be as accurate as the information provided and for that reason, the CNA methodology should be carried out in a manner that encourages an honest identification of the strengths and weaknesses of the systems to avoid squandering scarce resources on areas where assistance is not a priority.

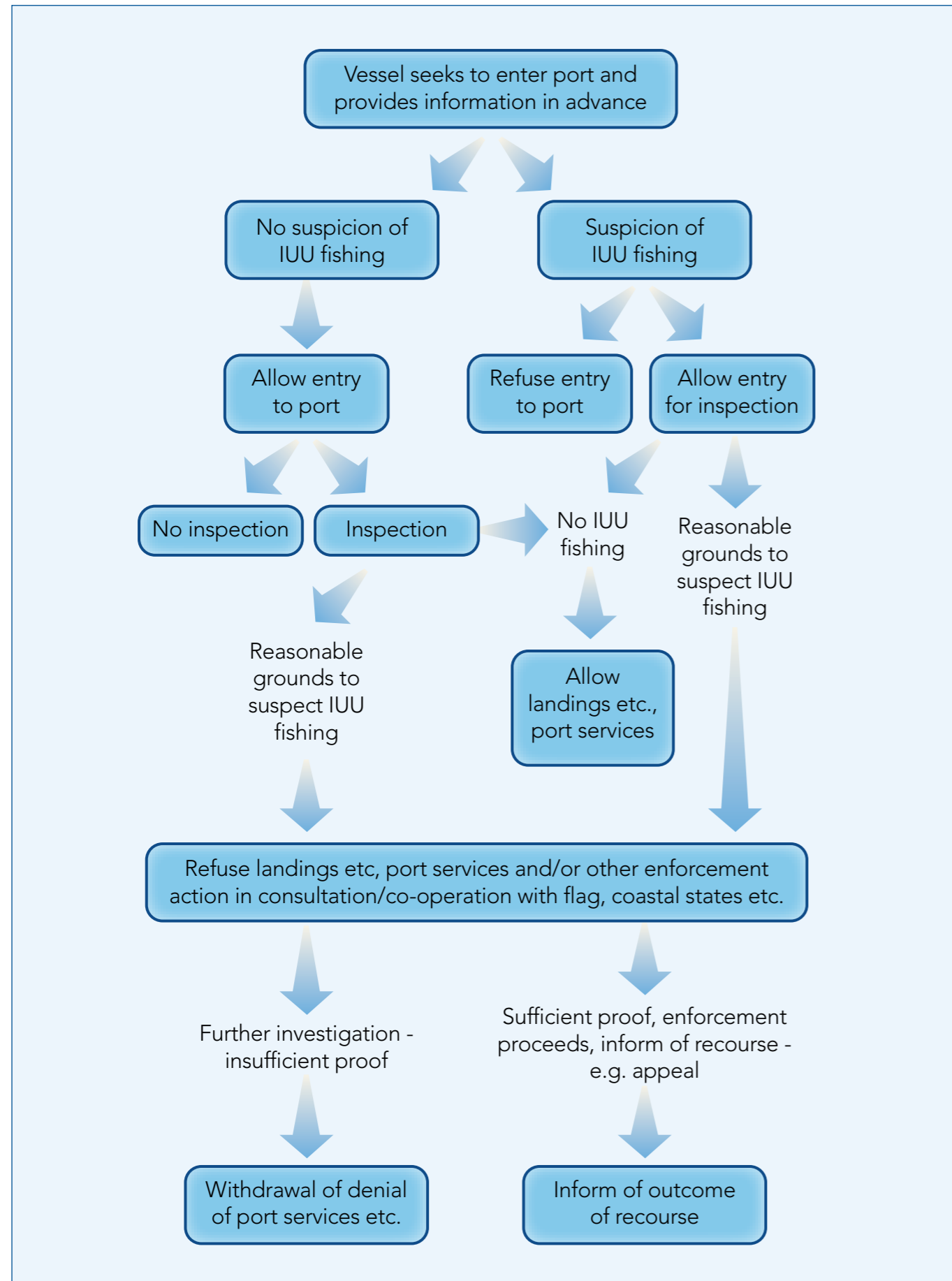
### 1.3 How the PSMA Works

Simply described in Figure 1, the PSMA requires that the master of a vessel seeking to enter port provides the fisheries authority with information about the identity of the vessel, the catch on board, fishing and transshipment authorisations, and details of any transshipments that have taken place (Article 8, and Annex A). This must be done sufficiently in advance of port entry to allow for a preliminary investigation of the vessel and its activities (Article 9). On the basis of information provided in advance, an assessment is made as to whether the vessel might have been involved in IUU fishing. If suspicion is not raised, the decision is made to allow the vessel to enter port. The vessel is then subject to whatever inspection regime might be in operation (e.g. random selection of 25 percent of vessels) (Article 12). If there are grounds for suspecting that a vessel has been involved in IUU fishing, then the port State can either refuse the vessel's entry into port (Article 9.4) or decide to allow entry exclusively for purposes of inspecting the vessel and taking other appropriate actions (Article 9.5).

If a vessel is inspected and there are no "reasonable grounds" for believing that the vessel has been involved in IUU fishing, then the vessel is permitted to land its catch and use the port's services. If, however, there are reasonable grounds for believing that the vessel has been involved in IUU fishing, then the vessel must be refused permission to land the catch or make use of port services (Article 11), except, as is always the case, where the health or safety of the crew or the safety of the vessel are at risk (Article 11.2, Article 10, Article 18.2). In addition, other enforcement action might be taken (Article 18.3) in consultation or cooperation with the flag State and, if appropriate, the coastal state and RFMOs. If it is subsequently established that there is insufficient proof that the vessel has been involved in IUU fishing, then the port State withdraws the denial to land the catch and of port services (Article 11.4).

<sup>4</sup> Côte d'Ivoire, Kenya, Mozambique, Senegal, Seychelles and Tanzania.

Figure 1: How the PSMA works



**BOX 1 | PSMA Institutional and Human Resources Capacity Requirements for Implementation**

Implementation of the PSMA clearly requires appropriate institutional and human resources capacity, particularly in relation to:

- The legal authority established in national legislation to enable effective enforcement action to be taken in accordance with the provisions of the PSMA and the other international legal instruments relating to fisheries and vessel access to ports.
- A sufficiently staffed, adequately trained and well-informed inspectorate, operationally well-integrated with other elements of the MCS system.
- Systematic sharing of information and intelligence between national agencies associated with other aspects of MCS, including the inspection of vessels in port.
- Systematic cooperation between port, flag and coastal States, RFMOs and other organisations and the sharing of information and intelligence. While there would be the need for bilateral communication, the establishment of regional and global systems to share information are essential if the PSMA is to be effective.

At virtually every stage of the process, the port State must inform the flag State and, as appropriate, the coastal State, RFMOs and other organisations, and in some instances the State of which the master is a national, of actions it has taken (Arts. 9, 11.3, 11.5, 12, 15, 18, 19, Annex B, a) & d)). It is also incumbent on the flag State to report to the port State and other relevant states and organisations on what action it has taken arising from IUU fishing being reported pursuant to the PSMA (Article 20.4 & 5). The flag State must also be responsive to requests by the port State for certain information (Article 11.1 (d)).

**1.4 Developing the CNA Methodology**

The methodology for the CNA was developed through detailed consultations with a wide range of stakeholders in six countries.<sup>5</sup> Research was centred in African States, because of the active role of these countries during the PSMA negotiations; the expertise of the researchers and the collaboration between the Pew Environment Group and the Stop Illegal Fishing Working Group of NEPAD.

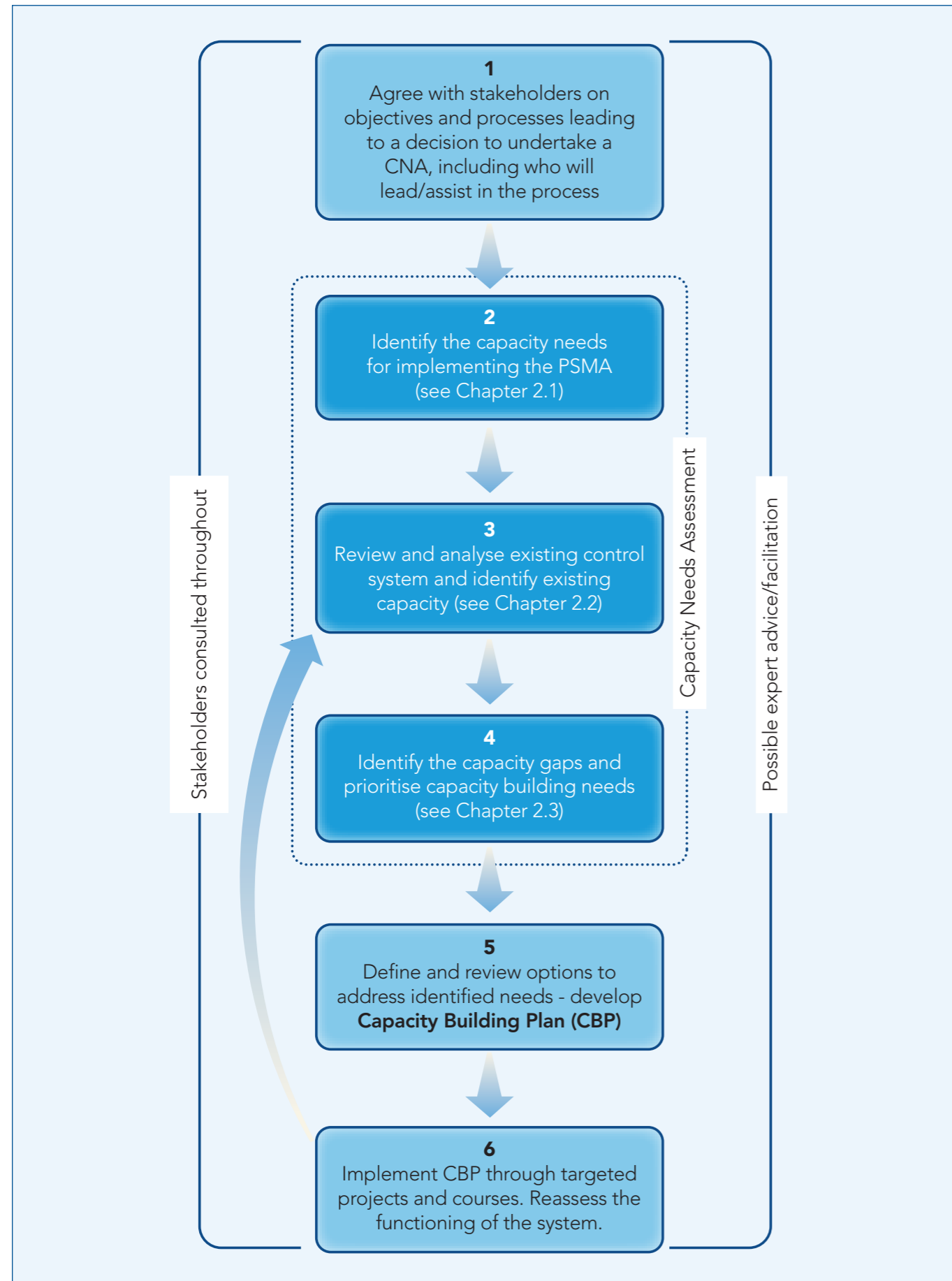
The six countries that participated in the work were identified through an initial assessment of coastal sub-Saharan African nations, with a focus on the Southern African Development Community member States. This included consideration of the level of engagement in the PSMA negotiations, the overall importance of fisheries to them and the anticipated level of movement of foreign vessels through their ports. One aim was also to select countries that would provide a range of situations and challenges for implementing the PSMA. Eight countries were approached to participate in the study, and six indicated that they would: Côte d'Ivoire, Kenya, Mozambique, Senegal, Seychelles and United Republic of Tanzania.

To develop the methodology, a partial CNA was conducted for each of these countries using a range of tools. The approach adopted was to plan a methodology before the field visits, and then field-test the approach and invite critical comment from stakeholders in each instance. The method was adjusted and refined as a result.

The effectiveness of a port State control system depends on all elements of the system performing effectively and efficiently. Thus, the methodology needs to be as inclusive as possible in determining the needs. A particular focus on the fisheries

<sup>5</sup> The capacity needs for a particular port cannot be looked at in isolation from the capacity needs that may have broader implications for a country as a whole.

Figure 2: The Place of a CNA Within the Overall Process of Building Capacity



aspects of the system is, however, a key aspect of port State control measures. Our proposed approach is summarised in Figure 2 and is placed within the overall context of building human resources and institutional capacity for PSMA's implementation.

The dotted lines in Figure 2 demarcate the CNA's limits. Elements above and below the dotted lines (Steps 1, 5 and 6) are parts of the overall process of building capacity but are separate from the CNA as such. The CNA follows the decision to initiate it and ends with identification of the capacity gaps (see Appendix 9 for further explanation of a gap analysis). It is important to engage with key stakeholders before the CNA is undertaken so that agreement is reached about what is to be done and whom it will involve. The CNA, using a variety of techniques, engages with stakeholders throughout (Steps 2, 3 and 4 in Figure 2, which are described fully in Chapter 2). When complete, it provides the information needed to develop a CBP. The CBP should detail a programmed series of projects and actions that systematically address the capacity shortfall. Periodic reassessment of the system is required and these might guide future CNAs and consequent CBPs.

### 1.5 Points for Attention When Considering a CNA

Several issues arose during the study that should be considered before undertaking CNAs for implementation of the PSMA:

#### 1.5.1 Who Should Conduct the CNA?

It is anticipated that the methodology for assessing capacity-building needs will be implemented as far as possible by senior fisheries officials or other representatives of the port State.

However, circumstances often make it preferable to engage outside assistance. The fisheries authority may not have available staff sufficiently familiar with the PSMA and able to conduct such an exercise. In these instances, it might be beneficial to obtain external assistance to lead this process. Another advantage in having external assistance to facilitate the development of the CNA is that it can bring a fresh and neutral perspective on the functioning of the fisheries and associated authorities, encouraging open and frank discussions.

One option is to engage external assistance to work closely with a ministry staff member, if available, and for them to assume joint responsibility for a task. This would have the advantage of generating local ownership of the process and outcomes, while bringing in additional skills and a fresh, outside perspective from an external facilitator. The decision as to whether external assistance is required—and if so, at what level—should be taken before the CNA begins (as indicated in Figure 2, Step 1).

#### 1.5.2 How Long Will It Take?

The time that it might take to undertake the CNA is likely to vary, as may the actual process undertaken in each country. It will depend on who is doing the work, how many ports are being assessed, how spread out the various institutions are, how easy it is to move and communicate among ports and institutions and similar considerations. However, as an estimate, it is likely to require two to six months to complete, from the decision to undertake the CNA to identification of capacity gaps and prioritised capacity-building needs (Figure 2, Steps 2 to 4).

The following timeline is a general guideline for development of a CNA:

- At least five days for preparatory work, including items covered in Chapter 2.1 and arranging associated travel.
- About two weeks of field time if one port is being assessed, additional time if more ports are examined; this may vary from a few extra days for each additional port to a longer period if travel time is considerable and organisations separate. This will include the items covered in Chapter 2.2 and 2.3.1.
- About six days for completing research and preparing the CNA report after receiving feedback and consultation. This will cover items in Chapter 2.3.2.

As a guide, when only one port is to be assessed, development of a CNA will require about 25 workdays over a period of two to six months depending on the administrative and logistical requirements. If further ports are to be considered in the CNA, additional time will be required. If there is a dedicated CNA facilitator, the process may be more agile and adjust to the proposed schedule.

### 1.5.3 What Are the Regional and Global Information Requirements?

Essential tools for the successful implementation of the PSMA are good communication and information sharing among domestic and international agencies, regionally and globally. Regional and global networks and well-managed and up-to-date information systems are essential. PSM need to be well-integrated into a country's overall MCS system, and the port inspectorate must be able to easily access systems for the sharing of information at a regional and global level.

Although informal contacts can play a useful role in facilitating communication, formalising communication gathering and exchange is essential if information is to be shared systematically. Information or intelligence about the movements of vessels suspected or known to have been involved in IUU fishing or fishing-related activities—or suspected of it—needs to be shared within regions. Failure to do so has often allowed IUU vessels, or those with a history of illegal activities, to move between jurisdictions unchallenged. Ultimately, if the net closes in on IUU fishers within a region, vessels are likely to move elsewhere, thus the need to have an up-to-date information system that operates globally.

### 1.5.4 Are There Any Priority Ports for CNA?

Generally, foreign-flagged fishing vessels and vessels engaged in fishing-related activities tend to seek services from the larger, better-equipped harbours. Larger ports that are used by distant-water fleets need to be identified so that they can be prioritised for implementing the PSMA. However, three times in Article 21 of the Agreement (on the requirements of developing states), Parties are urged to give attention particularly to the needs of the least-developed countries (LDCs) and small island developing states (SIDSs). This should be interpreted within the practical context of ports that actually host foreign-flagged vessels engaged in fishing and fishing-related activities, and in many instances would mean prioritising the larger ports for capacity-building assistance. Subsequently, other ports in LDCs and SIDSs may become favoured by IUU vessels excluded from ports they had been accustomed to using.

### 1.5.5 What Are the Implications of Avoiding Port Visits by Transshipping at Sea?

In some parts of the world, vessels routinely avoid going into port for months, transshipping their catch and resupplying at sea.<sup>6</sup> When a port visit is necessary, the vessel often goes to a neighbouring State with a better-equipped port. This places greater importance on the inspection of carrier vessels and the movement of vessels providing bunkering. It might be appropriate to focus attention on identifying vessels that are servicing the fishing fleet, perhaps including IUU vessels, and then requiring that they carry transponders so their movements can be tracked. Sharing this information would further facilitate the identification of such vessels and their movements.

### 1.5.6 How to Build on the Existing System of Port State Controls?

Many countries have a system for vessels of all types to give notice before entering a port for purposes of assigning a berth, preparing for the services the vessel may require and planning inspections envisaged in agreements adopted under the International Maritime Organization (IMO). These are generally requirements established by the port authority, but other agencies (e.g., customs) may have added their own requirements. To improve efficiency, and conform with Article 5 of the PSMA, the requirements of the Agreement must be integrated with the existing system of port State controls.

<sup>6</sup> One State involved in the case studies had as many as 160 foreign-flagged vessels licensed to fish in its EEZ but did not have any of these vessels currently coming into port in the course of the year.

Domestic laws and regulations may need to change to accommodate, for example, the time between notice of port entry and providing the minimum information required by Annex C of the PSMA.

## 1.6 Next Steps

The usefulness of a CNA methodology will be seen as the PSMA comes into force and a majority of port States adopt it. There is a possibility that if momentum is not maintained, the treaty will not be effectively implemented and will not have the desired impact on IUU fishing. The Agreement's success hinges on port States cooperating in its implementation. This momentum needs to be maintained by actively promoting the Agreement and its implementation well in advance of the PSMA's entering into force. Some steps that could be taken to promote implementation are given in the following sections.

### 1.6.1 Raising Awareness Towards PSMA Implementation

Engagement in a CNA process can encourage countries to sign, ratify and implement the PSMA. In addition, the following actions could be taken by States at national and regional levels to enhance the effectiveness of the Agreement:

- **Increase awareness.** Early ratification and entry into force of the PSMA is an important first step and should be encouraged through awareness-raising initiatives at operational and political levels. This could include presenting the CNA methodology at national and regional meetings, especially those related to MCS matters, to stress the potential value of PSM to other elements of an MCS system. Using appropriate websites on IUU fishing, MCS, specific relevant projects or programmes and RFMOs, among others, is useful in promoting wider awareness.
- **Engage with donor agencies.** Sensitise donor agencies and cooperating partners to the PSMA's role, its cost-effectiveness and its potential of making better, more systematic use of intelligence collected from other MCS tools.
- **Develop practical tools for implementation.** A practical implementation toolkit will be a helpful way to focus attention on the potential for strengthening MCS generally, and the PSMA in particular. This could include the CNA methodology and an implementation handbook, along with other useful tools.
- **Co-ordinate with other approaches to combat IUU fishing.** Consider the synergies for capacity-building and information systems with other measures designed to combat IUU fishing. These may include national and regional plans of action on IUU fishing; trade-related measures such as the European Union's Regulation on IUU fishing, (which entered into force in January 2010 and requires a certification scheme for catches); and requirements for reporting to RFMOs, such as catch documentation schemes.

### 1.6.2 Conducting CNAs

Conducting CNAs, using the CNA methodology set out in Chapter 2, of all ports should be fully encouraged and undertaken as opportunities arise. However, if resources are limited or priorities need to be set, then in the first instance CNAs should be undertaken for the key ports most used by foreign-flagged fishing vessels and support vessels. Later, CNAs should be undertaken for other ports to which foreign-flagged vessels involved in IUU fishing might turn in order to evade a clampdown. In each instance, once agreement is reached with port stakeholders on the human resources and institutional capacity needs, development of CBPs should begin.

### 1.6.3 Preparing for Capacity Building Regionally and Globally

In parallel to the process of countries undertaking CNAs, the following steps could be taken in preparation for implementing the actual capacity building plan:

- **Regional co-ordination:** One helpful option is to organise regional workshops for senior MCS and associated personnel from countries and RFMOs. These could focus on:
  - the types of information and intelligence that, when exchanged among countries, could enhance the effectiveness of MCS work by providing port inspectors with critical information that could be used to effectively clamp down on



- IUU fishing through the application of PSM;
- the systematic regional sharing of information and intelligence;
- a regional vision for using PSM that could enhance regional MCS efforts and benefit from regional information sharing;
- contact among inspectorates, middle-ranking MCS personnel and others, to encourage regional cooperation to take action.
- Generic curriculum and training modules for capacity building:** Prepare generic material that could form the basis for country training of key stakeholder groups, such as inspectors, MCS managers, customs officers, port authority personnel, legal professionals and support staff. This material would be based around the 'guidelines for training inspectors' (Annex E of the PSMA) and developed to facilitate easy update and adaptation for specific country situations and training requirements.
- Capacity-building mechanism:** Analyse the options for one or more mechanisms to provide coherent capacity support to developing states to implement the PSMA in support of Article 21 of the Agreement.
- Regional and global information-sharing systems:** Consider options for regional and global systems for sharing information to support implementation of the PSMA and other IUU fishing initiatives.

#### 1.6.4 Moving Towards Capacity Building Plans

Once the CNA is complete, countries will be able to develop CBPs. In doing so, they may consider the following elements:

- Identify capacity building needs.
- Co-ordinate institutional and human resources capacity development so that the institutions become functional as soon as possible: Capacity-building priorities should seek to make systems functional quickly.
- Engage specialists to design courses and develop materials for them, and to assist in institutional reform or development where needed.
- Explore options for a regional virtual learning environment—an Internet-based system designed to support teaching and learning—for distance learning or face-to-face teaching.
- Implement the CBP.
- Evaluate the CNA after the CBP has been implemented. Identify any outstanding capacity-building needs. For example, inspectors might have attended a training course but lack familiarity with instrumentation or lack confidence in applying what they have learned. In such circumstances, it might be that an experienced inspector who provides on-the-job training would add considerably to the effectiveness of port inspections.



Fishing harbor, Essaouira, Morocco

## 2. Conducting the CNA—Methodology

### 2.1 Identify Capacity Needs for Implementing the PSMA<sup>7</sup>

The aim is to ensure that the capacity needs required to implement the PSMA are fully understood within the context of the country being assessed before the analysis is undertaken.

In addition to the human and institutional capacity required to implement the PSMA, there are other non-capacity requirements that a country will need to consider. These include, but are not limited to the following:

- Selection of designated ports and the publication of these on the appropriate Website and on the fishing license.
- Provision of Inspector ID cards indicating that they are trained and authorised to undertake inspections.
- Development of a Code of Conduct to guide inspectors, consistent with the inspection procedure.
- Design of an inspection report form compliant with the requirements of the PSMA Annex C.
- Designation of an authority to act as the contact point for the exchange of information and the deposit of these details to the FAO.
- Integration with the broader system of port state controls.
- Integration with other measures taken to combat IUU fishing and fishing related activities.

#### 2.1.1 Confirming Capacity Needs

Each article of the PSMA that implies a capacity requirement is cited in Appendix 1, and the capacity implications are defined using four columns to indicate the process undertaken:

- Article from PSMA's text.
- Relevant article content.
- PSMA requirement.
- Capacity requirement.

The capacity requirements envisaged for successful implementation of the PSMA fall mainly into two categories: **human resources capacities** and **institutional capacities**. Institutions in this sense refer to both the sets of rules (laws, regulations, procedures) and the specific organisational arrangements for implementing the overall port State control system.

A synthesised list of human resources and institutional capacity needs was established through scrutiny of the PSMA and by considering the capacity requirements in the last column in Appendix 1 (Capacity Requirement). This list is summarised in Table 1: Human Resources and Institutional Capacity Requirements of the PSMA (brief reference is also made in the table to the significant mention of physical capacity in the form of access to appropriate technology [Article 21.4.c]).

Appendix 1 is transformed into a **Capacity Checklist** (Appendix 2), which can be used as a practical tool to summarise the existing capacity level in each port and country examined.

This approach has by necessity identified the capacity requirements of the Agreement in fairly general terms. A country's implementation of the PSMA will require a vision of how its provisions would be implemented, necessitating a more specific definition of capacity needs for the specific circumstances of the port and country. This should be considered early in the CNA's development, possibly in an initial workshop drawing on Appendices 1 and 2 and Table 1. Appendix 2, the capacity checklist, should then be adjusted if required, or notes added to confirm any unusual requirements.

<sup>7</sup> This section corresponds to Stage 2 in Figure 2.

TABLE 1 | Human Resources and Institutional Capacity Requirements of the PSMA

### Human Resources Capacity

#### Senior fisheries and port-management staff and legal drafters should:

- Understand the provisions in international fisheries instruments relating to flag, coastal and port States, particularly the U.N. Convention on the Law of the Sea (UNCLOS) (1982), the U.N. Fish Stocks Agreement (UNFSA) (1995), the FAO Compliance Agreement (1993) and the FAO Code of Conduct for Responsible Fisheries (1995), in addition to the PSMA (2009). They should also be familiar with the requirements of any RFMO to which they are party and national commitments (e.g., the national plan of action on IUU fishing [NPOA-IUU]). This is necessary for the development of appropriate policy and to be able to recommend measures to be incorporated by the legal authorities into national legislation and regulations.
- Understand the broader system of port State controls applied to merchant shipping vessels and other measures to combat IUU fishing and fishing-related activities with which the fisheries-related port State measures need to be integrated or co-ordinated (Article 5).
- Understand the needs for human resources and institutional capacity—including legal authority, procedures, co-ordination and information systems—for implementation of port State measures in terms of the PSMA or, as appropriate, to review and reform existing institutions to meet the requirements of the PSMA.

#### Fisheries inspectors<sup>8</sup> should be:

- Thoroughly conversant with relevant provisions of the PSMA.
- Trained in inspection procedures as set out in Article 13 and Annex B and consistent with existing, broader port State control inspection procedures.
- Able to design a sampling plan for vessel inspection and/or appreciate the importance of doing so. This assumes that not all vessels will be inspected but depends on the level of inspections agreed as being appropriate in accordance with Article 12.
- Familiar with the use of international coding systems referred to in Annex D, Paragraph d), and required for inspection reports.
- Conversant with provisions of international fisheries instruments and requirements of relevant RFMOs and the PSMA to advise who should receive inspection reports in accordance with Article 15.
- Trained in accordance with Article 17, which includes, as a minimum, the areas described in Annex E:
  - Ethics.
  - Health, safety and security issues.
  - Applicable national laws and regulations, areas of competence, and conservation and management measures of relevant RFMOs and applicable international law.
  - Collection, evaluation and preservation of evidence.
  - General inspection procedures, such as report writing and interview techniques.
  - Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag), required for the validation of information given by the master of the vessel.
  - Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes.
  - Verification and validation of information related to landings, transshipments, processing and catch remaining onboard, including utilising conversion factors for the various species and products.
  - Identification of fish species and the measurement of length and other biological parameters.
  - Identification of vessels and gear and techniques for the inspection and measurement of gear.
  - Equipment and operation of Vessel Monitoring System (VMS) and other electronic tracking systems.
  - Actions to be taken after an inspection.

#### Other MCS monitoring and administrative personnel should be:

Conversant with the technology in order to optimise its use and communicate information acquired to appropriate people.

#### Judges/lawyers/prosecutors should be:

Conversant with pertinent international fisheries instruments (including the PSMA), the requirements of RFMOs and domestic fisheries legislation and procedures.

### Institutional Capacity

#### To adequately implement PSM, countries should have:

- A well-organised and adequately staffed port State measures inspection service
- A sufficient number of adequately trained inspectors to undertake thorough inspections in designated ports and at a level consistent with the provisions of the PSMA.

#### An information-exchange system, requiring port States to:

- Collect, store, and analyse information provided in advance by vessels seeking to enter port (Article 8 [1] and Annex A) and share information with key stakeholders and other national agencies.
- Provide, in accordance with Article 16 and Annex D, for direct electronic exchanges of information and provide a website to publicise designated port(s) and actions taken, making use of the international coding system.
- Report to flag States and, as appropriate, coastal states, RFMOs and other international organisations on: denial of entry into port (Article 9); denial of use of port facilities if already in port (Article 11[3]); withdrawal of denial of use of port (Article 11 [5]); inspection results (Article 12), including the master's nationality (Article 15); clear grounds for believing a vessel has been engaged in IUU fishing or fishing-related activity and subsequent actions taken (Article 18); outcome of any recourse (Article 19); and action by the flag State arising from port State measures (Article 20 [5]).
- Provide required information to enable the FAO to effectively monitor implementation of the PSMA (Article 24.1).
- Establish information requirements consistent with internationally and regionally agreed standards (Article 6).

<sup>8</sup> Those exercising a fisheries inspector's function may include customs or port authority officers, port police, navy, etc., depending on the institutional arrangements in each country.

TABLE 1 | Human Resources and Institutional Capacity Requirements of the PSMA

### Legal authority

#### Establish organisational arrangements and clear instructions to take appropriate management measures, consistent with international and domestic law, against vessels violating rules:

- National legislation that applies to vessels (Article 1 [j]), engaged in fishing (Article 1 [c]) and in "fishing related activities" (Article 1 [d]).
- Provision in law that the Agreement applies to all foreign-flagged vessels (with exceptions relating to artisanal vessels of neighbouring States/container vessels as described in Article 3.1 [a][b]).
- Co-ordination/integration at national level with other port State controls and other MCS activities (Article 5).
- Legislation requiring permission to enter port (Article 8) and provision of information from vessels in advance of arrival in port (Article 8). Minimum information requirements are set out in Annex A.
- Legal mechanism to deny entry into port for reasons of suspected or proven IUU fishing.
- Legal mechanism to deny vessels that have entered port but have engaged in IUU fishing or fishing-related activities the use of the port for landing, transshipping, packaging or processing of fish and other port services as defined.
- Legal authority to share information with relevant parties identified in the PSMA, including confidential information (the confidentiality of the information can be respected within the wider group of those informed).
- Legal provision for taking other measures consistent with international law, including measures that the flag State has requested or to which it has consented.
- Legislation and procedures to enable a flag State that is a Party to the PSMA to undertake enforcement action when a port State reports IUU fishing infraction and sufficient evidence exists (Article 20).
- Port State laws that cover IUU fishing and fishing-related activity undertaken by foreign-flagged vessels in areas beyond national jurisdiction.

#### Access to appropriate monitoring technology and equipment (Article 21.4.c)

## 2.2 Review and Analyse Existing Control Systems and Capacity<sup>9</sup>

The purpose of this step is to examine the performance of existing systems and identify the existing capacity, providing a baseline from which the capacity gap can be identified. Subsequently this base level also provides a reference point to measure progress towards capacity building.

### 2.2.1 Preliminary Steps

Below are the steps that can be taken before a port or country visit is made.

#### Initial Questionnaire

An initial questionnaire (**Appendix 3**) could help gather basic information before the start of the CNA, particularly if an external adviser is taking primary responsibility for the exercise. This would assist in planning the schedule of meetings needed ahead of arrival in the country. However, the questionnaire assumes some knowledge of port State measures and their application, which may not always be the case. The questionnaire can also be used as a guide for discussion (a checklist of questions) during the CNA exercise, because much of the information required in this will be used in the CNA report and assessment.

#### Sample Forms

Samples of any forms used should be obtained. This could include:

- Form used for collecting pre-port-entry information.** It is common practice for the port authority to request information from a vessel seeking to enter port (usually through the ship's agent). The information requested relates to the identity of the vessel and what it seeks to do in port so that a suitable berth can be allocated and the requested port services can be organised. The provision of information in advance required under Article 8.1 and Annex A of the PSMA should generally be integrated into the existing system of requesting information in advance. The form used would probably need to be amended to accommodate the requirements of the PSMA.
- A copy of the port inspection report form.** This form, if it exists, is very useful and should also be made available.

<sup>9</sup> This section corresponds to Stage 3 in Figure 2.

It would provide an indication of what is covered by the existing inspection regime and could thus provide a focus for discussion with the inspectorate (see Section 2.2.7 below). The report form would probably need to be amended to accommodate the requirements of Article 14 and Annex C of the PSMA.

### Copies of Legislation and Regulations

Requests should be made for copies of legislation and accompanying regulations related to PSMA implementation. These would tend to include fisheries and maritime law, including merchant shipping, but other legislation, governing such areas as customs, might also be relevant to the CNA. This review offers an opportunity to determine the extent to which the PSMA is accommodated within a country's existing laws and regulations and to what extent they might need to be amended.

### 2.2.2 Planning a Port Visit

Appendix 5 provides an outline with guidance for planning a CNA field visit by an external facilitator. Officials within the country would follow the same general process. However, it may be approached differently, for example by allowing more time and a different configuration of meetings.

### 2.2.3 Identifying and Engaging Stakeholders

Before the assessment process can begin, it is essential to identify and gain the support and involvement of key stakeholders. This may not be as obvious to the fisheries authority as it might appear, particularly in relation to Article 5(a) of the PSMA, which calls on Parties to the Agreement to "integrate or coordinate fisheries related port State measures with the broader system of port State controls." Without this, the assessment will lack the insights, legitimacy and sponsorship of government officials and others involved in the system. Once the main stakeholders have been identified, agreement should be reached on the assessment's objectives, its scope and the process to be followed.

The broader system of port State controls (relating to, among others, labour issues, safety at sea and pollution) comes under the authority of government agencies other than fisheries, and how the inspections will be co-ordinated must be decided. They will typically include:

- The fisheries agency.
- The customs service.
- Quarantine officials.
- Immigration officials.
- Port authorities.
- The maritime authority.
- Port police.

There is often little or no systematic cooperation between these agencies and the fisheries ministry or department responsible for port inspections, although informal contact sometimes exists among some individuals serving with these agencies. Attempts should be made throughout the fieldwork to map out the stakeholders and to understand the lines of communication and operations among them.

If the assessment is to be done intensively—typical when an external facilitator is engaged—agreement is needed on meetings to be held, who will attend (several people in a small workshop or individually) and who will organise them.

As part of the assessment process, it is necessary to assemble and review laws and regulations governing port entry/exit of foreign-flagged vessels engaged in fishing and fishing-related activities to determine what authorities, processes and procedures already exist and what legislation or amendments to the law would be needed to accommodate the PSMA.

### 2.2.4 Gathering Information

It is important to consult various stakeholders, because each is likely to have relevant information to contribute to the review (e.g., port State control/fisheries inspectors might offer insights regarding the adequacy of laws and regulations to carry out their work, while legal experts might have insights regarding the adequacy of evidence that inspectors gather).

The information can be collected in interviews, group discussions, questionnaires and reviews of reports or other documents. It will be helpful to continue to revisit the following questionnaires and checklists to improve the information gathering. By completing these questionnaires in a collaborative manner, much of the information required to make a CNA assessment will be obtained from:

1. Capacity Checklist (Appendix 2).
2. Initial questionnaire (Appendix 3).
3. Questionnaire for Fisheries Inspectors (Appendix 4).

Information can be analysed using various methods. A strengths, weaknesses, opportunities and threats (SWOT) analysis (see Appendix 8), done in consultation with a small group of stakeholders, could help to structure the information gathered, examining the strengths and weaknesses, opportunities and threats of the port State measures system in a systematic and logical manner.

Analysing the roles and responsibilities of stakeholders could also provide a systematic way of understanding and documenting how the system currently works.

In gathering information, it would be important to emphasise confidentiality, as there would be a natural reluctance on the part of many to expose weaknesses. It is important also to verify information received, particularly through interviews or group discussion, to ensure that it has been accurately recorded.

The findings of the review should be shared with stakeholders, particularly those who provided the information. This would also help build confidence in the exercise.

### 2.2.5 Inception Workshop

A well-prepared, facilitated workshop is proposed as an initial step for stakeholders from various agencies who deal with port visits and other units within the MCS system. The workshop would have a threefold purpose:

1. To explain what the PSMA is about, how it could help stop IUU fishing and why and how it involves the different national agencies that share responsibility for effectively implementing the PSMA. Some key questions that should be answered are:
  - a) Why should a port State measures system exist for fisheries?
  - b) What could it achieve?
  - c) What elements are essential for port State measures to be effectively applied in your country?
2. Once the PSMA is well-understood, stakeholders should then have the opportunity to identify how they would like the port State measures system to function in the future. This would provide the opportunity to focus on a positive vision which they would own (rather than on shortcomings). It would involve them in identifying the practical arrangements and human resource capacities needed in their port or ports and country for the effective implementation of the Agreement. This exercise is important for translating the capacity demands of the PSMA into the actual capacity levels needed on the ground within the specific port and country.
3. The workshop, involving agencies that deal with vessels entering port, would allow agency staff members the opportunity to meet each other and identify areas that call for cooperation. Key staff members from these agencies

often do not know each other but would benefit from developing the type of networking that would facilitate cooperation in implementing port State measures.

The inception workshop, by its very nature, would initiate the process of comparing the capacity needs of the country (the outcome of visioning how the PSMA might be applied in the country) and the existing capacity. The difference between the two represents the capacity gap or capacity-building needs.

#### 2.2.6 Individual Meetings with Agencies and Other Elements of the MCS System

After the inception workshop, arrange to meet individually with key agencies involved in port visits and with other units involved in the overall MCS process to gather further information:

- To further the process detailing **existing procedures and lines of communication** used when a foreign-flagged vessel wishes to enter port.
- To map out the **functioning of the MCS system** with which port State inspections and the use of port State measures needs to be integrated (Article 5[b]) and with whom there should be direct channels of communication and exchanges of information.
- To assess how **best to co-ordinate or integrate port State measures** inspections into the broader system of port State controls.

It is important to map out clearly the existing processes and lines of communication in order to learn what exists, how it functions and when decisions are made.

The present reality must be the starting point for further development, and it is important to assess this reality as accurately as possible. The next step after the CNA ends is to develop a capability building plan (CBP). This plan, based on the CNA, would build upon, reform or replace the existing order to develop the institutions needed for successfully implementing port State measures.

#### 2.2.7 Meeting with Inspectors

Port inspectors are key stakeholders, and it is vital to meet with a group of them. These inspectors should be asked to bring the form, if any, used during an inspection and the form used to report the inspection's findings.

One approach is to ask each participant to fill in the **Questionnaire for Fisheries Inspectors** (Appendix 4) at the beginning of the meeting. A session during which the answers are discussed should follow. Starting with the questionnaire offers better insight into inspectors' opinions before they have a chance to consult with each other. This can facilitate discussions about issues that might not otherwise emerge.

Use could be made of Annex C of the PSMA and the guidelines for Annex C found in Appendix 6<sup>10</sup> for assessing familiarity with international codes and conventions. This information is essential for inspection reports that are concise and can be understood internationally.

It is advisable that inspectors jointly observe a **vessel inspection**. Doing so might dispel any misconceptions arising from the discussions. Inspectors might have attended a training course, but they can often still benefit from the

support of an experienced inspector. This might suggest that on-the-job-training may help raise the capacity of some inspectors. Both in observing an inspection and in discussions with inspectors, note should be taken of Annex B of the PSMA on port State inspection procedures.

### 2.3 Identify the Capacity Gaps and Prioritise—Capacity Building Needs (CBN)<sup>11</sup>

The process then needs to focus on identifying the capacity deficit and thus the capacity-building needs.

Accuracy and comprehensiveness are the watchwords. It will demand an honest assessment of the gap that exists between existing capacity, in terms of human resources and institutional capacity, and what will be needed to effectively implement the PSMA. It might be that a facilitated process using a "card storming" technique<sup>12</sup> would be the most effective way of achieving a consensus among stakeholders and the most likely to identify the gaps in all parts of the system. Questions to the participants could include:

- What is the minimum level of capacity needed for effective implementation of the PSMA?
- What is the maximum level of additional capacity that could be used effectively?
- What are the most critical capacity needs? (Prioritise, as there might be many needs and it is important early on to develop a consensus on the priorities.)

The main objective is to complete and to discuss the capacity level in the capacity checklist and to ensure that stakeholders consider the comments included to be valid and correct. It is from this that a prioritising of capacity needs will be made.

#### 2.3.1 Report-Back Meeting

Hold a two- or three-hour workshop with the key stakeholders who attended the inception workshop to present the findings of the CNA. This allows participants who are close to or part of the institutions involved to comment on the findings. As a result, findings could be refined. The completed capacity checklist could be used to generate this discussion.

#### 2.3.2 Complete and Circulate the CNA Report

The draft CNA report, written by the CNA-designated facilitator or other person designated at the outset, should be circulated to key stakeholders for any final comments before the report is finalised.

The CNA report structure may vary from port to port, but the guidelines in Table 2 may assist in compiling the report.

<sup>11</sup> This section corresponds to Stage 4 in Figure 2.

<sup>12</sup> A brainstorming exercise in which each idea is written down by participants, enabling the ideas to be discussed, sorted and grouped. It is a useful technique for sharing ideas and stimulating discussion.

<sup>10</sup> FAO 2009. Guidelines for Completing Annexes A and C found at [http://ftp.fao.org/FI/DOCUMENT/tc-psm/2009/GuidelinesAnnexesA\\_C.pdf](http://ftp.fao.org/FI/DOCUMENT/tc-psm/2009/GuidelinesAnnexesA_C.pdf). This document is in the public domain, but at the time of writing had not been issued by FAO. It might be subject to editing.

TABLE 2 | Outline structure for the CNA report

| Section                                      | Comment and where information gathered  |
|--|---|
| <b>Introduction and background</b>           | Containing information on when, where and by whom the CNA was prepared, and other introductory information on country, port and background to the CNA.  |
| <b>National setting</b>                      | Based on information from the <b>Initial Questionnaire</b> supplemented by interview and workshop information: <ol style="list-style-type: none"> <li>An organogram, or list of stakeholders, their roles in relation to PSM and lines of communications.</li> <li>Overview of foreign vessels using the port.</li> <li>Regional considerations—RFMOs, reporting requirements, information systems for exchange of MCS or PSM information or intelligence.</li> <li>IUU fishing problems.</li> <li>Other relevant national information.</li> </ol>  |
| <b>Current systems related to PSM</b>        | Based on information from the <b>Inspector Questionnaire</b> , workshop, interviews and by observing a port inspection: <ol style="list-style-type: none"> <li><b>Overview of current PSM</b> and mapping of existing procedures and lines of communication used when a foreign-flagged vessel wishes to enter port, possible options for assessing how best to co-ordinate or integrate PSM inspections into the broader system of port State controls.</li> <li><b>Overview of the MCS system</b>, with which port State inspections and the PSM need to integrate and with which there should be direct channels of communication and exchanges of information.</li> <li><b>Overview of relevant information systems</b> in place to support or link to PSM or MCS.</li> <li><b>Overview of relevant laws and regulations</b> and how these relate to PSM requirements.</li> </ol> |
| <b>Capacity needs analysis</b>               | Based on the completed <b>Capacity Checklist</b> as discussed in interviews and workshops and following vigorous discussion and debate in the feedback session: <ol style="list-style-type: none"> <li>Analysis and comment on existing capacity level and gap for human resources.</li> <li>Analysis and comment on existing capacity level and gap for institutional capacity.</li> </ol>   |
| <b>Prioritised summary of capacity needs</b> | Based on the ranking in the 'debated' checklist and the final feedback session with stakeholders: <ol style="list-style-type: none"> <li>Prioritised capacity needs for human resources and institutional capacity to implement the PSMA.</li> </ol>  |
| <b>Appendices</b>                            | Based on all material collected: <ol style="list-style-type: none"> <li>Forms currently in use for PSM and associated activities.</li> <li>Completed forms.</li> <li>Persons met.</li> <li>Reports or records from workshops, if relevant.</li> <li>National laws and regulations, as relevant.</li> </ol>  |



Port of Walvis Bay, Namibia

## Appendices

### Appendix 1 – Analysis of Articles of the PSMA

The Table below provides a breakdown of each Article of the PSMA with a capacity requirement. In conducting a country or regional CNA it will be necessary to check this table against any specific or more detailed requirements pertaining to a specific region or country. If possible this can be done before the CNA analysis is undertaken but it will be valuable to refer back to this table for cross checking during later stages of the CNA.

| Appendix 1 – Analysis of articles of the PSMA |  |   |  |
|---|--|---|--|
| Article                                       | Relevant Article Content (italics used when paraphrased)   | PSMA Requirement  | Capacity Requirement   |
| <b>Article 1</b><br><i>Use of terms</i>       | <p>(c) “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;</p> <p>(d) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;</p> <p>(j) “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.</p>  | National legislation applies to vessels (Article 1, (j)), engaged in fishing (Article 1(c)) and in “fishing related activities” (Article 1(d)).   | Legal capacity to assess current legislation and to amend it if necessary so that it applies to both vessels engaged in fishing and in fishing-related activities.   |
| <b>Article 3</b><br><i>Application</i>        | <ol style="list-style-type: none"> <li>Each Party shall, in its capacity as a port state, apply this Agreement in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:                             <ol style="list-style-type: none"> <li>vessels of a neighbouring state that are engaged in artisanal fishing for subsistence, provided that the port state and the flag state cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing ; and</li> <li>container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.</li> </ol> </li> <li>A Party may, in its capacity as a port state, decide not to apply this Agreement to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be subject to measures by the Party which are as effective as measures applied in relation to vessels entitled to fly its flag.</li> <li>This Agreement shall apply to fishing conducted in marine areas that is illegal, unreported or unregulated, as defined in Article 1(e) of this Agreement, and to fishing related activities in support of such fishing.</li> </ol> | Relevant legislation to apply to foreign-flagged vessels engaged in fishing or fishing-related activities with the exceptions cited in 1 (a) and (b) and to accommodate Article 3.2 if the decision is made to do so. | Legal capacity to assess current legislation and adapt it to accommodate the application of the PSMA to foreign-flagged vessels as defined in Article 1 and to accommodate the exceptions cited in this Article if applicable. |

| Appendix 1 – Analysis of articles of the PSMA                                 |   |  |  |
|---|---|--|--|
| Article   | Relevant Article Content (italics used when paraphrased)  | PSMA Requirement   | Capacity Requirement   |
| <b>Article 5</b><br><i>Integration and coordination at the national level</i> | Each Party shall, to the greatest extent possible: <ol style="list-style-type: none"> <li>integrate or coordinate fisheries related port state measures with the broader system of port state controls;</li> <li>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</li> <li>take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement.</li> </ol> | <ol style="list-style-type: none"> <li>Stakeholders to be consulted and informed about PSMA.</li> <li>Domestic legislation to empower the implementation of PSMA.</li> <li>Relevant policy document to integrate and explain PSM (e.g. such as NPOA-IUU) in the context of fisheries MCS.</li> <li>Operational system in place to facilitate information exchange and coordination with external national agencies and relevant partners.</li> <li>State to cooperate to establish system for coordination of activities relating to implementation of PSM.</li> </ol> | <ol style="list-style-type: none"> <li>Policy/legal capacity to integrate PSM into:               <ol style="list-style-type: none"> <li>legislation and regulations relating to the general system of port state controls; and</li> <li>other measures to prevent IUU fishing.</li> </ol> </li> <li>Consultative/information sharing mechanism with key stakeholders and external national agencies.               <ol style="list-style-type: none"> <li>Effective system of communications between Port, Customs and Fisheries Authorities in order to define and exchange information in relation to the PSA.</li> <li>System established and operating to coordinate activities with other national agencies involved in applying PSM.</li> </ol> </li> </ol> |

| Appendix 1 – Analysis of articles of the PSMA                      |  |  |   |
|--|--|--|---|
| Article  | Relevant Article Content (italics used when paraphrased)   | PSMA Requirement   | Capacity Requirement  |
| <b>Article 6</b><br><i>Cooperation and exchange of information</i> | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol> | <ol style="list-style-type: none"> <li>State to participate in international organisations, FAO, RFMOs and other fisheries bodies of relevance to the State.</li> <li>Domestic legal provisions in place to enable international, regional and bilateral information-sharing about vessels and compliance information.</li> <li>System in place for information-exchange between international and regional parties and organisations.</li> <li>System in place to evaluate and implement external management measures of relevance to the State (e.g. in support of neighbouring States, RFMOs and Regional Fisheries Bodies).</li> </ol> | <ol style="list-style-type: none"> <li>Understanding by senior Fisheries/Port State Control officials of the implications of the PSA and other measures to combat IUU fishing to enable their informed and active participation in, and cooperation with, FAO bodies, other international organisations and RFMOs.</li> <li>Awareness by senior Fisheries/Port State Control officials of the measures taken by other States and relevant international organisations to which they could give support.</li> <li>System for information exchange that is consistent with internationally and regionally agreed to information requirements.</li> <li>Clear instructions and authority given to implement appropriate management measures, consistent with international and domestic law, against vessels violating rules, in response to requests from neighbouring states and RFMOs.</li> </ol> |
| <b>Article 7</b><br><i>Designation of ports</i>                    | <ol style="list-style-type: none"> <li>Each Party shall designate and publicize the ports to which vessels may request entry pursuant to this Agreement. Each Party shall provide a list of its designated ports to FAO, which shall give it due publicity.</li> <li>Each Party shall, to the <b>greatest extent possible</b>, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Agreement.</li> </ol>   | <ol style="list-style-type: none"> <li>Port(s) designated as appropriate for foreign vessels.</li> <li>Information about designated ports available (e.g. stated in license documentation, on government Website, or advertised through other media).</li> <li>Fisheries inspectors available at designated ports to carry out inspections.</li> </ol>   | <ol style="list-style-type: none"> <li>A means for publicising designated ports.</li> <li>A sufficient number of adequately trained inspectors available at the designated ports to undertake inspections.</li> </ol>   |

| Appendix 1 – Analysis of articles of the PSMA                  |  |  |  |
|--|--|--|--|
| Article  | Relevant Article Content (italics used when paraphrased)   | PSMA Requirement   | Capacity Requirement   |
| <b>Article 8</b><br><i>Advance request for port entry</i>      | <ol style="list-style-type: none"> <li>Each Party shall require, as a minimum standard, the information requested in Annex A to be provided before granting entry to a vessel to its port.</li> <li>Each Party shall require the information referred to in paragraph 1 of this Article to be provided sufficiently in advance to allow adequate time for the port State to examine such information.</li> </ol>   | <ol style="list-style-type: none"> <li>Domestic legislation in place to enable collection of required information in advance of port entry.</li> <li>System in place for collection, assessment, storage and distribution of information provided in advance.</li> </ol>   | <ol style="list-style-type: none"> <li>Domestic legislation in place to enable collection of required information in advance of port entry.</li> <li>System in place for collection, assessment, storage and distribution of information provided in advance by fishing vessels or their agents.</li> </ol>  |
| <b>Article 9</b><br><i>Port entry, authorization or denial</i> | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>In the case of denial of entry, each Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations and other international organizations.</li> <li>Without prejudice to paragraph 1 of this Article, when a Party has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, the Party shall deny that vessel entry into its ports, taking into due account paragraphs 2 and 3 of Article 4.</li> <li>Notwithstanding paragraphs 3 and 4 of this Article, a Party may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.</li> <li>Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, a Party shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, <i>inter alia</i>, refuelling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 11 apply <i>mutatis mutandis</i> in such cases. Denial of such use of ports shall be in conformity with international law.</li> </ol> | <ol style="list-style-type: none"> <li>Decision authority and procedure established by legislation to allow or deny entry into port.</li> <li>Communication of decisions to flag State of vessel, relevant coastal State (s), regional fisheries management organisations and other international organisations.</li> <li>Access to and working knowledge of lists of vessels engaged in IUU fishing.</li> </ol> | <ol style="list-style-type: none"> <li>Decision authority and procedure established in legislation to allow or deny entry into port.</li> <li>Adequate system for communications for informing flag State of vessel, relevant coastal State(s), regional fisheries management organisations and other international organisations, of actions taken.</li> <li>Access to and working knowledge of lists of vessels engaged in IUU fishing.</li> </ol> |

| Appendix 1 – Analysis of articles of the PSMA                    |   |  |   |
|--|---|--|---|
| Article  | Relevant Article Content (italics used when paraphrased)  | PSMA Requirement   | Capacity Requirement  |
| <b>Article 11</b><br><i>Use of ports</i>                         | <ol style="list-style-type: none"> <li>When a vessel has entered one of its ports, a Party shall deny, pursuant to its laws and regulations and consistent with international law, including this Agreement, that vessel the use of the port for landing, transshipping, packaging or processing of fish that have not been previously landed or for other port services, including, <i>inter alia</i>, refuelling and resupplying, maintenance and dry-docking (<i>...if the vessel does not meet requirements described in the sub-paragraphs (a) to (e) relating to relevant authorisations by the flag and coastal States to fish; lacks confirmation from the flag State that fishing was in accordance with RFMO requirements, or if reasonable grounds exist to suspect IUU fishing</i>)</li> <li>Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services: (a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or (b) where appropriate, for the scrapping of the vessel.</li> <li>Where a Party has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other relevant international organizations of its decision.</li> <li>A Party shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.</li> <li>Where a Party has withdrawn its denial pursuant to paragraph 4 of this Article, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3 of this Article.</li> </ol> | <ol style="list-style-type: none"> <li>Legal mechanisms in place to deny a vessel that has engaged in IUU fishing the use of the port for landing, transshipping, packaging or processing of fish etc.</li> <li>Port State must deny use of the port if there is not valid authorisation to fish from flag or relevant coastal state, if fishing is not in conformity with RFMO requirements or if reasonable grounds exist to suspect IUU fishing.</li> <li>Port State must notify relevant States and parties of any action it has taken.</li> <li>If the port State withdraws denial of use of its port, it must inform relevant States and organisations of the decision.</li> </ol> | <ol style="list-style-type: none"> <li>Legislation in place to deny entry to foreign flagged vessels that have engaged in IUU fishing activity in areas outside national jurisdiction and that such activity is covered in national legislation.</li> <li>Decision-making procedures in place to deny a fishing vessel that has engaged in IUU fishing the use of the port for landing, transshipping, packaging or processing of fish etc.</li> <li>Procedures and an adequate communications system in place for port State to promptly and fully inform relevant States and parties of its actions.</li> </ol> |
| <b>Article 12</b><br><i>Levels and priorities for inspection</i> | <ol style="list-style-type: none"> <li>Each Party shall inspect the number of vessels in its ports required to reach an annual level of inspections sufficient to achieve the objective of this Agreement.</li> <li>Parties shall seek to agree on the minimum levels for inspection of vessels through, as appropriate, regional fisheries management organizations, FAO or otherwise.</li> <li>In determining which vessels to inspect, a Party shall give priority to: <ol style="list-style-type: none"> <li>vessels that have been denied entry or use of a port in accordance with this Agreement;</li> <li>requests from other relevant Parties, States or regional fisheries management organizations that particular vessels be inspected, particularly where such requests are supported by evidence of IUU fishing or fishing related activities in support of such fishing by the vessel in question; and</li> <li>other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing.</li> </ol> </li> </ol>  | <ol style="list-style-type: none"> <li>Each Party must meet minimum annual level of port inspections of vessels agreed through RFMOs, FAO or otherwise.</li> <li>Parties must have an inspection plan that prioritises the requirements of paragraph 3 (a), (b) and (c) and has a fair and rational method of selecting other vessels for inspection to at least reach the required minimum level of inspections.</li> </ol>   | <ol style="list-style-type: none"> <li>Sufficient number of trained inspectors available to reach the agreed minimum annual level of inspections.</li> <li>Ability to design and implement an inspection plan that prioritises vessels described in paragraph 3(a)(b) and (c) of the PSMA and then selects by random sampling others so as to at least reach the minimum required level of inspections.</li> <li>A good communications system to respond to Article 12.2 and 12.3</li> </ol>  |

| Appendix 1 – Analysis of articles of the PSMA      |   |  |  |
|--|---|--|--|
| Article  | Relevant Article Content (italics used when paraphrased)  | PSMA Requirement   | Capacity Requirement   |
| <b>Article 13</b><br><i>Conduct of inspections</i> | <p>1. Each Party shall ensure that its inspectors carry out the functions set forth in Annex B as a minimum standard.</p> <p>2. Each Party shall, in carrying out inspections in its ports:</p> <p>(a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 17;</p> <p>(b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;</p> <p>(c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;</p> <p>(d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;</p> <p>(e) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;</p> <p>(f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;</p> <p>(g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;</p> <p>(h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and</p> <p>(i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.</p> | <p>a) State must have a professionally functioning inspectorate undertaking thorough, comprehensive and efficient inspections in accordance with the procedures described in Article 11 and Annex B.*</p> <p>b) Inspectors must be trained in accordance with Article 17 and Annex E as a minimum.</p> | <p>a) A professionally organised inspectorate; inspectors identifiable, authorised and functioning in accordance with an agreed Code of Practice in response, inter alia, to Art 13.2 (h).</p> <p>b) Inspectors trained to carry out inspections in accordance with provisions of Article 13 and the procedures set out in Annex B and that the training programme should include areas identified in Annex E.</p> <p>c) Operational plans for communication with flag States.</p> <p>d) Adequate means of communications.</p> |
| <b>Article 14</b><br><i>Results of inspections</i> | Each Party shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.  | Inspection reports should meet a minimum standard as set out in Annex C.**   | Inspection report forms designed in accordance with Annex C as a minimum standard.**   |

| Appendix 1 – Analysis of articles of the PSMA                  |   |   |   |
|--|---|---|---|
| Article  | Relevant Article Content (italics used when paraphrased)  | PSMA Requirement  | Capacity Requirement  |
| <b>Article 15</b><br><i>Transmittal of inspection results</i>  | <p>Each Party shall transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:</p> <p>(a) relevant Parties and States, including:</p> <p>i. those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and</p> <p>ii. the State of which the vessel's master is a national.</p> <p>(b) relevant regional fisheries management organizations; and</p> <p>(c) FAO and other relevant international organizations.</p>   | Parties must transmit results of inspections to the flag State of an inspected vessel as well as other States (e.g. State within whose waters a violation took place, State of which the captain is a national), RFMOs, FAO and other relevant international organisations as appropriate.  | <p>a) Capacity of senior inspection officials to decide to whom inspection reports should be transmitted (requires knowledge of the legal rights/ authority of different parties in relation to where IUU fishing has taken place, flag of the vessel and nationality of the captain).</p> <p>b) A quick and efficient system of communications with relevant states and organisations.</p>                   |
| <b>Article 16</b><br><i>Electronic exchange of information</i> | <p>1. To facilitate implementation of this Agreement, each Party shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements.</p> <p>2. To the extent possible and with due regard to appropriate confidentiality requirements, Parties should cooperate to establish an information-sharing mechanism, preferably coordinated by FAO, in conjunction with other relevant multilateral and intergovernmental initiatives, and to facilitate the exchange of information with existing databases relevant to this Agreement.</p> <p>3. Each Party shall designate an authority that shall act as a contact point for the exchange of information under this Agreement. Each Party shall notify the pertinent designation to FAO.</p> <p>4. Each Party shall handle information to be transmitted through any mechanism established under paragraph 1 of this Article consistent with Annex D.</p> <p>5. FAO shall request relevant regional fisheries management organizations to provide information concerning the measures or decisions they have adopted and implemented which relate to this Agreement for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information-sharing mechanism referred to in paragraph 2 of this Article.</p> | <p>a) Parties must have a communications mechanism that permits the direct electronic exchange of information and has the capacity to enable participation in an international information sharing system.</p> <p>b) Parties must use common international reference systems and codes in accordance with Annex D.</p> <p>c) Parties must designate an authority to act as a contact point for the exchange of information and notify the Depositary of this.</p> | <p>a) Establish a reliable communications mechanism that allows for direct electronic exchange of information and participation in international information sharing mechanisms.</p> <p>b) Make systematic use of international codes and conventions.</p> <p>c) Train inspectors to use international coding systems referred to in Annex D.</p> <p>d) Designate a contact point for inspection reports.</p> |
| <b>Article 17</b><br><i>Training of inspectors</i>             | 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.  | The State must give attention to the proper training of its inspectorate at least to the level described in Annex E.  | National/regional training of port inspectors to at least the level described in Annex E.***  |



| Appendix 1 – Analysis of articles of the PSMA                         |   |  |   |
|---|---|--|---|
| Article   | Relevant Article Content (italics used when paraphrased)  | PSMA Requirement   | Capacity Requirement  |
| <b>Article 18</b><br><i>Port State actions following inspection</i>   | <p>1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged IUU fishing or fishing related activities in support of such fishing, the inspecting Party shall:</p> <p>(a) promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings; and</p> <p>(b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, <i>inter alia</i>, refuelling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4.</p> <p>2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.</p> <p>3. Nothing in this Agreement prevents a Party from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.</p> | <p>a) State must have an operational system for reporting infringements to the Flag State, relevant coastal State(s), RFMOs and other international organisations and the State of which the vessel's master is national.</p> <p>b) State must have legal provisions in place enabling it to deny a vessel the use of its port for landing, transshipping, packaging or processing of fish or for other port services.</p>   | <p>a) Operational system for reporting of infringements developed to notify the Flag State, relevant coastal State(s), RFMOs and other international organisations and the State of which the vessel's master is a national.</p> <p>b) Legal provisions in place enabling the State to deny a vessel the use of its port for landing, transshipping, packaging or processing of fish or for other port services.</p> <p>c) Legal provisions and practical capacity for taking other measures consistent with international law, including measures which the flag State has requested or to which it has consented.</p>   |
| <b>Article 19</b><br><i>Information on recourse in the port State</i> | <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 Article 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 Article 9, 11, 13 or 18, the Party shall inform them of any change in its decision.</p>  | <p>a) State must have a system by which relevant information is made available to the public and could be provided on written request to owner, operator, master or representative of a vessel concerning:</p> <ul style="list-style-type: none"> <li>• recourse available following measures taken pursuant to the PSMA;</li> <li>• public services/judicial institution for the purpose of pursuing recourse;</li> <li>• Information available on any right to seek compensation in the event of loss or damage resulting from alleged unlawful action by the Party.</li> </ul> <p>b) State must have a system to facilitate notification to the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse.</p> | <p>a) System by which relevant information is made available to the public and may be provided on written request to the owner, operator, master or representative of a vessel concerning :</p> <ul style="list-style-type: none"> <li>• recourse available following measures being taken pursuant to the PSMA,</li> <li>• public services/judicial institution for purpose of pursuing recourse,</li> <li>• Information available on any right to seek compensation in the event of loss or damage resulting from alleged unlawful action by the Party.</li> </ul> <p>b) System developed to facilitate notification to the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse.</p> |

| Appendix 1 – Analysis of articles of the PSMA   |  |   |  |
|---|--|---|--|
| Article   | Relevant Article Content (italics used when paraphrased)   | PSMA Requirement  | Capacity Requirement   |
| <b>Article 20</b><br><i>Role of flag States</i> | <p>1. Each Party shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement.</p> <p>2. When a Party has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Agreement.</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>4. Where, following port State inspection, a flag State Party receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.</p> <p>5. Each Party shall, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.</p> <p>6. Each Party shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3.</p> | <p>a) In its capacity as a flag State, State must have a procedure established for informing a port State of suspected IUU fishing by a vessel entitled to fly its flag and seeking entry into a port of that State's port and must request inspection or other enforcement action.</p> <p>b) State, collectively with other States, including through RFMOs and FAO, should develop a fair, transparent and non-discriminatory procedure for identifying States not acting in conformity or consistently with PSMA.</p> <p>c) State must have legislation in place to take enforcement action when report is received from port State that a vessel entitled to fly its flag has been involved in IUU fishing and there is sufficient evidence available.</p> <p>d) State must have a system, as a flag State, to report to the port States, and as appropriate, to other relevant States, RFMOs and FAO of actions it has taken as a result of PSM, in respect of vessels entitled to fly its flag.</p> | <p>a) In its capacity as a flag State, procedure to inform a port State of suspected IUU fishing by a vessel entitled to fly its flag and seeking entry into a port of that State, and for requesting inspection by the port State.</p> <p>b) Legislation in place to take enforcement action when report is received from port State that a vessel has been involved in IUU fishing and there is sufficient evidence available.</p> <p>c) As a flag State, system to report to the port States, and as appropriate to other relevant States, RFMOs and FAO of actions it has taken as a result of PSM, in respect to vessels entitled to fly its flag.</p> <p>d) Capacity to engage with other Parties to identify States not acting in accordance with the PSMA.</p> <p>e) Communications system to inform other States and organisations of action it has taken pursuant to the Agreement (Article 20.5).</p> |

| Appendix 1 – Analysis of articles of the PSMA                 |   |   |  |
|---|---|---|--|
| Article   | Relevant Article Content (italics used when paraphrased)  | PSMA Requirement  | Capacity Requirement   |
| <b>Article 21</b><br><i>Requirements of developing States</i> | <p>1. Parties shall...provide assistance to developing States Parties in order to, <i>inter alia</i>:</p> <p>a) enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;</p> <p>b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and</p> <p>c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.</p> <p>2. Parties shall, either directly or through FAO, assess the special requirements of developing States Parties concerning the implementation of this Agreement.</p> <p>3. Parties shall cooperate to establish appropriate funding mechanisms to assist developing States in the implementation of this Agreement. These mechanisms shall, <i>inter alia</i>, be directed specifically towards:</p> <p>a) developing national and international port State measures;</p> <p>b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;</p> <p>c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and</p> <p>d) assisting developing States Parties with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Agreement.</p> | The State should have the capacity to assess its needs.     | The State should have either the capacity to undertake a CNA or to have access to that capacity. |
| <b>Article 24</b><br><i>Monitoring and review</i>             | 1. Parties <b>shall</b> , within the framework of FAO and its relevant Bodies, ensure the regular and systematic monitoring of the implementation of this Agreement and the assessment of the progress made towards achieving its objective.  | The State should have a reporting system in place for PSMA. | The State should have a reporting system in place for PSMA.                                      |

\* Annex B: Port State inspection procedures  
 \*\* Annex C: Report of the results of the inspection  
 \*\*\* Annex E: Guidelines for the training of inspectors

## Appendix 2 – Capacity Checklist

| Appendix 2 – Capacity checklist   |   |                          |                          |                          |                          |   |
|---|---|--------------------------|--------------------------|--------------------------|--------------------------|---|
|   | Level of existing capacity:<br>1. non-existent, 2. partially in place, 3. mostly in place, 4. fully in place  |                          |                          |                          | Comments                 |   |
|   | Capacity Level  | 1                        | 2                        | 3                        |                          | 4 |
| <b>Human Resources Capacity</b>   |   |                          |                          |                          |                          |   |
| <b>Senior fisheries, port management staff and legal drafters should:</b> |   |                          |                          |                          |                          |   |
| a)  | have a good understanding of the provisions in international fisheries instruments in relation to flag States, coastal States and port States, particularly arising from UNCLOS, the UNFSA, the FAO Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries, in addition to the PSMA itself. They should also be familiar with the requirements of any RFMO to which they are party and national commitments (e.g., NPOA on IUU fishing). This is necessary to recommend measures to be incorporated by the legal authorities into national legislation and regulations. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| b)  | understand the broader system of port State controls applied to merchant shipping vessels, and other measures to combat IUU fishing and fishing-related activities with which the fisheries-related port State measures need to be integrated or coordinated. (Article 5)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| c)  | be able to define the human resources needs and institutional capacity (including legal authority, procedures, coordination and information systems) for implementation of port State measures in terms of the PSMA or, as appropriate, to review and reform existing institutions to meet the requirements of the PSMA.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| <b>Fisheries inspectors should be:</b>                                    |   |                          |                          |                          |                          |   |
| a)  | thoroughly conversant with the relevant provisions of the PSMA.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| b)  | trained in inspection procedures as set out in Article 13 and Annex B and consistent with existing, broader port State control inspection procedures.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| c)  | able to design a sampling plan for vessel inspection and/or appreciate the importance of doing so. This assumes that not all vessels will be inspected, but this depends on the level of inspections considered appropriate in accordance with Article 12.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| d)  | familiar with the use of international coding systems referred to in Annex D, (d) and required for inspection reports.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |
| e)  | sufficiently conversant with provisions of international fisheries instruments and requirements of relevant RFMOs and the PSMA to advise as to whom inspection reports should be sent in accordance with Article 15.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |   |

| Appendix 2 – Capacity checklist   |  | Capacity Level           |                          |                          |                          | Comments |
|---|--|--------------------------|--------------------------|--------------------------|--------------------------|----------|
| Level of existing capacity:<br>1. non-existent, 2. partially in place, 3. mostly in place, 4. fully in place  |  | 1                        | 2                        | 3                        | 4                        |          |
| f)  | provided with training in accordance with Article 17, which includes, as a minimum, the areas described in Annex E:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 1)  | Ethics;  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 2)  | Health, safety and security issues;  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 3)  | Applicable national laws and regulations, areas of competence and conservation and measures relevant to regional fisheries management organisations, and applicable international law;               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 4)  | Collection, evaluation and preservation of evidence;   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 5)  | General inspection procedures such as report writing and interview techniques;   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 6)  | Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag), required for the validation of information given by the master of the vessel;     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 7)  | Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 8)  | Verification and validation of information related to landings, transshipments, processing and catch remaining onboard, including utilizing conversion factors for the various species and products; | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 9)  | Identification of fish species and the measurement of length and other biological parameters;  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 10)   | Identification of vessels and gear and techniques for the inspection and measurement of gear;  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 11)   | Equipment and operation of VMS and other electronic tracking systems;  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| 12)   | Actions to be taken following an inspection.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| <b>Other MCS personnel</b> performing monitoring and administrative functions should be conversant with the technology used in order to optimise use of the technical systems provided and to communicate information acquired to appropriate people.   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| <b>Judges/lawyers/prosecutors</b> should be conversant with the international fisheries instruments (including the draft Agreement), requirements of RFMOs and national fisheries legislation and processes,  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| <b>Institutional Capacity</b>   |  |                          |                          |                          |                          |          |
| <b>Well-organised and adequately staffed port State measures inspection service</b> with a sufficient number of adequately trained inspectors to undertake thorough inspections in designated ports and at a level consistent with the provisions of the PSMA   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| <b>An Information Exchange System</b>   |  |                          |                          |                          |                          |          |
| • A system to collect, store, analyse and distribute information provided in advance from vessels seeking to enter port (Article 8(1) and Annex A) and to share information with key stakeholder and other national agencies.   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • In accordance with Article 16 and Annex D, establish a computerised system that allows direct electronic exchanges of information and uses the international coding system, and a Website to publicise a list of designated port(s) and actions taken.  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • An operational system for reporting to flag states and, as appropriate, coastal states, RFMOs and other international organisations the denial of entry into port (Article 9); denial of use of port facilities if already in port (Article 11[3]); withdrawal of denial of use of port (Article 11(5)); inspection results (Article 12) including state of which Master is a national (Article 15); if clear grounds exist for believing a vessel has been engaged in IUU fishing or fishing related activity and to inform them of subsequent actions taken (Article 18); of the outcome of any recourse (Article 19); as the flag state report enforcement action arising from port State measures to port State and other Parties (Article 20 (5)). |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |

| Appendix 2 – Capacity checklist   |  | Capacity Level           |                          |                          |                          | Comments |
|---|--|--------------------------|--------------------------|--------------------------|--------------------------|----------|
| Level of existing capacity:<br>1. non-existent, 2. partially in place, 3. mostly in place, 4. fully in place  |  | 1                        | 2                        | 3                        | 4                        |          |
| • Provide required information to enable the FAO to effectively monitor implementation of the PSMA.   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • System consistent with internationally and regionally agreed information requirements (Article 6).  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| <b>Legal authority established</b> , organisational arrangements made and clear instructions given to take appropriate management measures, consistent with international and domestic law, against vessels violating rules. There should be:   |  |                          |                          |                          |                          |          |
| • national legislation that applies to vessels (Article 1[j]), engaged in fishing (Article 1(c) and in “fishing related activities” (Article 1[d]).   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • provision in law for Agreement to apply to all foreign-flagged vessels (with exceptions relating to artisanal vessels of neighbouring states/container vessels as described in Article 3, 1(a)(b).  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • co-ordination/integration at national level with other port State controls and other MCS activities (Article 5).  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • legislation requiring permission to enter port (Article 8) and provision of information from vessels in advance of arrival in port (Article 8). Minimum information requirements are set out in Annex A and form for information submission adjust to accommodate minimum requirements.                 |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • legal mechanism to deny entry into port for reasons of IUU fishing.   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • legal mechanism in place that denies vessels that have entered port but have engaged in IUU fishing or fishing related activities the use of the port for landing, transshipping, packaging or processing of fish and other port services as defined.   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • legal authority to share information with relevant parties identified in the PSMA, including confidential information. (The confidentiality of the information can be respected within the wider group of those informed.)  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • legal provision for taking other measures consistent with international law, including measures which the flag state has requested or to which it has consented.  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • as a Party to the PSMA, are legislation and procedures in place to enable enforcement action as flag State when a port State reports an IUU fishing infraction and is there sufficient evidence to take enforcement action (Article 20).  |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| • port State should have laws that cover IUU fishing and fishing related activity undertaken by non-flag vessels in areas beyond national jurisdiction. (This would include legislation prohibiting the possession, sale or transfer of illegally obtained wildlife and should involve laws of evidence.) |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |
| <b>Access to appropriate monitoring technology and equipment</b> (Article 21[4][c])   |  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |          |

## Appendix 3 – Initial Questionnaire

| Appendix 3 - Initial Questionnaire   |                    |
|--|--------------------|
| Basic Information for CNA for Implementing the PSMA  |                    |
| Country:   | Name of informant: |
| Role/position of informant:  | Phone number:      |
| E-mail address:  |                    |
| 1. Which entity (agency/unit/division/authority) has primary responsibility for implementing port State measures for fishing vessels in your country?                                      |                    |
| 2. List any other government departments/agencies/authority involved in regulating the movement and inspection of foreign vessels of all types in your port.                               |                    |
| 3. Is there any cooperation or co-ordination between these departments/agencies/ authorities and the fisheries /department/ agency/authority? If yes, what form does the cooperation take? |                    |
| 4. (a) Which ports are used by <b>foreign-flagged vessels</b> that undertake fishing or fishing-related activities (refuelling, reefers, supply vessels).                                  |                    |
| (b) Name any ports officially designated for use by foreign-flagged fishing vessels.   |                    |
| 5. (a) Estimate how many port calls are made by foreign-flagged <i>fishing</i> vessels to your ports annually?   |                    |
| (b) Estimate how many port calls are made by foreign-flagged reefers and supply vessels to your ports annually   |                    |
| Reefers?   | Supply vessels?    |
| (c) What proportion of these vessels have <i>not</i> been fishing in your EEZ?   |                    |
| (d) What proportion of these vessels may have been fishing both in your EEZ and elsewhere?   |                    |
| 6. Are foreign-flagged fishing vessels required to provide information before they enter port?   |                    |
| (a) If yes, how long before entry into port are they required to submit the information?   |                    |
| (b) If yes, are they required to submit the information on a particular form?  |                    |

| Appendix 3 - Initial Questionnaire  |
|---|
| 7. Are foreign-flagged fishing vessels and vessels engaged in fishing-related activities inspected in your ports?   |
| (a) If yes, how is the selection made of which vessels to inspect?  |
| 8. Does your country refuse entry into port of vessels that are reasonably suspected or known, on the basis of information provided in advance, to have been involved in IUU fishing? If yes, provide a brief explanation.  |
| 9. Does your country refuse the use of its ports <sup>13</sup> to vessels where, after inspection, there are clear grounds for believing that they have engaged in IUU fishing or fishing related activities in support of IUU fishing?   |
| 10. Does your country belong to one or more RFMOs? If yes, please indicate which ones.  |
| 11. (a) Describe the three most serious problems of IUU fishing in your country. Consider the following potential problem areas: <ul style="list-style-type: none"> <li>• Domestic IUU fishing within your EEZ</li> <li>• Foreign IUU fishing within your EEZ</li> <li>• IUU fishing vessels flagged to your country fishing on the high seas.</li> </ul>   |
| (b) Would port State measures be effective in enforcing against such fishing and/or serve as a deterrent?   |
| 12. Would you describe the human capacity of your country to carry out port inspections as adequate or inadequate?  |
| If inadequate, is it because: <ol style="list-style-type: none"> <li>i. There are not sufficient inspectors available at the port/ports designated for purposes of implementing the Agreement and/or relevant regional standards?</li> <li>ii. Lack of an adequate legal regime to enable the use of port State measures (<i>i.e.</i>, do the laws provide a clear basis for effective inspection and action)?</li> <li>iii. Insufficient information provided regarding IUU fishing activities?</li> <li>iv. Lack of training—training needed for new recruits and retraining for others to accommodate new developments?</li> <li>v. Low priority given to port inspection?</li> <li>vi. Other reasons (describe).</li> </ol> |

<sup>13</sup> For purposes of landing, transshipping, packaging or processing of fish that have not previously been landed or for other port services, including, inter alia, refueling and resupplying, maintenance and dry-docking.

13. About the institutional and legal framework:

i. Is the Government and your Minister supportive of MCS activity?

ii. Do senior government officials have sufficient knowledge of relevant international agreements and standards to guide the development of policy relating to, and implementation of, port State measures?

iii. Is there adequate legal capacity for accommodating international and regional standards on port State measures into national laws?

iv. Describe any other constraints

14. Would you describe institutions (laws, regulations and rules, and the bodies established to implement them) as adequate or inadequate?

If "inadequate,"

(a) Are the laws/regulations/rules within which the inspectors operate sufficient to enable them to inspect and act on the outcome of the inspection effectively? If not, please provide a brief explanation

(b) Does the way in which the inspectorate is organised sufficiently facilitate the task of inspecting vessels? If not, please briefly explain how it could be improved.

(c) Does a system exist for the collection, storage, analysis and exchange of information relating to Port State Measures and, if so, is it adequate? Please explain.

(d) Does there exist a policy and operational system for the exchange of information with the flag States, RFMOs and other international organisations? Please explain.

15. What would you regard as the three most important constraints in relation to human capacity for the implementation of port State measures?

16. What would you regard as the three most important actions needed to overcome the constraints and strengthen human capacity to implement port State measures—put in order of priority?

Appendix 4 - Questionnaire for Fisheries Inspectors

Basic Information for CNA for Implementing the PSMA

Name: Rank:

Job title: Age:

Sex: Years employed as an inspector:

1. Does your work include inspection of fishing vessels?  Yes  No ...and carrier vessels?  Yes  No

If Yes to either:

(a) Which type of vessels do you inspect (tick all relevant boxes)?

- Foreign fishing vessels
- National commercial fishing vessels
- National small-scale fishing vessels
- Artisanal boats
- Reefers or transport vessels

(b) Do you inspect vessels licensed to fish in your EEZ?  Yes  No

Do you inspect vessels that are NOT licensed to fish in your EEZ but are licensed to fish in the waters of another coastal state?  Yes  No

(c) When you inspect a vessel, you do so because (tick all appropriate boxes):

- You have a system to determine which ones to inspect
- You have been told to do it
- It is foreign
- It has a record of fishing illegally
- You don't like the owner
- No apparent reason

(d) Where do you normally do your inspections?

- In port or at a jetty.
- At sea
- Other

(e) When you inspect the vessel—what are you checking (tick all relevant boxes)?

- vessel's identification documentation
- safety certificate
- vessel registration certificate
- captain's license
- authorisations to fish
- logbook
- catch
- bycatch
- drawings/dimensions of vessels and fish hold
- engine log
- crews' health certificates
- crews' passports
- VMS functionality
- mesh size
- fishing gear
- ownership of vessel
- bait
- Other

(f) Do you use an inspection form that is filled in during the inspection?  Yes  No

(g) Do you ever receive any information about the vessel to be inspected before the inspection takes place?  Yes  No

(h) Do you carry a copy of the laws and regulations with you when performing an inspection?  Yes  No

(i) Or do you have an inspection manual to guide you?  Yes  No

Appendix 4 - Questionnaire for Fisheries Inspectors

|  |  |
|--|--|
| 2. Have you received any training to guide your work as a fisheries inspector?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | (a) If yes, has the training been useful?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |
| (b) I have received the following training (tick appropriate boxes):<br><input type="checkbox"/> vocational inception course when first employed<br><input type="checkbox"/> specialised vocational courses<br><input type="checkbox"/> no training<br><input type="checkbox"/> been on regional or international training                               | (c) If you could receive more training, what would be important (tick the three most important subjects)?<br><input type="checkbox"/> mathematics<br><input type="checkbox"/> inspection procedures<br><input type="checkbox"/> practical inspection work<br><input type="checkbox"/> English<br><input type="checkbox"/> computer training<br><input type="checkbox"/> report writing<br><input type="checkbox"/> how to secure evidence<br><input type="checkbox"/> management training<br><input type="checkbox"/> French<br><input type="checkbox"/> Spanish |
| 3. Do you have a uniform?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  | 4. Do you have an ID card?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 5. Are there any guidelines for how you should behave when you perform an inspection?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  | 6. Do you have a written code of conduct that you follow when you perform an inspection?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 7. Have you heard about the FAO Code of Conduct for Responsible Fishing?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | 8. Have you heard about the UN Convention on the Law of the Seas (UNCLOS)?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 9. Have you heard about the Port State Measures Agreement?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| If Yes:  |  |
| (a) Have your colleagues and supervisors discussed the Agreement with you?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | (b) Do you know if the Agreement will influence your work in the future?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 10. Do you feel that you have full support from the management to detect and report illegal fishing among both national and foreign vessels?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | 11. Do you ever communicate with colleagues in neighbouring countries information related to vessels that have been fishing illegally?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 12. What is the reaction from your supervisor(s) when you detect infringements during an inspection?<br><input type="checkbox"/> irritation<br><input type="checkbox"/> pleased<br><input type="checkbox"/> no reaction<br><input type="checkbox"/> reports to senior officials<br><input type="checkbox"/> case reported to police/enforcement officers | 13. Are you ever offered payments or gifts from the captain or crew on board a fishing vessel?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |
|  | 14. If yes, what reason is normally given for such offers?<br><input type="checkbox"/> good advice<br><input type="checkbox"/> general assistance<br><input type="checkbox"/> to settle disputes in relation to infringements<br><input type="checkbox"/> for not reporting illegal fishing  |

Appendix 5—Draft Plan for Fieldwork

(Note: If the task is undertaken by an officer in government service, the time scale and meeting deemed necessary might differ from those suggested here.)

Each country is different in relation to the geographical setting, the procedures for arranging meetings and gaining access to information, institutions and personnel. The following is a rough guideline to assist a consultant or other external facilitator in allocating time required for conducting a CNA in one port. This does not include time for travel or preparation for meetings. Experience shows that being flexible is the best approach.

Days 1 to 2

- Meet with key contact officials, probably in the ministry responsible for fisheries, to exchange views and agree on, or amend, the process proposed for the field visit. This will include a full briefing on what the consultant intends to do, what she or he will require and the process that will be undertaken. The consultant will benefit from any initial suggestions or advice that is offered.
- Make preparations for the workshop if it has been agreed to hold one.
- Discuss the general questionnaire and complete any gaps. Continue the process of mapping stakeholders.
- Review with fisheries authority lawyers/attorney general's office (whoever is most appropriate and available) the adequacy of existing laws, regulations and procedures (systems) that might need adjustment to accommodate the PSMA.

Day 3

Introductory workshop (three to six hours, depending on level of engagement) for all those who might be involved in the port inspection of fishing vessels and what the Agreement refers to as vessels involved in "fishing related activities" (e.g., involved in transshipment, bunkering, etc.). These should include the port authority (which may require information in advance of port entry and give permission to enter port), customs, the authority for safety-at-sea inspections, the navy if involved in fisheries patrols, possibly the port police, the fisheries inspectorate and other units involved in MCS activities. The workshop may include an explanation of the PSMA, how it could have an impact on IUU fishing and why and how it involves various national agencies that share responsibility for ensuring the effective implementation of the PSMA. A presentation on the Agreement should be made focusing on the capacity demands.

Once the PSMA is well-understood, participants could discuss how they think port State measures could function in the future. Doing so would begin the process of identifying the practical arrangements and human resources capacities needed in the port being analysed for the effective implementation of the Agreement. This exercise is important for translating the capacity demands of the PSMA into the actual capacity levels needed on the ground.

Days 4 to 5

Familiarisation with the port being studied.

Meet separately with agencies/units involved in the workshop to discuss the role of each stakeholder in the system in order to build on the information gained through the workshop and be better able to understand and assess existing capacities.

View a port inspection, if possible.

Meet with a small group of inspectors to fill out the inspector questionnaire and then discuss the information provided and the appropriateness of the questionnaire for collecting information regarding the existing capacity of the inspectorate in relation to the demands of the PSMA.

#### Day 6

Map out the system for the exchange of information. Assess, together with those responsible for these tasks, the gathering of information regarding fishing vessels, its storage and its communication to relevant parties. This should cover information received in advance of a vessel's entry into port; the communication to other States or organisations, as appropriate, of action taken by the port State; fulfilling flag State responsibilities to inform other States and organisations of actions taken in response to a port State inspection and sharing information on the activities of particular vessels (sharing intelligence).

#### Day 7 to 8

Completing mapping of stakeholders.

#### Day 9

Hold a wrap-up meeting with the agencies/units involved in the initial workshop and with any others who have been identified during the process. The purpose of the meeting is to provide feedback in both directions. The consultant should present preliminary findings on the research undertaken and the capacity needs identified. The meeting would then provide the opportunity for participants who are close to, or part of, the institutions involved to comment on the findings and provide a further opportunity to refine them and also to prioritise the needs.

## Appendix 6—Annexes A and C of the PSMA and Guidelines for Completing Them

The following appendix is provided to assist in preparing the information for the CNA. It follows Annex A of the PSMA, which requires information to be provided in advance by vessels requesting port entry, and can be useful in discussions with stakeholders and as a benchmark to evaluate the current systems to assess what new capacity is required to meet these requirements.

These guidelines are intended to help masters/skippers/captains of fishing vessels when completing the Advance Notification form before entering a foreign port. For simplicity, information on the form is based on accepted international standards and acronyms. Wherever possible, the metric system should be used (metre, kilogram, metric tonne). When it is not possible, units of measurement should be clearly identified.

### Annex A of PSMA—Information to be Provided in Advance by Vessels

#### 1. Intended port of call

Free text. Name of the port the vessel wants to enter.

#### 2. Port State

ISO 3166 3-alpha country/territory codes (e.g., MOZ for Mozambique).

#### 3. Estimated date and time of arrival

Date format YYYYMMDD; time format HHMM (e.g., 20081025/2330).

#### 4. Purpose(s)

Free text. Reasons the vessel wants to enter port. Commonly accepted codes could be used (e.g., LAN for landing, TRX for transshipment).

#### 5. Port and date of last port call

Free text. Name of the port last visited by the vessel (date format: YYYYMMDD).

#### 6. Name of the vessel

Free text. Name of the vessel as registered in relevant documents of the flag State.

#### 7. Flag State

ISO 3166-3-alpha country/territory codes (e.g., NZL for New Zealand).

#### 8. Type of vessel

ISSCFV codes, also known as FAO vessel type codes (e.g., TO= trawler, LL = longliner).

#### 9. International Radio Call Sign

Individual radio call sign of the vessel (e.g., TTFC, MD66G, UDSF, CHDS).

#### 10. Vessel contact information

Vessel communication contacts (or vessel's agent), INMARSAT, fax, e-mail, mobile phone (essential for response by port State authorities to vessel's request).

#### 11. Certificate of registry ID

Numeric or alphanumeric identification of the vessel's registry as issued by the flag State.

#### 12. IMO ship ID, if available

International Maritime Organisation/Lloyds Register identification number for vessels (seven numerals format; e.g., 1234567).

#### 13. External ID (ID issued by flag State), if available

This identification has many names, including hull number, side number or port register number. It may be numeric or alphanumeric (e.g., PE-345-C, G 99, 123456).

#### 14. Applicable RFMO ID

Identification or number by which the vessel is registered/authorised by a relevant RFMO.

#### 15. Master

Name of vessel's master/skipper/captain (or the person onboard who has legal responsibility).

#### 16. Relevant fishing authorisation(s)

- *Identifier*  
Numeric or alphanumeric identification of the fishing license/permit/authorisation.
- *Issued by*  
Name of the relevant authority /agency/government department from flag State, coastal State or RFMO issuing the fishing license/permit/authorisation.
- *Validity*  
Date by which the fishing license/permit/authorisation will expire (date format: YYYYMMDD).
- *Fishing area(s)*  
Relevant geographical/statistical area where the vessel is authorised to operate (e.g., FAO 77, NAFO 3M, ICES IIb).
- *Species*  
Aquatic Sciences and Fisheries Information System (ASFIS) 3-alpha codes, also known as FAO species codes (e.g., WHB = blue whiting, SKA = skate, WRF = wreckfish).
- *Gear*  
International Standard Statistical Classification of Fishing Gear (ISSCFG) code (also known as FAO gear codes) for the gear authorised/licensed to be used by the vessel (e.g., OTB = bottom otter trawl).

#### 17. Transshipment authorization(s)

- *Identifier*  
Numeric or alphanumeric identification of the transshipment license/permit/authorisation.
- *Issued by*  
Name of the relevant authority/agency/government department from flag State, coastal State or RFMO issuing the transshipment license/permit/authorisation.
- *Validity*  
Date by which the transshipment license/permit/authorisation will expire (date format: YYYYMMDD).

#### 18. Transshipment information concerning donor vessels

This section of the form should be filled in when the vessel requesting entry into port unloaded catch from donor vessel(s) during transshipment operations.

- *Name*  
Free text. Name of the donor vessel.
- *Flag State*  
ISO 3166-3-alpha country/territory code of the donor vessel's flag State.
- *ID number*  
Identification of the donor vessel (IRCS or IMO number).
- *Species*  
ASFIS 3-alpha codes (also known as FAO species codes) for the species offloaded by the donor vessel.
- *Product form*  
Condition of the catch as offloaded from the donor vessel, either processed or not (e.g., whole frozen; headed and gutted, tail off refrigerated).
- *Catch area*  
Relevant geographical/statistical area where the catch was taken by the donor vessel (e.g., US GOA 630, CCAMLR 48.6).
- *Quantity*  
Quantity of offloaded catch from the donor vessel, in MT or kg. If other units are used, they should be clearly identified.

#### 19. Total catch onboard

- *Species*  
ASFIS 3-alpha codes for all species caught and kept onboard.
- *Product form*  
Condition of the catch kept onboard, processed or not (e.g., skinless, boneless fillets frozen; head off, split salted; whole refrigerated in seawater).
- *Catch area*  
Relevant geographical/statistical area where catch was taken.
- *Quantity*  
Quantity of catch kept on vessel, in MT or kg. If other units are used, they should be clearly identified.

#### 20. Catch to be offloaded

- *Quantity*  
Quantity of catch to be offloaded by vessel, if any. It relates to each species under No. 19 above.

### Annex C of PSMS—Report of the Results of Inspection

The following appendix is provided to assist in preparing the information for the CNA. It follows Annex C of the PSMA, which requires reporting of the results of inspection, and can be useful in discussions with stakeholders and as a benchmark to evaluate the current systems to assess what new capacity is required to meet these requirements.

#### 1. Inspection report number

Serial number of the report. Numeric or alphanumeric.



## 2. Port State

Name of the port State.

## 3. Inspecting authority

Name of the port State authority/agency/government department deploying the inspector(s).

## 4. Name of principal inspector

Name of the inspector if alone, or the inspector leading (senior) the inspection team. The number identification (card) of the inspector should be added.

## 5. Port of inspection

Name of the port where the inspection takes place. Name of nearest port in cases where inspection takes place outside the harbour.

## 6. Commencement of inspection

Date and hour the inspection procedure started (date format: YYYYMMDD, and hour format HH).

## 7. Completion of inspection

Date and hour the inspection procedure ended (date format: YYYYMMDD and hour format HH).

## 8. Advanced notification received

Yes or no.

## 9. Purpose(s)

Free text. Why the vessel intends to enter port. Commonly accepted codes could be used (e.g., LAN for landing, TRX for transshipment).

## 10. Port, State and date of last port call

Free text. Name of port the vessel last entered.

ISO 3166 3-alpha country/territory codes (e.g. MOZ = Mozambique).

Date format: YYYYMMDD).

## 11. Vessel name

Free text. Name of the vessel as registered in relevant flag State documents.

## 12. Flag State

ISO 3166 3-alpha country/territory codes (e.g., NZL for New Zealand).

## 13. Type of vessel

International Standard Statistical Classification of Fishery Vessels (ISSCFV) codes, also known as FAO vessel type codes (e.g., TO = trawler, LL = longliner).

## 14. International radio call sign (IRCS)

Vessel's IRCS (e.g., TTFC, MD66G, UDSF, CHDS).

## 15. Certificate of registry ID

Numeric or alphanumeric identification of the vessel's registry as issued by the flag State.

## 16. IMO ship ID, if available

IMO/Lloyds Register identification number for vessels (seven numerals format, e.g., 1234567).

## 17. External ID (ID issued by flag State), if available

This identification has many different names, including hull number, side number or port register number. It may be numeric or alphanumeric (e.g., PE-345-C, G 99, 123456).

## 18. Port of registry

Free text. Port where the vessel is registered.

## 19. Vessel owner(s)

Free text. Name of individual(s) or company(ies) that own the vessel.

## 20. Vessel beneficial owner(s), if different from vessel owners

Free text. Name of individual owner(s) controlling financially the owner company(ies), or holding company effectively controlling the ownership of the vessel.

## 21. Vessel operator(s), if different from vessel owners

Free text. Name of individual(s) or company(ies) controlling the operational decisions of the vessel's activity.

## 22. Master

Free text. Name of vessel's master/skipper/captain (or person with legal responsibility onboard).

## 23. Fishing master

Free text. Name of the person responsible for the fisheries operations, if different from the master.

## 24. Vessel agent

Free text. Name of individual(s) or company(ies) representing vessel's interests, based in the port State or not. Such representation may or may not include legal accountability or liability.

## 25. VMS

Answer "No" if the vessel has no vessel monitoring system (VMS) equipment installed onboard; or "Yes: National" if VMS equipment is installed onboard under vessel's flag State requirements; and/or "Yes: RFMOs" if VMS equipment is installed onboard under RFMO requirements.

## 26. Status in RFMO areas where fishing or fishing-related activities have been undertaken, including any IUU vessel listing

This blank should be filled in if the vessel was operated in the area of competence of any RFMO.

- *Vessel identifier*  
Numeric or alphanumeric identification of the vessel issued by RFMO if available.
- *RFMO*  
Free text. Name of the RFMO(s).

- *Flag State status*  
Free text. Membership status of the vessel's flag State in the RFMO(s). "CP" for Contracting Party, "Coop NCP" for Cooperative Non-Contracting Party or "NCP" for Non-Contracting Party.
- *Vessel on authorized list*  
Is the vessel on an authorized vessel list issued by the RFMO(s) to operate in its area of competence? Yes or no.
- *Vessel on IUU list*  
Is the vessel on an IUU vessel list issued by the RFMO(s)? Yes or no.

#### 27. Relevant fishing authorisation(s)

- *Identifier*  
Numeric or alphanumeric identification of the fishing license/permit/authorisation.
- *Issued by*  
Name of the relevant authority/agency/government department from flag State, coastal State and/or RFMO issuing the fishing license/permit/authorisation.
- *Validity*  
Date by which the fishing license/permit/authorisation will expire (date format: YYYYMMDD).
- *Fishing area(s)*  
Relevant geographical/statistical area where the vessel is authorised to operate (e.g., FAO 77, NAFO 3M, ICES 11b).
- *Species*  
ASFIS 3-alpha codes (also known as FAO species codes) (e.g., WHB for blue whiting, SKA for skates, WRF for wreckfish).
- *Gear*  
ISSCFG code (also known as FAO gear codes) for the gear authorised/licensed to be used by the vessel (e.g., OTB for bottom otter trawl).

#### 28. Transshipment authorization(s)

- *Identifier*  
Numeric or alphanumeric identification of the transshipment license/permit/authorisation.
- *Issued by*  
Name of the relevant authority/agency/government department from flag State, coastal State or RFMO issuing the transshipment license/permit/authorisation.
- *Validity*  
Date by which the transshipment license / permit / authorisation will expire. Date format YYYYMMDD.

#### 29. Transshipment information concerning donor vessels

This portion of the report should be filled in if the vessel unloaded catch from donor vessel(s) during transshipment operations.

- *Name*  
Free text. Name of the donor vessel.
- *Flag State*  
ISO 3166 3-alpha country/territory code of the donor vessel's flag State.
- *ID number*  
Identification of the donor vessel (IRCS or IMO number).
- *Species*  
ASFIS 3-alpha codes (also known as FAO species codes) for the species offloaded by the donor vessel.

- *Product form*  
Condition of the catch as offloaded from the donor vessel, either processed or not (e.g., whole frozen; headed and gutted, tail off refrigerated).
- *Catch area*  
Relevant geographical/statistical area where the catch was taken by the donor vessel (e.g., US GOA 630, CCAMLR 48.6).
- *Quantity*  
Quantity of offload catch from the donor vessel, in MT or kg. If other units are used, they should be clearly identified.

#### 30. Evaluation of offloaded catch (quantity)

- *Species*  
ASFIS 3-alpha codes (also known as FAO species codes) for all species offloaded.
- *Product form*  
Condition of the offloaded catch, either processed or not (e.g., skinless, boneless fillets frozen; head off, split salted; whole refrigerated in seawater).
- *Catch area(s)*  
Relevant geographical/statistical area where offloaded catch was taken.
- *Quantity declared*  
Quantity of offloaded catch as declared by the master in the Advance Notification , in MT or kg. If other units are used, they should be clearly identified.
- *Quantity offloaded*  
Quantity of effectively offloaded catch as determined by inspectors, in MT or kg. If other units are used, they should be clearly identified.
- Difference between quantity declared and quantity determined, if any  
In MT or kg. If other units are used, they should be clearly identified.

#### 31. Catch retained onboard (quantity)

- *Species*  
ASFIS 3-alpha codes (also known as FAO species codes) for all species retained onboard.
- *Product form*  
Condition of the catch retained onboard, either processed or not (e.g., skinless, boneless fillets frozen; head off, split salted; whole refrigerated in seawater).
- *Catch area(s)*  
Relevant geographical/statistical area where retained catch was taken.
- *Quantity declared*  
Quantity of catch retained onboard as declared by the master in the Advance Notification, in MT or kg. If other units are used, they should be clearly identified.
- *Quantity offloaded*  
Quantity of catches retained onboard as determined by Inspectors, in MT or kg. If other units are used, they should be clearly identified.
- Difference between quantity declared and quantity determined, if any  
In MT or kg. If other units are used, they should be clearly identified.

### 32. Examination of logbook(s) and other documentation

Yes or no, depending on whether the logbooks were examined. Free text for comments by the inspector(s).

### 33. Compliance with applicable catch documentation schemes

Yes or no, depending on whether the vessel's is compliant with relevant catch documentation schemes. Free text for comments by the inspector(s).

### 34. Compliance with applicable trade information schemes

Yes or no depending on whether the vessel's is compliant with relevant trade information schemes. Free text for comments by the inspector(s).

### 35. Type of gear used

Free text. Name (or description) of gear found onboard by the inspector(s). ISSCFG code (also known as FAO gear codes) may be used.

### 36. Gear examined in accordance with Paragraph e) of Annex B

Yes or no depending on whether the inspector(s) examined gear(s) following the procedure established in Annex B. Free text for comments by the inspector(s).

### 37. Findings by inspector(s)

Free text. Description of all relevant facts and findings as determined by the inspector(s) during the inspection.

### 38. Apparent infringement(s) noted including reference to relevant legal instrument(s)

Free text. Description of violation(s) found as perceived by inspector(s). Clear mention of the relevant legal instrument (e.g., Article 19 d) of the NEAFC Scheme of Control and Enforcement.

### 39. Comments by the master

Free text. Any comments by the master regarding the development of the inspection, the inspectors' findings or the infringements alleged.

### 40. Action taken

Free text. Description by the inspector(s) of all action taken as a follow-up to the inspection (e.g., catch apprehension, gear retention, legal prosecution, fine imposed).

### 41. Master signature

By signing the report, the master acknowledges only receipt of his report copy. Such signature does not represent in any way an acceptance of guilt when apparent infringements were detected by inspector(s).

### 42. Inspector signature

## Appendix 7—SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis

The SWOT analysis is a useful tool for understanding different aspects considered during the fieldwork and workshops used in developing a CNA for ports and countries. It can be used by a small group of individuals or in a larger workshop with breakout groups completing the analysis, followed by a comparison in plenary of various considerations. It is important to be clear about “what” you are performing the SWOT on. For example, is it the inspection system or Information sharing in relation to IUU fishing and the MCS? The SWOT analysis can be used to explore several key areas within the CNA.

Below is a brief explanation of the SWOT tool for those not familiar with using it. SWOT—helps clarify the differences between strengths and opportunities, weaknesses and threats. The following observations might be helpful:

| SWOT                 | Questions  | Comments   |
|----------------------|--|--|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• What are your advantages and strong points?</li><li>• What do you do well?</li><li>• How does your structure support your function?</li><li>• Which of your skills support your function?</li><li>• Who helps you?</li></ul>   | Consider this from your own point of view and from the point of view of those you deal with. Don't be modest; be realistic.  |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• What could be improved?</li><li>• What is done badly?</li><li>• What should be avoided?</li><li>• What skills do you lack?</li><li>• What equipment do you lack?</li></ul>   | Again, this should be considered from an internal and external basis—do other people perceive weaknesses that you don't see?   |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• What good changes do you face?</li><li>• Which resources within the organisation can help you improve?</li><li>• What are other sections doing, and can you get any good ideas from them?</li><li>• What training could help you?</li></ul>  | Useful opportunities can come from such things as: <ul style="list-style-type: none"><li>• Changes in technology on both a broad and narrow scale.</li><li>• Changes in government policy related to your field.</li><li>• Changes in social patterns, employee profiles, etc.</li></ul> |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• What obstacles do you face?</li><li>• What structures or functions may make your objectives fail?</li><li>• Do you have the required skills to perform your function?</li><li>• Is changing technology threatening your position?</li><li>• Who makes your job impossible to do?</li></ul> | Carrying out this analysis will often be illuminating, in terms of pointing out what needs to be done and in putting problems into perspective. Make a risk analysis by defining what could go wrong!  |

## Appendix 8—Gap Analysis

Gap analysis generally refers to the study of differences between standards and the delivery of those standards. For example, it may be useful to document differences between *actual* work practises when a fishing vessel is inspected and the *expected* (or required) performance outcome when such inspections are conducted. The differences could be used to explain satisfaction or lack thereof and to document areas in need of improvement.

**A gap analysis is important in identifying the gaps between expectations and actual experience which can lead to dissatisfaction. Consequently, measuring gaps is the first step in enhancing efficiency and work satisfaction.**

In the process of identifying the gap, a before-and-after analysis must occur. This can take several forms. A tool for identifying the gap is a step chart. With the step chart, various classes of performance are identified. Then, the current state and desired future state are noted on the chart. Once again, the difference between the two defines the gap.

For example, the issue of how well an inspection is done can be used to illustrate gaps that are important to measure: e.g., the inspection performance gap; management understanding gap; inspection procedures gap; and communication and information sharing gap. Each of these are briefly illustrated below:

- *Inspection performance gap*  
Indicates the difference between the inspection that is actually performed and the way in which the inspection is perceived by management or other relevant stakeholders. For example, management may expect the size of every fishing net to be measured when, in fact, inspectors do not look at the nets during an inspection.
- *Management understanding gap*  
Represents the difference between the ways inspections are performed due to limitations such as weather and night conditions. Work practises may have changed due to limitations, and this might not be understood by management.
- *Inspection procedures gap*  
Pertains to the difference between management's perception of which procedures are followed and the development of this perception into delivery standards. For example, management might perceive that inspectors examine logbooks. To inspectors, "logbook inspection" may mean looking at the targeted catches. However, if management designs procedures such that logbooks are to be checked for fishing area target catch and bycatch at every inspection, a procedural gap is apparent.
- *Communication gap*  
Refers to the gap between what is communicated to management and beyond and what is actually required. The PSMA, for instance, demands that the authorities that perform a port inspection must keep the flag State informed about intention and outcome. If communication lines between the inspectors, inspectorate and fisheries authority are weak, a communication gap may be exposed.
- *Implementation gap*  
Gap analysis involves internal and external analyses. Externally, the organisation must communicate with other countries and organisations. Internally, it must determine service delivery and procedures. A team can then be assigned to evaluate these issues to pinpoint discrepancies. After gaps are identified, management must take appropriate steps to close or narrow the gaps.



2005 Market Street Suite 1700  
Philadelphia, PA 19103  
U.S.A.  
Tel: +1 215 575 2000

901 E Street NW  
Washington, DC 20004  
U.S.A.  
Tel: +1 202 552 2000

Square du Bastion 1A  
1050 Brussels  
Belgium  
Tel: +32 (0)2 274 1620

For further information, contact  
Elsa Lee on [ELee@pewtrusts.org](mailto:ELee@pewtrusts.org)  
  
[www.PewEnvironment.org](http://www.PewEnvironment.org)