



PEW ENVIRONMENT GROUP

Dr. SungKwon Soh
Interim Executive Director
WCPFC Secretariat
P.O. Box 2356, Kolonia
Pohnpei 96941
Federated States of Micronesia

27 September 2010

Dear Dr. Soh,

On behalf of the Pew Environment Group's Port State Performance project, we are pleased to inform you about a new set of documents resulting from recent research, which we believe will be of interest to WCPFC's Contracting Parties and the Secretariat. We would especially like to draw your attention to two sets of materials: the first concerns the results of our research on Port State Performance, which we have previously communicated with you on. The second relates to a recent study where we conducted a *Gap Analysis* comparing port State measures (PSMs) developed by ten RFMOs and the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement or PSMA).

You will find attached the Gap Analysis for WCPFC, the WCPFC profile resulting from the research on Port State Performance and a briefing paper on the PSMA Implementation Toolkit. All our materials are available, some of them in several languages, at our project's website www.PewEnvironment.org/IUUfishing. There you will also find the report "A Methodology for Capacity Needs Assessments Towards Implementation of the Port State Measures Agreement", which is part of the implementation toolkit. Please do not hesitate to contact us if you have any difficulty in downloading or printing our files.

We would kindly request that these materials be distributed to the WCPFC Contracting Parties at the 6th Technical and Compliance Committee (TCC) Meeting, which we are attending as an Observer. We will provide hard copies of these materials at the meeting.

Port State Performance Research

We are pleased to provide you with the final report of this research along with WCPFC-specific findings in the format of a WCPFC profile. The WCPFC profile lists a number of recommendations that result from our port State performance research. The final report is available at www.portstateperformance.org.

Our analysis shows that the current global system of port State controls still has significant loopholes, which benefit the owners/operators of IUU-listed vessels. We conclude that a system with greater transparency, accountability and global cooperation is needed.

In light of this we recommend that WCPFC:

1. Urge its Contracting Parties to sign and ratify the PSMA.
2. Strengthen its port State measures in line with the minimum standards of the PSMA, even before the PSMA enters into force. A top priority for reform should be the denial of port entry to IATTC IUU-listed vessels. Only strict port State measures, applied consistently across regions and globally will succeed in sanctioning those who have been found to be engaged in IUU fishing. In our preliminary gap analysis study we offer specific recommendations for WCPFC to bring PSMs in line with the PSMA.
3. Intensify the investigation and listings of vessels that have been found engaged in IUU fishing.
4. Recognise other RFMOs' IUU vessel lists. Our PSP research shows that IUU vessels move outside their original area of operation, possibly to avoid sanctions. Mutual recognition of IUU lists between RFMOs will limit the possibilities to operate IUU vessels.
5. Review compliance by its Contracting Parties with port State measures to gain a better understanding of the effectiveness of these measures which should lead to a reduction in IUU fishing.

Gap Analysis

In our Gap Analysis, we have assessed whether measures adopted by the RFMOs meet the PSMA's standards, and identified which aspects need to be further developed by each RFMO in order to align their measures with the new agreement. The attached document presents preliminary findings from this gap analysis for WCPFC, based on publicly available information up to 31 July 2010. To facilitate communication of our analysis, we have selected key categories of PSMs that may benefit from improvement and provided a graphical representation of the conformity between WCPFC's port State measures and the PSMA's. Our main findings indicate that the WCPFC system of port State controls needs to be expanded to meet the PSMA's requirements. WCPFC should develop standards for conducting inspections and require port States to inspect vessels even if they are not IUU-listed; require vessels to provide information prior to entry into ports; and mandate States to notify relevant parties of all actions taken at port. In the documentation attached, we provide our findings in detail and a number of recommendations that would help strengthen the current WCPFC regime. We consider that the EU proposal for a WCPFC conservation and management measure on port state measures to prevent, deter and eliminate IUU fishing can lead to a substantial improvement of WCPFC's port State measures if adopted at this upcoming TCC meeting.

We would be pleased to receive from you any comments or additional information that may correct or complement our analysis and we will be available to discuss these preliminary findings as necessary at the 6th Regular Session of the Technical and Compliance Committee in Pohnpei, which representatives of the Pew Environment Group will attend. We also welcome any feedback from WCPFC Contracting Parties as a way to improve our assessment. We plan to present the final results of our Gap Analysis research at the 29th Session of the FAO Committee

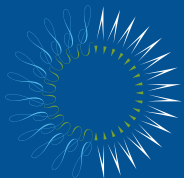
on Fisheries (COFI) in Rome in 2011. We would welcome your comments on our WCPFC-specific preliminary findings by 31 October, so that your comments can be taken into account in the final version of the report. Please send your response to: afabra-consultant@pewtrusts.org, with a copy to Elsa Lee: elee@pewtrusts.org.

We look forward to continuing to cooperate with WCPFC on the strengthening and effective implementation of port State measures to prevent, deter and eliminate IUU fishing.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Adriana Fabra', with a long horizontal flourish extending to the right.

Adriana Fabra
Senior Advisor
The Pew Environment Group



Western and Central Pacific Fisheries Commission

WCPFC

25

Contracting Parties (CPs):

Australia; Canada; China; Chinese Taipei; Cook Islands; European Union; Fiji; France; Japan; Kiribati; Marshall Islands; Micronesia; Nauru; New Zealand; Niue; Palau; Papua New Guinea; Philippines; Republic of Korea; Samoa; Solomon Islands; Tonga; Tuvalu; United States; Vanuatu.

7

Participating Territories:

American Samoa; French Polynesia; Guam; New Caledonia; Northern Mariana Islands; Tokelau; Wallis and Futuna.

7

Cooperating NCPs:

Belize; Ecuador; El Salvador; Indonesia; Mexico; Senegal; Vietnam.

3

IUU-listed vessels during research period

6,277

Authorised vessels

BACKGROUND

The Western and Central Pacific Fisheries Commission (WCPFC) was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, which entered into force on 19 June 2004. The WCPFC aims to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean.

IUU LISTINGS

As a result of implementing the IUU vessel listing procedure in February 2007, WCPFC listed three IUU vessels during the research period.

PORT STATE MEASURES

The landing and transshipment of fish products and the provision of port services to IUU-listed vessels were not allowed after February 2007 (*Resolution 06/09*).

RESULTS OF THE RESEARCH

Of the three vessels on WCPFC's IUU vessel list, two were listed with an IMO number and one was not. The low number of listed vessels does not allow any conclusions to be drawn about the visibility of WCPFC IUU-listed vessels. The two WCPFC IUU-listed vessels with IMO numbers accounted for 16 port visits to four NCPs of WCPFC. Four of these visits were made in Aruba, an overseas territory of the Netherlands. However, Aruba is not a part of the European Union and therefore is not a territory of a CP of WCPFC. All recorded port visits were therefore to States (or territories) not obliged to implement WCPFC's CMMs.

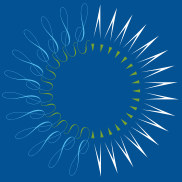


ASSESSMENT

- The WCPFC does not require its CPs to deny IUU-listed vessels entry to ports, which makes port State measures less effective. The measure in place requires that CPs observe IUU-listed vessels closely while in their ports, so that landing of product, transshipment and port services are denied.
- The WCPFC online IUU vessel list contains IMO numbers, which are crucial in identifying vessels and tracking their movements, for two out of the three vessels on it. Without an IMO number it is impossible to track vessels after they change their names, flags and IRCS.
- WCPFC should require vessels authorised to fish in its convention area to have an IMO number.
- With a total of 6,277 authorised fishing vessels in the WCPFC area, only three have been placed on WCPFC's IUU vessel list.
- WCPFC should consider recognising other RFMOs' IUU vessel lists, with the ultimate aim of creating one global and mutually accepted list.
- Generally there is a lack of accountability regarding the implementation of port State measures because there are no performance reviews or evaluations of these measures. WCPFC should set up transparent annual review processes to assess its CPs' compliance with port State measures, increasing the accountability of CPs towards their port State obligations.
- WCPFC is considering improving its port State measures to conform to the Port State Measures Agreement (PSMA). At its next meeting in December 2010, the WCPFC shall reconsider a proposal for port State measures based on the PSMA*.
- WCPFC should encourage all its CPs to expeditiously sign and ratify the PSMA.

CONTACT: Kristin Von Kistowski
 kkistowski-consultant@pewtrusts.org

* See the EU Proposal for a Conservation and Management Measure on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, WCPFC6-2009/DP19, 6 December 2009, available at www.wcpfc.int/doc/wcpfc6-2009dp19/eu-proposal-cmm-port-state-measures.



PRELIMINARY FINDINGS

Gap analysis: Comparing WCPFC's port State measures with those in the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

The Pew Environment Group has conducted a gap analysis comparing the port State measures (PSMs) established by 10 Regional Fisheries Management Organizations (RFMOs) with those established by the United Nations Food and Agriculture Organization (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA, or Agreement). The research assesses the extent to which measures adopted by these RFMOs meet the PSMA's standards, and identifies those aspects which need to be further developed by each RFMO in order that their measures become aligned with the Agreement's. The newly adopted PSMA represents an international minimum standard on PSMs and provides a unique opportunity to harmonise and strengthen Port State controls globally. RFMOs have a special role to play in this process and specifically in helping to combat

illegal, unreported and unregulated (IUU) fishing on the high seas.

This document presents the preliminary findings of this gap analysis for WCPFC, based on information that was publicly available up to 31 July 2010. We invite WCPFC's Contracting Parties (CPs) to assist in refining this analysis by commenting on the information provided and providing additional information where appropriate. The preliminary aim of this exercise is to identify specific gaps in WCPFC's conservation and management measures in relation to the PSMA, and make clear recommendations to WCPFC for improvement. The long-term aim is to provide information to States and RFMOs to help eliminate IUU fishing. A full report on this study, with specific conclusions and recommendations for each of the RFMOs analysed, will be released early in 2011.

THE PORT STATE MEASURES AGREEMENT AND RFMOs

In November 2009, the FAO adopted the PSMA, providing a set of highly effective tools to be used by port States to combat IUU fishing, such as the designation of ports where foreign vessels may request entry; the prohibition of entry into port, the prohibition of landing, the prohibition of transshipping and the refusal of other port services to IUU fishing vessels; the carrying out of inspections in port; and the adoption of enforcement measures.

The Pew Environment Group strongly supports the earliest possible entry into force of the Agreement and welcomes the fact that 15 States and the European Union have signed it. The PSMA establishes the current international minimum standard on PSMs targeting IUU fishing, which should be followed by States even prior

to the Agreement's official entry into force. In addition to each State's individual efforts to ratify the Agreement, steps should be taken within the framework of RFMOs to ensure that PSMs adopted in the regional context are adjusted to meet the new international minimum standard. PSMs will only be truly effective in combating IUU fishing if they are enforced in a uniform manner globally.

RFMOs and the PSMA can reinforce each other. Not only are RFMOs essential to the effective implementation of the PSMA in a regional context, but the PSMA, if implemented by a critical number of States, can support the role of RFMOs by improving overall compliance with RFMO conservation and management measures.



According to the WCPFC Convention, port States have the right and the duty to take measures to promote the effectiveness of subregional, regional and global conservation and management measures. However, the Commission has yet to adopt any CMM establishing a comprehensive system of port State controls to prevent, deter and eliminate IUU fishing.

Undertaking a gap analysis: what is missing from RFMO rules?

The study conducted by the Pew Environment Group focuses on 10 RFMOs that have adopted regulations, currently in force and published, that include some form of PSM¹.

In order to compare the measures adopted by each of the reviewed RFMOs with the PSMA's measures, a review of the Agreement, including its annexes, was conducted and its provisions deconstructed into more than 100 obligations. Subsequently, all potentially relevant RFMO measures were reviewed and those that contain PSMs applicable to fishing or fishing-related activities were compared, obligation by obligation, with the obligations provided by the PSMA. In order to assess the alignment between RFMO measures and those contained in the PSMA, we have taken into account the objective pursued by the PSMA obligation, the effect of each RFMO measure in its regulatory context, and the clarity of the RFMO measures analysed.

To facilitate communicating the results of this research, we have systematised our conclusions under a number of PSM categories. These categories correspond closely to the main parts of the PSMA: scope; cooperation and information-sharing; port-designation and prior-to-entry information; denial of entry and port use; inspections; and the role of the flag State. To illustrate the alignment between RFMO measures and the PSMA's, we have allocated a grade from 0 to 10 showing our assessment of the degree of conformity on each measure. See Figure 1 for a representation of preliminary results for

¹ These are: Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); Commission for the Conservation of Southern Bluefin Tuna (CCSBT); General Fisheries Commission for the Mediterranean (GFCM); Inter-American Tropical Tuna Commission (IATTC); International Commission for the Conservation of Atlantic Tunas (ICCAT); Indian Ocean Tuna Commission (IOTC); Northwest Atlantic Fisheries Organization (NAFO); North East Atlantic Fisheries Commission (NEAFC); South East Atlantic Fisheries Organisation (SEAFO); Western and Central Pacific Fisheries Commission (WCPFC).

WCPFC. While this is a qualitative and not quantitative scale and methodology, it does provide a useful tool for comparative analyses between RFMOs, and for an independent analysis of individual RFMOs.

The study shows that RFMO measures are rarely an exact match of a PSMA provision. However, a comparison of the measures in place in the different regimes enables both general and specific conclusions about the current state of development of PSMs at the regional level. We are aware that RFMOs have their own particularities, and face challenges that make their regulatory systems, including PSMs, different from each other. However, in analysing PSMs developed by 10 different RFMOs, we have tried to keep our analysis as objective as possible, focusing on the degree of conformity of such rules with the PSMA. It is undeniable that IUU fishing on the high seas is a common challenge for all RFMOs. The more the RFMOs apply a common standard on PSMs, the better they will be able to face this challenge. The comparison conducted under this analysis indicates the principal steps that RFMOs should take if they are to reach the international minimum standard provided by the PSMA.

Preliminary findings of this research indicate that the PSMs of most RFMOs have not yet reached the standard contained in the PSMA. Most importantly, RFMOs have not comprehensively covered all IUU fishing activity, their PSMs are not sufficiently effective in deterring the IUU operators, and their requirements on transparency and information sharing are inadequate. In general, the study finds that there are several aspects of port State controls that are especially under-regulated through RFMO regimes, such as the denial of port entry, refusal of port services, and minimum standards for inspections. Full implementation of the PSMA by States and RFMOs will significantly increase the feasibility of truly combating IUU fishing.

PRELIMINARY FINDINGS ON WCPFC'S PSMs AND THEIR ALIGNMENT WITH THE PSMA

WCPFC should urgently develop standards for conducting inspections and require port States to inspect vessels even if they are not IUU-listed; require vessels to provide information prior to entry into ports; and mandate States to notify relevant parties of all actions taken at port.

Structure and scope

According to art. 27 of the WCPFC Convention²: 'a port State has the right and the duty to take measures to promote the effectiveness of subregional, regional and global conservation and management measures'. However, there is not one single CMM that provides coverage of all port State controls. Thus far, the Commission has adopted a number of CMMs containing some PSMs that regulate specific situations³, but a comprehensive and systematic approach to PSMs is lacking.

With one exception, WCPFC does not exclude domestic vessels from the application of PSMs, although the PSMA does⁴. Although WCPFC's PSMs apply to carrier and support vessels, its definition of 'fishing' does not include some of the fishing-related activities mentioned by the PSMA, thus setting a more limited standard than the Agreement⁵. The PSMA incorporates the definition of IUU fishing provided by paragraph 3 of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). WCPFC expressly refers to this definition of IUU fishing in the context of its CMM for IUU-listed vessels. However, the Convention's more general provision to deny landing and transshipment in port only refers to situations of non-compliance with CMMs and not to IUU fishing broadly⁶. As a result of all this, WCPFC's PSMs have a narrower scope than those contained in the PSMA.

Information exchange/information systems and cooperation

WCPFC has developed several provisions on the need to cooperate with the FAO, other RFMOs and, in particular, IATTC, including cooperation on monitoring, control and surveillance measures⁷. There is also a partial recognition of IUU vessel lists adopted by other RFMOs, since vessels listed by any RFMO will be removed from the WCPFC register of authorised carrier vessels⁸.

2 Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, signed on 4 September 2000 in Honolulu, USA. The Convention entered into force on 19 June 2004.

3 CMM 2009-01, "Record of Fishing Vessels and Authorization to Fish"; CMM 2009-04, "Conservation and Management of Sharks"; CMM 2009-06, "Conservation and Management Measure on Regulation of Transshipment"; CMM 2008-01, "Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean"; CMM 2007-03, "Conservation and Management Measure to Establish a List of Vessels presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities in the WCPO".

4 CMM 2009-01:20.

5 WCPFC omits landing, packaging, processing and transporting fish. See art. 1 d) of the WCPFC Convention and art. 1 d) of the PSMA.

6 CMM 2007-03:3; art. 27.3 of the WCPFC Convention; art. 1 e) of the PSMA.

7 Arts. 22.3 and 22.4 of the WCPFC Convention. See also CMM 2009-01:22.

8 CMM 2009-01:37.

Information pertinent to WCPFC's lists of authorised vessels is to be transmitted electronically. These lists and WCPFC's IUU vessel lists are available online at WCPFC's website⁹. These obligations are consistent with the PSMA provisions that require port States to establish communication mechanisms that allow for direct electronic exchange of information (mainly art. 16 and Annex D).

However, WCPFC does not establish obligations to notify relevant parties of actions taken at port, such as denial of port use, or the results of port inspection¹⁰. These obligations are essential for the effectiveness of PSMs and have been developed in detail by the PSMA.

Designation and capacity of ports

Under WCPFC rules, a Member 'may' notify the Executive Director of its designated ports for transshipments. The Executive Director will periodically circulate the list of designated ports to all Members¹¹. However, there are no provisions requiring Members to use designated ports for transshipments. Furthermore, there is no regulation of designation of ports for uses other than transshipment, or to ensure that ports of WCPFC Members have the required capacity to conduct inspections.

Prior-to-entry information

According to the PSMA, port States shall require vessels to provide a minimum set of information (described in Annex A) prior to entry, with sufficient time to allow for port State authorities to examine the information. WCPFC does not have any requirements to provide information prior to entry.

Denial of entry except for inspection and effective action

One of the central obligations of the PSMA is the denial of entry into port to IUU fishing and support vessels, except for the purposes of inspecting and taking other actions against these vessels; these actions need to be as effective as denial of entry in deterring IUU fishing. WCPFC CMMs do not require Members to deny entry to IUU fishing vessels. However, in the case of IUU-listed vessels, CMMs require Members to inspect all such vessels and to not authorise them to land, transship, refuel or re-supply. Since WCPFC does not require Members to take other actions against these vessels, and does not prohibit other port services such as repairing and drydocking, this provision sets a slightly lower standard than the PSMA's in relation to IUU-listed vessels. In addition, this provision does not apply any port restrictions to other, non-listed, IUU vessels, contrary to what is required by the Agreement¹².

Port use

The PSMA requires port States to deny use of ports, including access to port services of any kind, to vessels engaged in IUU fishing. Under WCPFC measures, Members shall not allow IUU-listed vessels to land,

9 CMM 2007-03:23 and CMM 2009-01:13.

10 See arts. 11.3 and 15 of the PSMA.

11 Art. 29.1 of the WCPFC Convention; CMM 2009-06:5.

12 CMM 2007-03:22 b).

transshipment, refuel or re-supply, but there is no reference to denying other port services included in the PSMA¹³.

In addition to its measures against IUU-listed vessels, WCPFC prohibits landings and transshipments from vessels not included on the WCPFC's lists of authorised vessels¹⁴, and from vessels that do not have the required license from a coastal State¹⁵. There are also species-specific prohibitions of landings and transshipments¹⁶.

Inspections

Under WCPFC rules, Members are only required to inspect IUU-listed vessels, thus covering a very limited category of vessels when compared with the PSMA. In addition, WCPFC has not developed rules about how inspections should be conducted. Although Annex III of the Convention gives some guidance on conducting transshipment inspections, including transshipment in port¹⁷, WCPFC has not yet developed any measure requiring Members to inspect vessels transshipping in port. Finally, WCPFC has not developed any guidelines on the training of port inspectors, as required by the PSMA (art. 17 and Annex E).

Flag States

Art. 20 of the PSMA includes a set of flag State obligations

13 Arts. 9.6 and 11.1 of the PSMA also prohibit packaging, processing, maintenance and drydocking to these vessels.

14 WCPFC has a Record of Fishing Vessels, and an Interim Register of Non-Member Carrier and Bunker Vessels, authorised to fish and operate in the Convention Area beyond national jurisdictions. CMM 2009-01.

15 CMM 2009-01:4 c), 16 and 17.

16 These prohibitions apply to shark fins (CMM 2009-04:9) and tuna products (CMM 2008-01: 42).

17 Art. 4.2 and Annex II of the Convention.

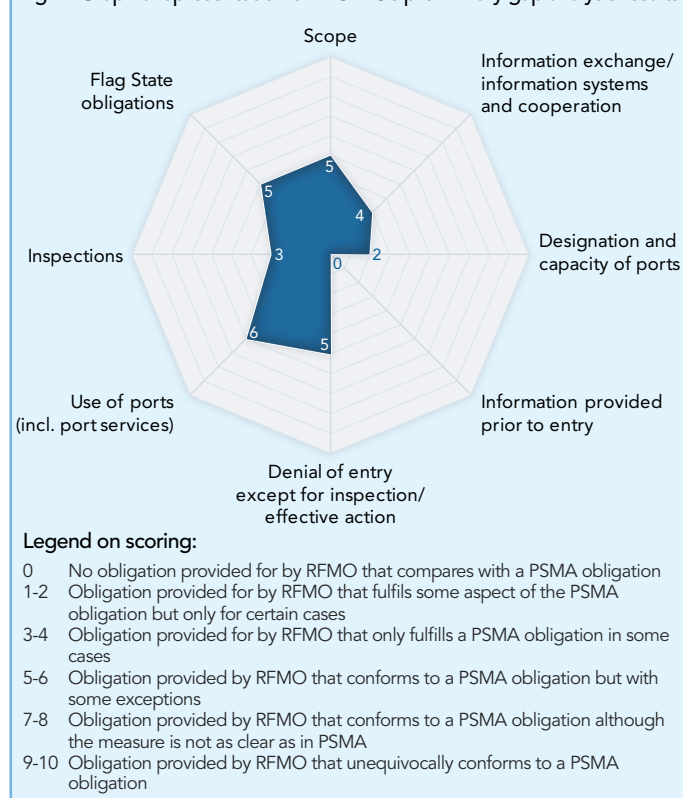
designed to facilitate the implementation of PSMs. The Agreement also requires flag States to take action against a vessel when an inspection report indicates that the vessel was involved in IUU fishing. The WCPFC Convention includes provisions requiring flag States to fully investigate any alleged violation by fishing vessels flying its flag, upon reception of relevant information, and to take action against such vessels¹⁸. Although these obligations are rather prescriptive, they do not make any reference to port inspections. Since there is no obligation under WCPFC to transmit port inspection reports to the flag State, these flag State obligations are not likely to be realised under WCPFC rules in the same way as is required by the PSMA.

Ten steps to WCPFC compliance with the PSMA

- Give effect to the WCPFC Convention's recognition that port States have the right and the duty to take measures to promote the effectiveness of subregional, regional and global conservation and management measures.
- Adopt a systematic and comprehensive scheme of PSMs that are applicable at least to the same categories of vessels that are subject to the PSMA.
- Incorporate IPOA-IUU's definition of IUU fishing for all PSMs. Incorporate the PSMA's definition of fishing and fishing-related activities.
- Adopt measures requiring Members to notify relevant parties and international organisations about all the different port State actions taken, as required by the PSMA.
- Adopt a measure requiring Members to designate and publicise ports to which vessels may request entry, and to ensure that these ports have the capacity to conduct inspections.
- In accordance with art. 8 and Annex A of the PSMA, adopt a measure requiring that all vessels provide advance information before calling into a port, regardless of their purpose for calling into port.
- Establish a measure to allow denial of entry into port to any vessels for which there is sufficient proof of IUU fishing or fishing-related activities, as stipulated in art. 9 of the PSMA. Clearly establish that such vessels should only be allowed port entry for the purposes of inspection and effective action.
- Establish a measure requiring that where a port State has reasonable grounds to believe that a vessel has been engaged in IUU fishing, it shall deny any kind of port use, including port services, to that vessel.
- Develop a comprehensive and effective system of port inspections. Such a system should include: a minimum number of vessels that should be inspected annually at ports; priorities for inspections; minimum standards for inspection procedures and inspection reports; guidelines on the training of inspectors.
- Establish clear obligations for flag States to cooperate in the implementation of port State controls and act upon cases of IUU fishing identified at port inspections, as required by art. 20 of the PSMA.

18 Art. 25 of the WCPFC Convention.

Fig. 1: Graphic representation of WCPFC's preliminary gap analysis results



The Port State Measures Agreement Implementation Toolkit



The PSMA implementation toolkit provides a comprehensive set of practical materials that aim to support States to implement the UN Port State Measures Agreement which, once in force, will close ports to vessels involved in IUU fishing.

The Port State Measures Agreement Implementation Toolkit

Ports play a major role in the fishing industry. They give vessels and crews access to essential services and supplies and enable vessel operators to offload their catch and transport it to market. However, ports can also provide a lifeline for illegal, unreported and unregulated (IUU) fishing, an activity that undermines the very essence of global ocean governance, threatens the sustainable use of marine resources and, consequently, the social and economic wellbeing of the coastal communities and countries that depend on them.

The United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement, or PSMA), adopted in November 2009 by the United Nations Food and Agriculture Organization (FAO), is an ambitious international agreement that aims to stop the use of ports by IUU fishing and support vessels. It provides port States with a set of highly cost-effective measures that, when implemented globally and effectively, will ensure that a country's ports are closed to IUU fishing fleets. For this to be possible, particularly in the ports of developing countries, a comprehensive set of tools is needed to support the practical implementation of the Agreement.

As part of its commitment to improve ocean governance, the Pew Environment Group is developing the *PSMA Implementation Toolkit*. The toolkit aims to help developing countries identify their capacity needs, provide them with key information, and guide them through the most technical and detailed elements of the Agreement.

The toolkit is an open and evolving set of practical materials, developed using on-the-ground experience. Input from potential users is a key element of the toolkit's evolution. To achieve this, we encourage collaboration with national and regional authorities in the ongoing development of these materials.

The first tools in the toolkit: Capacity Needs Assessment Methodology

Implementation of the PSMA requires an adequate, well-trained fisheries inspectorate that has good levels of communication and coordination between domestic agencies, such as customs and port authorities, and cooperates with relevant regional and global bodies.

In collaboration with the Nordenfjeldske Development Services (NFDS), the New Partnership for Africa's Development (NEPAD) and six African countries, the Pew Environment Group has developed a simple and robust methodology that can be used to determine a country's specific capacity-building needs. The methodology also provides a platform for the development of a capacity-building plan which, when implemented, would ensure that the country has adequate capacity to comply with its obligations under the PSMA.

The full Capacity Needs Assessment methodology report is available at www.pewenvironment.org/IUUFishing

The PSMA Implementation Handbook

The PSMA is an extensive instrument that provides a new set of technical measures to be implemented at the domestic and international levels. This requires greater coordination among countries, increased capacity in all relevant agencies (fisheries, customs, ports, etc), and, in many cases, new procedures for decision-making, vessel inspections and reporting, domestically, to flag States, and internationally.

The Pew Environment Group, in collaboration with experts in the field and government authorities, is currently producing the PSMA implementation handbook. The handbook will translate the PSMA's technical and legal text into clear and practical tools to help government agencies and their enforcement personnel implement the Agreement effectively.

The PSMA implementation handbook will be available in early 2011.

Combined IUU Vessel Database

IUU operators are skilled at disguising and hiding their activities and often remain undetected by port authorities. The Pew Environment Group's research on Port State Performance documented some alarming situations in apparently well-regulated ports. As called for in Article 16 of the PSMA, a global information-sharing mechanism is essential if domestic, regional and international authorities are to keep track of IUU activities.

As a first contribution, the Pew Environment Group has developed the combined IUU vessel database, which draws together all publicly available information on IUU vessels officially listed by Regional Fishery Management Organizations. On launch, the database will provide an up-to-date resource that will enhance information-sharing among relevant officials. The list will be made available to the International Monitoring, Control and Surveillance (IMCS) Network, which will host and maintain it.

The Combined IUU vessels database will be available in early 2011.

The Port State Performance Research can be found at www.portstateperformance.org

To find out more about the PSMA implementation toolkit, please contact Adriana Fabra: AFabra-consultant@pewtrusts.org

