



Port of Walvis Bay, Namibia

SANDY DAVIES

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

STEP THREE: Identify the capacity deficit and thus the capacity-building needs

This step needs to be both accurate and comprehensive. It demands an honest assessment of the gap that exists between existing capacity, both in terms of human resources and institutional capacity, and what will be needed to effectively implement the PSMA in the future. Recommendations are provided that then support a facilitated process to achieve consensus among stakeholders, which builds on ownership and leads to an agreed prioritized 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.

FURTHER INFORMATION

The full report *A Methodology for Capacity Needs Assessments Towards Implementation of the Port State Measures Agreement* will be released on 20 July 2010 and available at www.PewEnvironment.org/IUUfishing

The CNA methodology was prepared by NFDS on behalf of the Pew Environment Group.

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TO SUPPORT ITS 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 organized by main capacity area;
- an initial capacity questionnaire;
- a questionnaire specifically for fisheries inspectors;
- a draft plan to assist in organizing fieldwork;
- guidelines for completing the PSMA annexes A and C;
- details on how to perform SWOT analyses (for 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. Also proposed in the CNA methodology report are 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 which are complimentary and parallel processes that will uplift the capacity of a country or region to effectively implement port state measures to combat IUU fishing.

BRIEFING

A Capacity Needs Assessment Methodology: Building capacity to close ports to illegal fishing vessels and their support vessels

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 they are attractive and effective. The main cost is related to the establishment and maintenance of 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 the negotiation of the recently adopted United Nations 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 for each country, as well as providing a platform for the development of a capacity-building plan which, when implemented, would enable ratification of and effective compliance with the PSMA.

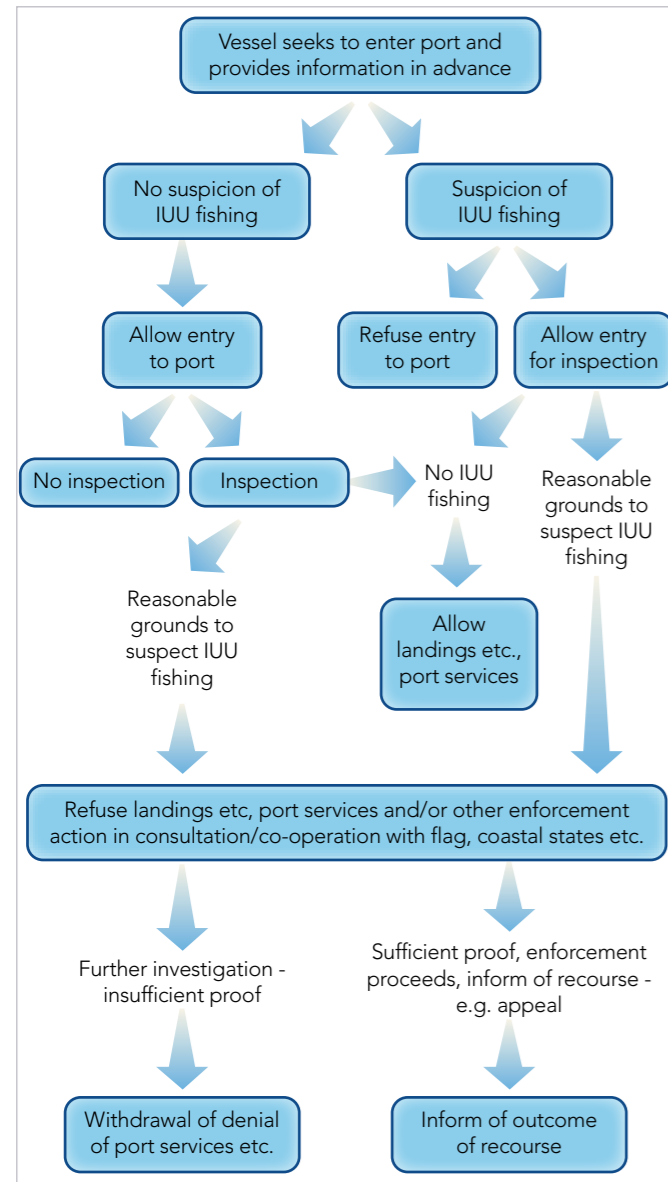


Cape Town, South Africa

RICHARD CAREY/FOTOLIA

PER ERIK BERGH, NFDS

HOW THE PORT STATE MEASURES AGREEMENT WORKS



In cooperation with the New Partnership for Africa's Development (NEPAD), through its Stop Illegal Fishing working group, and six African countries¹, the Pew Environment Group has supported the development of a Capacity Needs Assessment (CNA) methodology, which will be available online on July 20 at www.PewEnvironment.org/IUUfishing. The CNA methodology 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 IUU fishing fleets.

PORT STATE MEASURES TO COMBAT IUU FISHING

Today, when illegal fishing vessels need to put into harbor, they can select the most convenient and cost-efficient port available

to them. These ports are a lifeline to the world's illegal fishing industry—an industry that undermines the very essence of global ocean governance and threatens the sustainability of marine life, ecosystems and the people who depend upon them for food. The PSMA is an ambitious agreement that aims to close all ports to Illegal, unreported and unregulated (IUU) fishing and 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 different capacity needs of the implementing States and responds to them.

The PSMA provides a unique opportunity to harmonize and strengthen port State controls across the globe. This agreement, which represents the current international minimum standard on port State measures, has so far been signed by 15 States and the European Union. It is hoped that its entry into force will occur in the near future. Currently, its provisions are beginning to be implemented or considered for implementation by some Regional Fisheries Management Organizations (RFMOs).

The PSMA establishes, among other things, a duty for port States to designate ports for use by foreign-flagged vessels; to inspect foreign-flagged fishing vessels and other vessels supporting or servicing fishing vessels; to deny port entry or port use (including access to port services) to IUU vessels; and to take other measures in cooperation with flag States, coastal States and 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 just one 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 in the international waters of the high seas or within a country's exclusive economic zone without a license. It will thus provide a vital tool in the fight to effectively combat 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 harbor services. This suggests that efforts to encourage implementation of the PSMA should be targeted initially at the larger ports around the world that are used by distant-water fleets. Subsequently, as these vessels are excluded from the ports that they have been accustomed to using, ports in other countries may well become vulnerable to visits by IUU vessels. Ultimately, closing all ports to IUU 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.

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 the 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 other elements of the larger MCS system;
- **systematic cooperation and sharing of information and intelligence** between national agencies associated with different aspects of MCS, and between port, flag and coastal States, RFMOs and other organizations.

The Pew Environment Group's CNA methodology has been developed in a user-friendly format, which provides a clear set of steps that States may wish to consider when addressing their PSMA capacity-building needs. It 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 ONE: 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 resource and institutional capacity requirements necessary for adequate implementation of the PSMA, and comparison with the actual situation currently existing 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; and

- the main institutional capacity requirements, such as a well-organized and adequately staffed port inspection service, an information exchange system, an appropriate legal authority and access to adequate monitoring technology and equipment.

STEP TWO: Examine the performance of existing systems and identify existing capacity

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

This step provides a map of the players. They will typically include:

- the fisheries agency
- the customs service
- quarantine
- immigration
- port authorities
- the maritime authority
- and the port police.



Fishing harbor, Essaouira, Morocco

¹ Côte d'Ivoire, Kenya, Mozambique, Senegal, Seychelles and the United Republic of Tanzania.