



Food and Agriculture Organization
of the United Nations



NATIONAL FISHERIES AUTHORITY

WORKSHOP ON THE IMPLEMENTATION OF THE PORT STATE MEASURES AGREEMENT AND INSPECTIONS REPORT



Gazelle International Hotel
Kokopo, Rabaul, East New Britain Province
20 – 24 March 2017

TCP/PNG/3502 Support for minimizing the risks of IUU fishing in Papua New Guinea under FAO's
Blue Growth Initiative

WORKSHOP REPORT

Introduction and opening

1. The Food and Agriculture Organization of the United Nations (FAO) and the National Fisheries Authority (NFA) training workshop on the implementation of the Port State Measures Agreement and Inspections took place between 20 – 24 March 2017 at the Gazelle International Hotel, Kokopo, Rabaul, East New Britain Province, Papua New Guinea. The programme for the training workshop is set out in **Appendix A**.
2. The training workshop was attended by representatives of the Magistracy, the Ministry of Customs, Department of Justice and Attorney General, the PNG Immigration and Citizenship Services Authority, PNG Defence Forces, Royal PNG Constabulary, PNG Ports, the National Fisheries Authority, National Maritime Safety Authority, National Agriculture Quarantine and Inspection Authority, Provincial Governments, the Australian Fisheries Management Authority and the FAO. A list of participants is provided in **Appendix B**.
3. Mr Pio Manoa of the Development Law Service of the FAO Legal Office delivered a statement on behalf of the FAO. He referred to the initiatives of the FAO at the global level and how the training workshop is an important part of the technical cooperation project on capacity building to prevent, deter and eliminate IUU fishing in PNG. The FAO statement is set out in **Appendix C**.
4. Mr Philip Polon, Deputy Managing Director of the NFA then made opening remarks. He outlined the efforts of the NFA in strengthening the legislative and institutional framework to combat IUU fishing through port State measures, and emphasised that inter-agency collaboration is essential. In particular, he identified four key objectives for the workshop, namely, improving awareness of the Port State Measures Agreement in terms of its costs, benefits and obligations, strengthening partnerships and coordination at the national level in implementing port State measures, improving data sharing arrangements among key stakeholders, and determining requirements for accession to the Agreement. The statement of the NFA Deputy Managing Director is contained in **Appendix D**.
5. Representatives of the media – print, radio and television, were present during the opening session and for other sessions and reported on the training workshop. Examples of articles in one national newspaper are laid out in **Appendices E and F**.

Background and objectives of the workshop

6. Mr Manoa, summarised the four objectives of the training workshop, namely to: i) increase awareness of the international and regional framework for the implementation of port State measures; ii) undertake an initial review of existing policies and legislation, institutional arrangements, and Monitoring, Control and Surveillance (MCS) systems and operations; iii) define a course of action for the introduction of provisions and procedures consistent with the PSMA and related international instruments and regional mechanisms to combat IUU fishing; iv) identify capacity building needs for implementation of port State measures.

Status and framework of the FAO Port State Measures Agreement

7. A short overview of the FAO Port State Measures Agreement was made by Mr Manoa. He indicated that since the entry into force of the Agreement in June 2016, there has been a gradual increase in the number of States that have become Parties. It was emphasised that the Agreement introduces a minimum standard for port State measures and inspection and that a State in the exercise of its sovereignty may impose more stringent conditions for the use of its ports and offshore terminals. The presentation also introduced participants to the Agreement – especially the contents of each Part and the general implications for port States.

Law of the Sea and International Policy and Legal Frameworks governing fisheries and port State measures

8. Mr Manoa discussed the fundamental international fisheries treaties (and instruments) supporting fisheries management and port State measures. The treaties and instruments highlighted are the: 1982 UN Law of the Sea Convention (LOSC), 1993 FAO Compliance Agreement, 1995 FAO Code of Conduct for Responsible Fisheries, 1995 UN Fish Stocks Agreement, 2001 FAO International Plan of Action -IUU Fishing, 2005 Model Scheme on Port State Measures, and 2009 FAO Agreement on Port State Measures. It was emphasised that although a provision for port State enforcement is contained in the LOSC, the Fish Stocks Agreement is the first treaty that affirms the sovereignty of port States over their ports and offshore terminals and proactively identifies actions that may be taken in the inspection of fishing vessels. How each instrument provides for port States was identified.
9. Given their importance, the rights, jurisdiction and duties of States in each maritime zone was considered together with the corresponding provision(s) in the LOSC. Particular attention was placed on the rights, jurisdiction and duties relating to the management of living marine resources and the monitoring control and surveillance of fishing vessels.

10. The presentation concluded with an elaboration of parts of the Port State Measures Agreement, and the respective roles of the port State and flag State. The “right and duty” of a port State to take non-discriminatory measures to promote the effectiveness of regional and global conservation measures captured in the Fish Stocks Agreement is also set out in the Port State Measures Agreement. Minimum requirements for entry and use of ports as well as inspections were conveyed. With respect to flag States, it was noted that the starting point for any further enforcement action rests with the flag State and that there is an obligation for the flag State to cooperate with the port state in inspections of its vessels. The flag State is required to investigate and, where necessary, impose sanctions on its flagged vessels and any such action must be reported to port States and RFMOs.



Workshop in session (Photos: Manoa)

Linkages of Port State Measures with other Monitoring Control and Surveillance Tools

11. Mr Gisa Komangin, MCS Executive Manager, NFA, shared an overview of the national MCS tools in PNG.
12. Following that, Mr Alois Kinol, Manager CDC, NFA, set out the role of the CDC unit including ensuring the traceability of fish and fish products from net to plate, and the verification of catch. The two main functions of the CDC unit are: to manage effective catch documentation and certification scheme to ensure traceability at all levels of fishing operation, and to combat IUU fishing through monitoring, data collection and catch certification. He also provided a background on the requirement catch documentation under the EU IUU Regulation No. 1005/2008 that came into effect in January 2010. He noted that the EU accepted PNG Flag State notification on 4 February 2010.
13. Mr Kinol also shared with the workshop cooperation and data sharing arrangements between the NFA and external institutions, including the MOU with the Philippines (Bureau of Fisheries and Aquatic Resources), the Federated States of Micronesia, Taiwan, and alluded to ongoing negotiations.

14. Mr David Karis, VMS Manager, NFA, delivered a short overview of the Fisheries Information Management System (FIMS) and Vessel Monitoring System in place. He identified the two main satellites (INMARSAT and IRIDIUM) used in VMS monitoring of various fisheries, namely the prawn fishery, longline fishery and purse seine fishery.
15. He also shared with the workshop information on the integrated FIMS, a comprehensive information system that includes NFA FIMS, PNA FIMS, Industry FIMS, and Flag State FIMS. The system is designed to be customer oriented, for instance providing information to vessel operators about their vessels and to flag States on the activities of foreign flagged vessels. The system also allows for electronic vessel registration. With respect to observers, the system supports information from, among other items, electronic observer journals and IRIDIUM devices carried by observers.
16. Mrs Aquina Kango Pyanne, Audit and Certification Unit Manager, NFA, discussed the role of the audit and certification unit of the NFA MCS group. She indicated that the unit's main role is to ensure that the fish and fish products are safe for human consumption. Responsibilities include conducting food safety risk-based (HACCP) inspections on licensed fishing vessels, cold stores, processing and export facilities; conducting annual audits (including thermal process audits); sampling for testing in accredited laboratories; organoleptic assessments; traceability assessments; and environmental sampling for monitoring of environmental contaminants.
17. Mrs Pyanne outlined the standards for fish and fishery products that are to be complied with and the e-certification mechanism. She also identified MoUs that are in place between NFA and NAQIA, Customs, UniTech (for laboratory in Lae), and the Ministry of Health respectively. Collaborative arrangements in place with 19 maritime provinces and the regulatory authority in the Philippines were also raised.
18. Mr Adrian Nanguromo, Acting Observer Manager, NFA, spoke on the features of the PNG Observer Programme and current issues. The Programme was first established in PNG under the *Fisheries Management Act 1998* and is one of the biggest in the entire Western and Central Pacific Region with 270 active observers to date with plans to recruit and train more observers.
19. Mr Nanguromo indicated that observer safety is of importance. Safety issues for fisheries observers is now being strongly advocated by the WCPFC and, among other initiatives, NFA intends to identify a lead person to work on observer video monitoring on all longline fishing fleets come 2017 by installing video cameras on these boats. This is to compliment human observers with video monitoring due to safety concerns and the environment which sometimes is very risky for human observers to live and work on-board. All fisheries observers will have a life jacket and a personal emergency communicating beacon in 2017 in line with the Regional Observer Programme standard for personal safety whilst working at sea. Issues raised include: i) observer safety, ii) regional and subregional requirements

for observer placement, and iii) logistical difficulties with the embarkation and disembarkation of observers in declared ports.

PNG National Plan of Action

20. Mr Steve Dunn, NFA Consultant, provided an update to the workshop on the development of the National Plan of Action to prevent, deter and eliminate IUU fishing (NPOA-IUU). Although the NPOA-IUU when approved will be a policy instrument, it will nevertheless provide the overarching framework for combatting IUU fishing through various fronts, including but not limited to, legal and policy initiatives, institutional arrangements, and operational aspects to strengthen monitoring, control, surveillance and enforcement.

Roles of key government agencies

21. The workshop then heard from representatives of key government agencies: Customs, National Maritime Safety Authority, PNG Defence, PNG Ports, Royal PNG Constabulary (RPNGC) and the Department of Justice and Attorney General (DJAG).
22. Ms Roselyn Tei, Senior Advising Officer, Legal Services, Customs, delivered a presentation on the role of Customs. She began by saying that the first Customs port for revenue collection in PNG was established in Samarai in 1888. Ms Tei highlighted the legal and institutional changes over time and the primary laws supporting their functions. She stated that the four key Customs functions are: i) border security, ii) community protection, iii) trade facilitation, and iv) revenue collection. In terms of combatting IUU fishing, she underlined the importance of coordination amongst border control agencies, and information sharing. She also shared with the workshop procedures in place for the profiling of importers and exporters.
23. Lt Cmdr Douglas Inau, PNG Defence, outlined the role of the National Surveillance Centre, the contents of the 2013 White Paper and the CDF Intent for 2017 to have ships of excellence and engage in bilateral naval exercises. Fishing vessel activity is reported to the National Surveillance Centre which then processes it for further action if necessary. In relation to port State measures, PNG Defence procedures are aligned to the *Fisheries Management Act*. He also shared with the workshop the value of the Memorandum with the NFA and the measures that are being taken in relation to the Vietnamese 'blue boats'.
24. Mrs Hane Kila, Chief Maritime Compliance Officer & Port Manager, PNG Ports, spoke on the functions and responsibilities of PNG Ports. She indicated that PNG Ports undertakes two broad functions: commercial and regulatory. The former functions supports the collection of wharfage for instance, while the latter ensures compliance with governing legislation, namely the *Harbours Act* (Cap. 240) and the *Ports (Management and Safety) Regulations 2010*. There are 15 declared ports under the *Harbours Act* and non declared ports as well. The Port Manager manages all declared ports.

25. The powers of the Port Manager identified by Ms Kila include the power to: issue Port environment directions, issue port management and operations directions (of relevance to combatting IUU fishing), set and amend regulatory levies, fees and charges, order a person to comply with directions, impose a penalty for breaches of port regulations and directions, and appoint authorised officers. Vessels are required to give arrival notice in intervals of 72, 48, 24 and 12 hours prior to coming into port. Permits granted by the Port Manager include permits relating to port State control such as ship to ship (STS) transfer permits, and services related to pilotage, berthing, unloading/loading, provisioning, and anchorage etc. It follows that the Port Manager holds significant powers in relation to the entry and use of port services as well as the prevention and deterrence of entry and use of ports by IUU fishing vessels.
26. Discussions that followed noted: i) the need for coordination and harmonization of procedures, including port entry and use of port requirements, ii) procedures for the declaration or designation of ports, iii) private ports and landing sites, and the iv) movement of observers.
27. Senior Sergeant Kela, Water Police, RPNGC, provided an overview of the role of the RPNGC in the maintenance of law and order, and the protection of life and property. He outlined the role of the CID in the investigation of NFA cases, preparation of court files, and the prosecution of alleged offenders. He then provided a background on the Water Police since its establishment in 1982 and its functions in patrolling internal seas mainly within 12 nautical miles. The need for the review of the MOU with NFA was noted.



Rabaul harbour (Photo: Manoa)

28. Ms Alzaria Hombunaka, Litigating Lawyer, NMSA Legal Services Division, and Joseph Kabiu, NMSA Rabaul Port discussed the role of the NMSA as the flag State administration for PNG. Among other things, they referred to requirements for the safety of vessels and navigation, regulations for the protection of the marine environment, and the rules applicable to flagged vessels. For example, the survey of vessels is regularly required and

undertaken by NMSA nominated qualified ship surveyors with any structural changes reported to NMSA by naval architects. Issues identified include: i) the review of rules applicable to fishing vessels, ii) regulations for the qualification of crew, iii) requirement for the production of historical data before registration of vessels, and iv) the possibility of the delegation of fishing vessel registration functions to the NFA.

29. Mr Samson Malken, Principal Legal Officer, International Law Division, DJAG, began outlining the national process for accession to the PSMA. He identified relevant laws in the implementation of measures to combat IUU fishing in the *Fisheries Management Act*, *Criminal Code*, *Proceeds of Crime Act*, and the *Maritime Zones Act* of 2015. He also highlighted treaties such as the *UN Convention Against Transnational Organised Crime* and extradition treaties as well as border cooperation agreements such as treaties between PNG and the Solomon Islands, and PNG and Indonesia.
30. Ms Utul Marat, Principal Legal Officer, DJAG, then shared with the workshop DJAG's role in addressing transnational crime and related offences such as IUU fishing, smuggling or trafficking of people, goods, arms or drugs smuggling, money laundering, and terrorism.
31. The discussion that followed raised various issues including: i) use of electronic data for evidentiary purposes, ii) the need to make serious offences in the *Fisheries Management Act* indictable offences, iii) the need to ensure that penalties have a deterrent effect and deprive liberty, and iv) ratification of the Niue Treaty Subsidiary Agreement.

National Fisheries Policy and Legislation

32. Mr Rodney Kirarock, NFA, provided a background on the fisheries policy and legislative framework that is in place. In terms of policy, the tuna management plan, beche-de-mer management plan, and Gulf of Papua prawn fishery plan were examples of management plans referred to. In short, each management plan contains a concise description of the fishery, total allowable catch or effort applicable, gear or size restrictions, species restrictions, seasonal closures, and closed areas. Measures in a management plan are required to be complied with by persons participating in the respective fishery.
33. On legislation, he highlighted the components of the *Fisheries Management Act* 1998 and the *Fisheries Management Regulations* as well as the amendments to these legislation. In particular, he referred to the 2015 amendments to the *Fisheries Management Act* and the 2016 amendments to the *Fisheries Management Regulations* which provide explicitly for port State matters. He then outlined the provisions related to port State measures and inspections.



Photograph of group undertaking inspection exercise on board purse seine fishing vessel in Rabaul port with master of vessel (Photo: NFA).

Overview of national port arrival notification in PNG

34. Ms Martina Ragagalo, Compliance Manager NFA, spoke on port arrival notification requirements. She shared with the workshop the procedures and requirements for advance port arrival notification. Issues raised in the ensuing discussion include: i) harmonisation of the port arrival notification requirements, ii) institutional collaboration in particular between PNG Ports and NFA in the consideration of requests, and iii) the process for the designation of ports.

Australia and the Port State Measures Agreement

35. Mr Brendan Reiher, Australian Fisheries Management Authority, provided an overview of how Australia is combatting IUU fishing. He indicated that all Australian ports are designated ports and that the requirements for entry and use of ports is provided for in their governing legislation - the *Fisheries Management Act* (Cth). In particular, section 94 of that law requires prior approval and 72 hours advanced notification. On interagency arrangements, he identified arrangements between AFMA and ports authorities, the maritime agency, Australian Federal Police, Biosecurity, Attorney General's Office, Foreign Affairs and the Australian Navy, as well as regional cooperation arrangements such as with the Forum Fisheries Agency. Challenges identified include: i) communication between agencies, ii) level of commitment between agencies, and iii) completion of tasks in a timely and professional manner.

Legal, Policy and Institutional matters at national level and Template for the development of national legislation for the implementation of the PSMA

36. Mr Manoa referred to the provisions of the PSMA and discussed the legal, policy and institutional implications of the PSMA at the national level. He then referred to the legal checklist for the implementation of the PSMA in national legislation and summarised how PNG has addressed elements of the checklist.

Guidelines/checklist for implementing Port State Measures and Operational Procedures

37. Mr Francisco Blaha, FAO Consultant, delivered a presentation of the operational and institutional aspects that need to be in place to support implementation of the PSMA at the national level. He referred to the checklist for operational and institutional aspects and also identified capacity development needs.
38. Mr Blaha then highlighted the operational procedures required. He noted that standard operating procedures for port State inspections would need to be developed. The process and priorities of implementing port State measures would need to be identified. In addition, he presented an overview of the operational requirements for fulfilling flag, coastal and market State responsibilities.



Mr Blaha, FAO consultant, delivering a presentation (Photo: Manoa)

Break out Session (working group)

39. Dr Matthew Camilleri, FAO, facilitated the break out session. Four working groups were formed to address the implementation of PSMA as a minimum standard, taking into account the issues considered in the presentations and discussions, checklist that appear in Appendix 9 of the FAO Guide to the background and implementation of the PSMA. The working groups dealt with matters related to: i) Legal and Policy, ii) Institutional and capacity development, iii) Operational, and iv) Regional considerations.
40. Each group was tasked to identify at national level: i) strengths in implementing the PSMA as a minimum standard, ii) gaps/constraints in implementing the FAO Agreement as a minimum standard, iii) measures an actions to address the gaps and constraints, and iv) priorities an strategies for moving forward.
41. Groups were then given two days to develop their submissions and report back to the workshop.

Port inspection exercise in Rabaul Port

42. Prior to the commencement of the inspection exercise, Mr Blaha outlined the general procedures and objectives including the need to ensure that the inspection reporting template was completed during the exercise. Participants then proceeded in groups to inspect 10 vessels – purse seine vessels and refrigerated cargo vessels. The duration of the inspection exercise was approximately 2.5 hours.



Field inspection exercise on board purse seine fishing vessel in Rabaul port (Photo: Manoa)

Evaluation of inspection exercise in Rabaul port

43. In groups, participants were given the opportunity to report on their findings and observations of the inspection exercise.
44. Generally, participants reported that the inspections exercise was useful. While participants that inspected a fishing vessel for the first time were appreciative of the experience, those that were employed as inspectors or observers identified national inspection procedures that could be strengthened as well as aspects of the inspection reporting form that can be amended to take into account national requirements, such as the identification of the observer on board.

45. On reflection, participants identified, among other things: i) the need for effective coordination between the national agencies in considering requests for entry into port and the use of ports, ii) clarity in the respective roles and responsibilities of national agencies engaged in port State matters, iii) standardised procedures for the boarding and inspection of fishing vessels, iv) clear channels of communication between the vessel operator or agent and the respective national agencies, and v) the need to review port entry and use of port documentation and authorisation processes.



Field inspection exercise in Rabaul port (above) (Photo: Blaha). Interview of master and inspection of documents during field inspection exercise (below) (Photos: Blaha & Manoa).



46. Following the assessment of the inspection exercise, each of the four groups that respectively undertook assessments of the legal and policy matters, institutional and capacity development, operational, and regional considerations, reported back on their findings. Opportunity was given for the workshop to evaluate the assessment of each group. The workshop then considered and finalised a consolidated national strategy and roadmap for the implementation of port State measures. The final strategy and roadmap for the implementation of port State measures in PNG is laid out in **Appendix G**.
47. Each group then participated in a quiz on topics covered during the workshop. In general, groups were very competitive and overall performance in the quiz was commendable.



Visit to Tavurvur volcano, Rabaul after the inspection exercise (Photo: Blaha)

Closing session

48. Mr Gisa Komangin, Executive Manager MCS, delivered the final remarks and closed the training workshop. He expressed gratitude to the province of East New Britain and acknowledged the participation of the Magistracy, government agencies, provincial government representatives, and external partners – AFMA, and FAO. He emphasised the point that fisheries is a national matter involving all agencies and that inter-agency cooperation is important in ensuring the effective implementation of port State measures.

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APPENDIX A



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NATIONAL FISHERIES AUTHORITY

DAY 1 – 20 MARCH 2017

I. INTRODUCTION		
08.00 – 08.30	Registration	KAGENA
08.30 – 10.00	Welcome address & opening of the workshop	POLON
	Opening Statement by FAO	MANOA
	Administrative announcements	KIRAROCK
	Introduction of participants	ALL
	Group photo session	PONING
10.00 – 10.30	TEA BREAK	
II. UNDERSTANDING PORT STATE MEASURES AND LINKS TO MCS TOOLS		
10.30 – 10.15	Background and objectives of the workshop	MANOA
10.15 – 12.30	Status and framework of the FAO Agreement on Port State Measures	MANOA
12.30 – 13.30	LUNCH BREAK	
13.30 – 14.00 14.00 – 14.15	Related instruments on PSM	MANOA
	LOSC UNFSA	
14.15 – 14.30 14.30 – 14.45 14.45 – 15.00	Linkages of Port State Measures with other MCS Tools	KOMANGIN KINOL KARIS
	- National MCS Tools	
	- Catch Documentation Certification Unit	
	- FIMS and VMS	
15.00 – 15.30	TEA BREAK	
15.30 – 15.45	PNG National Plan of Action	DUNN
15.45 – 16.00 16.00 – 16.10 16.10 – 16.20 16.20 – 16.30 16.30 – 16.40	Presentations by Line Agencies	ROBERT INAU HANE VAKI
	Customs	
	National Maritime Safety Authority	
	PNG Defence	
	PNG Ports	
	RPNGC	

16.40 – 17.00	DJAG	MELKOM
17.00 – 17.30	Benefits of implementing the FAO Agreement as a minimum standard in the Region	MANOA
17.30 – 18.00	Discussions of the day's topics	KIRAROCK

DAY 2 – 21 MARCH 2017

III. REGIONAL AND NATIONAL FOCUS		
08.30 – 09.00	Regional framework, policies and tools	
09.00 – 09.15	Overview of national fisheries policy and legislation	KIRAROCK
09.15 – 09.30	Overview of national port arrival notification in PNG	RAGAGALO
09.30 – 09.45	Overview of inspections and enforcement at the fishery port	PYANNE
09.45 – 10.00	Overview of national Import requirements	
10.00 – 10.30	TEA BREAK	
10.30 – 10.45	Catch Documentation verification	KINOL
10.45 – 11.00	Regional Initiatives on Illegal, Unregulated and Unreported fishing	
IV. IMPLEMENTATION AND GOVERNANCE		
11.00 – 12.00	Legal, Policy and Institutional at national level.	MANOA
12.00 – 12.30	Template for the development of national legislation for the implementation of the PSM	MANOA
12.30 – 13.30	LUNCH BREAK	
13.30 – 14.00	Template development of national legislation for the implementation of PSM	MANOA
14.00 – 14.30	Guidelines/checklist for implementing Port State Measures Operational and capacity development at the national level	BLAHA
14.30 – 15.00	Operational Procedures for Port State Measures Process and priorities of implementing Port State Measures	BLAHA

15.00 – 15.30	LUNCH BREAK	
15.30 – 16.00	Key elements of inspection operations; evidence, communications, decision-making, information systems and political considerations	MANOA
16.00 – 16.15	Reporting requirements	
16.15 – 16.30	Operational requirements for fulfilling flag, coastal and market state responsibility	BLAHA/MANOA
16.30 – 17.00	Completing of questionnaire on Port State Measures	PARTICIPANTS
17.00 – 17.15	Presentation of questionnaire results	KIRAROCK
17.15 – 17.30	Discussion on the day's topics	KIRAROCK

DAY 3 – 22 MARCH 2017

V. WORKING GROUPS		
08.30 – 10.00	<p>Break out Session (working group)</p> <p>Three working groups will be formed to address the implementation of PSM under the FAO Agreement as a minimum standard, taking into account the issues considered in the presentations and discussions, checklist that appear in Appendix 9 of the FAO Guide to the background and implementation of the PSMA</p> <p>Legal and Policy Institutional and capacity development Operational</p> <p>Purpose: Each group is tasked to identify at national level; (a) strengths in implementing the FAO Agreement as a minimum standard (b) gaps/constraints in implementing the FAO Agreement as a minimum standard (c) measures an actions to address the gaps and constraints, (d) priorities an strategies for moving forward</p>	<p>CAMILLERI/MANOA</p> <p>ALL PARTICIPANTS</p>
10.00 – 10.30	TEA BREAK	
10.30 – 12.30	Continuation of working group	ALL PARTICIPANTS
12.30 – 13.30	LUNCH BREAK	
13.30 – 15.00	Spoke person of each group to report plenary	
15.00 – 15.30	TEA BREAK	
15.30 – 16.00	Discussion on the working group reports and recommendations	CAMILLERI/MANOA

16.00 – 16.30	Procedures for inspection of fishing vessels	BLAHA
16.30 - 1700	Preparation for field trip visit to Rabaul port for vessel inspection	ALL PARTICIPANTS

DAY 4 - 23 MARCH 2017

VI. VESSEL INSPECTIONS		
07.45 – 08.30	Travel from Kokopo Beach Bungalow Resort to Rabaul port	All PARTICIPANTS
08.30 – 12.30	Inspection of vessels in Rabaul Port Groups will be informed prior to the excursion to consider specific aspects of boarding inspection of a fishing vessel in port. Each group will need to adhere to the requirements of inspections, provide an inspection report, and report to the plenary.	ALL PARTICIPANTS SPOKES PERSON OF EACH TEAM
12.30 – 13.30	LUNCH BREAK	
13.30 – 15.00	Travel back from Rabaul port to Kokopo	
15.00 – 15.30	TEA BREAK	
15.30 – 16.30	Chairperson of each working group report to plenary	ALL PARTICIPANTS
16.30 – 17.00	Discussion on the working group reports and recommendations	CAMILLERI/MANOA

DAY 5 - 24 MARCH 2017

VII. RECOMMENDATIONS AND CONCLUSION		
08.30 – 10.00	Identification and listing of recommendations on strategic priority steps and activities to be taken in relation to Port State Measures implementation at the national level	CAMILLERI
10.00 – 10.30	TEA BREAK	
10.30 – 11.30	Continuation of identification and listing of recommendations	CAMILLERI/MANOA
11.30 – 12.30	Presentation of workshop conclusions	CAMILLERI/MANOA
12.30 – 13.30	LUNCH BREAK	
13.30 – 14.30	Development of a road map for implementation of the PSMA in Papua New Guinea	CAMILLERI/MANOA
14.30 – 15.00	Workshop evaluation and quiz	CAMILLERI/MANOA
15.00 – 16.00	Workshop Closure	NFA

APPENDIX B

LIST OF PARTICIPANTS

No.	Name	Position	Organisation
Magisterial Services			
1.	Mr John Kaumi	Principal Magistrate – Waigani	Magisterial Services Waigani District Court P.O Box 1020, Port Moresby 121, N.C.D PH: +(675) 323 9173, FAX: +(675) 323 9174 Email: jkaumi@magisterialservices.gov.pg
2.	Mr Samuel Lavutul	Principal Magistrate – Kokopo	Magisterial Services Kokopo District Court P.O Box 381, Kokopo, ENBP PH: +(675) 982 9479 FAX: +(675) 982 9649 Email: slavutul@magisterialservices.gov.pg
3.	Mr Mark Selefkaru	District Court – Port Moresby	Mobile: 73989707
PNG Defence Force			
4.	Mr Douglas Inau	Lieutenant Commander OIC National Surveillance Coordinating Centre	PNG Defence Force Head Quarters Maritime Preparation, Private Mail Bag Boroko, National Capital District PH: +(675) 3213463, Mobile: 70451642 Email: inaudouglas@gmail.com
Royal Papua New Guinea Constabulary			
5.	Mr David Kela	Senior Sergeant, Water Police	Royal Papua New Constabulary P.O Box 85 Spring Garden Road Konedobu, National Capital District Ph: 70121612
PNG Customs Services			
6.	Ms Roselyn Tei	Senior Advising Officer, Legal Services	PNG Customs PO Box 923 PORT MORESBY, NCD, PNG Ph:321 7630, Email. teir@customs.gov.pg
7.	Mr Raymond Tonge	Rabaul Port	PNG Customs PO Box 422, Kokopo, ENBP, PNG Ph:9828349, Mobile: 71507953 Email: tonger@customs.gov.pg
8.	Mrs Fidelma Mapat	Rabaul Port	Telephone – 9828349, Mobile: 72717266 Email: mapatf@customs.gov.pg
9.	Mr John Yukul	Rabaul Port	Telephone – 9828349, Mobile: 72428792 Email: yukulj@customs.gov.pg
10.	Mr Tom Jengihau	Rabaul Port	Telephone – 9828349, Mobile: 72158533 Email – jengihaut@customs.gov.pg
PNG Ports Corporation			
11.	Ms Hane Kila	Chief Maritime Compliance Officer & Port Manager	PNG Ports Corporation, Stanley Esplanade P.O Box 671, PORT MORESBY, NCD Papua New Guinea www.pngports.com.pg P: +675 3084200 ext 312 F: +675 3211546 M: +675 76402170 / 7085 9466 Email: Hane.Kila@pngports.com.pg

12.	Mr Stanley Andrew	Rabaul Port	Mobile: 71910200
National Maritime Safety Authority			
13.	Ms Alzaria Hombunaka	Litigation Lawyer, Legal Services Division	National Maritime Safety Authority Level 3, Defence Haus, Champion Parade P.O.Box 668, PORT MORESBY 121, N.C.D Telephone: (675)3211244 Facsimile: (675) 321 0873 Email: ahombunaka@nmsa.gov.pg
14.	Mr Joseph T. Kabiu	NMSA Rabaul Port	Mobile: 72881895
Department of Justice & Attorney General			
15.	Mr Samson Malken	Principal Legal Officer, International Law Division	Office of the State Solicitor Department of Justice & Attorney General Post Office Box 591, WAIGANI – N.C.D Telephone: +(675) 301-2875/301-2863 Facsimile: +(675) 301-2965 Email: Samson.Malken@justice.gov.pg Gmail: samson.malken@gmail.com
16.	Ms Utul Marat	Principle Legal Officer, Legal Policy & Governance Branch	Department of Justice & Attorney General P.O Box 591, WAIGANI, N.C.D 9th Floor, Sir Buri Kidu Haus Telephone: +675 301 2956 Email: Utul.Marar@justice.gov.pg
Provincial Administrations			
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APPENDIX C

FAO STATEMENT DELIVERED BY MR PIO MANOA, LEGAL OFFICER OF THE FAO LEGAL OFFICE ON BEHALF OF MR KEN SHIMIZU, HEAD OF FAO PNG OFFICE

Deputy Managing Director of the National Fisheries Authority Mr. Philip Polon – Principal Magistrate John Kaumi and Magistrate Sanval Lavutul of the Magisterial Services, the Australian Fisheries Management Authority – representatives of other government departments and agencies – and Officers and colleagues of the National Fisheries Authority (NFA) ...

Distinguished guests, ladies and gentlemen.

I welcome you all to this workshop on behalf of the Food and Agriculture Organization of the United Nations (FAO) Project and to convey the greetings of the Director General of FAO, Mr. José Graziano De Silva. I also wish to convey the salutations of Mr. Ken Shimizu, the head of the FAO PNG Office, and to pass on his regrets for not being able to be here with us due to an administrative matter. And the well wishes of Mr. Blaise Kuemlangan, Chief of the Development Law Service of the Legal Office of the FAO.

Illegal, Unreported and Unregulated fishing, or “IUU” fishing, is a relatively new concept. We are all aware that IUU fishing contributes to overfishing and the depletion of fish stocks, undermines sustainable fisheries management, distorts market competition, results in forgone public revenues and it is frequently associated with national and transnational organised criminal activities.

The FAO has been engaged in combatting IUU fishing at all levels. In fact, it was through an FAO instrument (the International Plan of Action to prevent, deter and eliminate IUU fishing) that the term “IUU fishing” was coined. At the international level, the FAO is the key UN organisation through which States have worked to adopt various instruments to combat IUU fishing, including the Code of Conduct for Responsible Fisheries, the Compliance Agreement, the International Plan of Action to prevent, deter and eliminate IUU fishing, the Voluntary Guidelines on Flag State performance, and the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (commonly referred to as the PSMA). The PSMA is the first legally binding international treaty specifically developed to combat IUU fishing. You may also be aware that the PSMA recently entered into force on 5 June 2016.

FAO is pleased to continue collaboration with NFA in ensuring that through *TCP/PNG/3502 - Support for minimizing the risks of IUU fishing in Papua New Guinea under FAO's Blue Growth Initiative* (FAO Project), we will build on the work already done to address the EU IUU fishing concerns, to add value to such work and to ensure its sustainability.

FAO is particularly pleased to point out that this training is a key capacity building activity identified during the successful fisheries law enforcement training and the launching of NFA's Judicial Bench Book in Madang last year.

On behalf of the FAO team, I wish the workshop success and look forward to receiving specific recommendations and a pathway on how NFA and PNG may strengthen the implementation of port State measures in the fight against IUU fishing.

Thank you

APPENDIX D

OPENING REMARKS DELIVERED BY MR PHILIP POLON, DEPUTY MANAGING DIRECTOR, NATIONAL FISHERIES AUTHORITY

1. WELCOME/OPENING REMARKS

Greetings and welcome to you all to the Training of the Enforcement Agencies on the Implementation of the UN FAO Port State Measures, here in Kokopo, East New Britain.

I'd like to take this opportunity to acknowledge the presence of the following:

- The FAO Representative, Mr Pio Manoa
- Government Agency Representatives: (DJAG/Dept. of Foreign Affairs/Customs/NMSA/PNG Ports/NAQIA/Police/Defence/Provincial Fisheries Officers
- NFA Consultant: Steve Dunn
- NFA Executive Manager/Managers/Staff
- Special mention to Principal Magistrate John Kaumi

On behalf of the Board, Management and Staff of the NFA, I take this opportunity to sincerely thank the FAO for your continued support to PNG. Your support has greatly increased our capacity and improved our systems and procedures to deter, eliminate and combat IUU fishing. We will continue to work with you in this exercise and others to come in the course of this year.

You will recall about three weeks ago, Principal Magistrate John Kaumi sentenced 50 Vietnamese nations to four years' imprisonment (default sentence). Some of you will recall that a similar workshop was done in August last year where the fisheries bench book guide was launched. I am proud to say that Principal Magistrate Kaumi made reference to the fisheries bench book in his ruling.

That is a landmark case for us in the fight against IUU. The sentencing is a clear example of us working together and sharing of information. Its sends a clear message to the rest of the world that PNG is serious in the fight against IUU.

In connection to the above, this week training workshop on the Port State Measures is another important milestone for us.

2. PURPOSE OF WORKSHOP

This workshop serves the following four key objectives:

- a) **Awareness** – on what each of us are doing; understanding the PSMA better in terms of its costs, benefits, obligations
- b) **Partnership and coordination** – identifying a harmonized process in implementing the Port State Measures
- c) **Data Sharing** among key stakeholders –its not happening as we would have liked through existing MoUs. We need to strengthen and improve data sharing so we can be effective in what we want to do
- d) **Ratification** Requirements leading to the process on accession which must take place. The PSMA is now mandatory for FAO members to ratify and implement.

3. EXPECTED OUTCOMES

By the end of this training workshop, it is anticipated that we achieve the following outcomes;

- Greater understanding of roles, responsibilities, obligations and implications (costs and manpower) among stakeholders;
- Mitigation of the risks on the different kinds of vessels (all) coming into ports for berthing, unloading, docking and so forth
- Reach an understanding to commence the ratification process of the PSMA with key State Agencies
- Appreciation of the current work done and why they do what they do, especially our port officers, who are our “eyes” and “ears” on the ground
- Improve operational challenges within State Agencies and within NFA.

4. CONCLUDING REMARKS

Thank you all and wish you all a successful week in your exchanges and discussions throughout the week.

With this few remarks, I now declare the training workshop of the enforcement agencies on the port state measures open.



Data-sharing can help combat illegal fishing

March 21, 2017 *The National*

By Gynnie Kero

DATA sharing among government agencies like Foreign Affairs, Royal PNG Constabulary, PNG Customs, PNG Defence Force, PNG Ports, and provincial fisheries authorities is crucial to combat illegal, unreported and unregulated (IUU) fishing in the country.

National Fisheries Authority deputy managing director Philip Polon said this at the Port State Measure Agreement (PSMA) workshop in Kokopo, East New Britain yesterday.

The PSMA aims to prevent fish caught through IUU from entering the country.

Polon said the week-long workshop which began in Kokopo yesterday for officials from all line agencies to help them create a network and build better coordination and data sharing.

“The training will help us know what role we play when a fishing vessel suspected of IUU comes in. Officers can then come up with a device or instrument to share information.”

“Training will also provide some insights on what we need to know and implement.”

“PNG as flag state nation has more than 35 flagged vessels fishing in PNG and also chartering a good number of vessels for our canneries.”

“By the end of this workshop it is anticipated that we achieve greater understanding of roles, mitigation of risks on different kinds of vessels coming into ports for berthing, unloading and docking, and reach an understanding to commence the ratification process of the PSMA with key state agencies.”



FAO to partner NFA

March 23, 2017 *The National*

THE Food and Agriculture Organisation (FAO) wants to partner the National Fisheries Authority (NFA) to combat illegal, unreported and unregulated (IUU) fishing in PNG waters, according to FAO's legal adviser Pio Manoa.

On behalf of the head of the FAO PNG Office Ken Shimizu, during a workshop in East New Britain on Monday, Manoa said: "I look forward to receiving specific recommendations and a pathway on how NFA and PNG may strengthen the implementation of port state measures in the fight against IUU fishing."

"We are all aware that IUU fishing contributes to overfishing and the depletion of fish stocks, undermines sustainable fisheries management, distorts market competition, results in forgone public revenues and it is frequently associated with national and transnational organised criminal activities."

Manoa said FAO had been engaged in combatting IUU fishing at all levels.

"At the international level, FAO is the key UN organisation through which states have worked to adopt various instruments to combat IUU fishing," Manoa said.

"This includes the code of conduct for responsible fisheries, the compliance agreement, the international plan of action to prevent, deter and eliminate IUU fishing, the voluntary guidelines on Flag State performance, and the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing."

FAO is pleased to point out that this training is a key capacity building activity identified during the successful fisheries law enforcement training and the launching of NFA's Judicial Bench Book in Madang last year.

APPENDIX G

GAPS AND CONSTRAINTS - STRATEGY AND ROADMAP

1. POLICY AND LEGAL

Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Port State Measures								
Art. 7	<ul style="list-style-type: none"> No policy in place for a list of designated ports been submitted to FAO. Need to clearly publicise the gazette notices of designated fisheries ports within PNG 	<ul style="list-style-type: none"> Provide a list of designated ports to PNG Ports, PNG Customs, NMSA, Licensed operators, FFA, WCPFC & FAO 	Approved list of designated fisheries ports	M	NFA	Martina/Gisa/ Legal Unit		Short term
Art s.7-11	<ul style="list-style-type: none"> Need clear requirements on ENTRY INTO PORT and USE OF PORTS and delineation of responsibilities of key line agencies 	<ul style="list-style-type: none"> Need to amend FMA 2015 to capture requirements on entry into port and use of ports. Review of existing MOUs with key agencies 	Requirements captured in the FMA Clear delineation of responsibilities within MOUs	H	NFA	NFA Legal Unit	FAO DJAG Foreign Affairs	ASAP
	<ul style="list-style-type: none"> PNG not a party to the Port State Measures Agreement 	<ul style="list-style-type: none"> PNG to accede to the Port State Measures Agreement NFA to initiate the accession process with 	PNG a Party to the PSMA	H	NFA	NFA Legal Unit	DJAG Foreign Affairs FAO	Medium Term

		DJAG and Foreign Affairs						
Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
	Licensing to come on board FIMS web based system to view individual fishing vessel performances.	<ul style="list-style-type: none"> Letter from the office of the Managing Director directing Licensing team to use FIMS for unified application. 	Electronic Licensing Register	H	NFA	NFA-MCS		ASAP
	<ul style="list-style-type: none"> Review licensing policy in place to carry out due diligence checks prior to issuing of Fishing License (risk assessment) No preventative approach in place such as: if vessel is on IUU list by another flag or WCPFC IUU list. 	<ul style="list-style-type: none"> Clear policy defining Business Group responsible in conducting due diligence checks prior to recommendation to NFA board for endorsement. 	Reviewed Licensing Policy to capture requirement of due diligence check role lie with MCS.	H	NFA			ASAP
	<ul style="list-style-type: none"> No policy to declare or establish a list of vessels and crew on board presumed to have carried out IUU Fishing activities in Territorial waters, Archipelagic, High Seas and WCPO. 	<ul style="list-style-type: none"> Develop policy on listing of crew and vessel with IUU records on NFA database linking it to FIMS 	<p>Inclusion of list of IUU fishing vessels and crew in database.</p> <p>Database created to include all court convictions on crews and vessels.</p>	H	NFA			ASAP

Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
	No policy in place to capture a uniform process during the arrival and departure of fishing vessel	Develop SOP to capture uniform process	Fishing vessel arrival and departure SOP	M	NFA	Funding		
	Create indictable (criminal) offence for illegal fishing under criminal code	Development of offences on IUU fishing under criminal code Increase sentencing of offenders committed by fishers	<ul style="list-style-type: none"> • Offence Section under Criminal Code to cater for; Imprisonment period for illegal fishing • High sentencing penalty for illegal fishing to have deterrent effect 	H	DJAG/NFA/Police			1 year
	Create policies and legal frame work to share information about known IUU operators including trade routes and vessels with our Southeast Asian partners and others.	<ul style="list-style-type: none"> • Review FMA 2015 • Create policies and legal frame work • Prepare MoU • Notify the flag state on the vessel and crew on board. 	Update FMA 2015 Policies MoU	H	NFA	Approval from NFA	Foreign countries such as Vietnam and Georgia	2 years
	Create policies and legal frame work to capture	<ul style="list-style-type: none"> • Review FSM 2015 • Create policies and r legal frame work 	Policies on 'hours of rest'	L	NFA	Findings	FAO DJAG	2 years

	“Hours of Rest by Crews”							
Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Flag State responsibilities								
	High seas boarding and inspections procedures of the Western & Central Pacific Fisheries Commission (Conservation and Management Measure 2006-08) is not captured in FMA 1998 (Amendment 2015);	Need to amend FMA to provide for high seas boarding and inspections by authorised officers of PNG in accordance with WCPFC procedures, including: <ul style="list-style-type: none"> - NFA to submit list of authorized fisheries officers to WCPFC - Allow for the boarding and inspection of foreign fishing vessels on the high seas, the inspection reports should be shared with the flag States, FFA and the respective RFMOS 	See section 49 FMA 1998 on scope of existing powers of a Fishery Officer.	H	NFA		PNGDF - ME	1 Year
	Protection of observers/ authorized Fisheries officer	Enact or insert a provision within the Act (FMA 1998 Section 72 “Burden of Proof”/2015) to shift the “Burden of Proof” to fishing vessel owner for the harm, death or disappearance of the	Provisions in the FMA 1998 Section 72 to be amended. Refer to Section	H	NFA	Legal Unit	DJAG	1 year

		observer/authorized Fisheries officer						
Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Coastal State responsibilities								
	Introduce polices and laws on charterers duties	<ul style="list-style-type: none"> Amend FMA 1998 and develop policies on charterers of fishing vessels 	Policy guideline on charterer duties, roles and responsibilities	L	NFA/NMSA/PNG Ports	Training, Funding	Legal Experts	1 year
	Transnational Organised Crime associated with IUU fishing	<ul style="list-style-type: none"> Introduce policies and laws to address transnational organised crimes associated with IUU fishing. 	Introduction of policies	H	DJAG/Police/NFA/Customs/Immigration/NMSA/PNG Ports.	Training, funding, manpower, expertise,	Policy, Legal and technical expertise	2 years
	Coordination of oceans issues through Ocean Policy and Office (DJAG)	<ul style="list-style-type: none"> Coast Watcher/Guard 	Coast Watcher /Guard policies	H	DJAG/NFA/NMSA /Police/Defence/Customs/Immigration/NAQIA/CASA/DO T/CEPA/	Funding, Training, Workshop, Expertise	Policy and Legal Expertise	2 years
Market measures								
	<p>No policy and legal frame work to capture delegation of inter-agency function</p> <p>PNG NFA not responsible for import of fish.</p>	<ul style="list-style-type: none"> Evaluate the weakness and loopholes in the unsigned MOU between NFA and Health Review FMA 2015 and Health Acts to capture delegation of inter-agency function 	MOU	H	Health and NFA	Logistics	FAO/WCPFC	1 year

Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
	No policy and legal frame work to capture the prevention of access to markets for illegally caught fish	<ul style="list-style-type: none"> • Review FMA 2015 • Customs Act 1951 • Customs Tariff Act • International Trade Agreement 	Strengthened legal frame work	H	NFA/Customs/DTC I/DJAG	Logistics	Legal Team	1 year

2. INSTITUTIONS AND CAPACITY

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Port State Measures								
Art.5 Art.7 Art.8	<ul style="list-style-type: none"> • Collaboration and corporation among the Government/Line Agencies is weak in terms of coordinating and managing of Entry into ports, Use of Ports, 	<p>Develop policy guideline on units/agencies responsible</p> <p>All 72 hours port call notices have to be channeled through NFA/MCS Executive Manager responsible to disseminate the information to other appropriate agencies. The same information shared with respective port offices.</p>	<ul style="list-style-type: none"> • Appointment of Unit responsible to coordinate and managed the entry into port and use of ports • All parties to receive the same information on a timely manner to deliberate further on what action to take 	H	PNG Customs, Health, NAQIA, PNG Ports, NMSA & NFA.	All governmental resource to carry out the task.	Information and data from RFMO.	Urgent

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
	inspections and boarding	<ul style="list-style-type: none"> NFA to appoint a unit within MCS to coordinate and manage Entry into port, Use of ports and; Authorization or denial of fish landings and or transshipments in port 	or to be able to plan and prepare themselves for coordinated boarding and inspection.					
Flag State responsibilities								
Art.19 Art.20	<ul style="list-style-type: none"> Disseminate IUU fishing vessel and persons information to Regional Ports 	<ul style="list-style-type: none"> Development of procedural guideline on IUU information dissemination 	<ul style="list-style-type: none"> Procedural guideline 	L	Appropriate Institution from the port state authority.	Information and Data.	NA	NA
	<ul style="list-style-type: none"> Inconvenience of Logistic support of PNG Observer and PNA Observer due to movement of fish from territorial waters to EEZ. 	<ul style="list-style-type: none"> Revisit the PNA Arrangements. 	<ul style="list-style-type: none"> Review and improvements to the current FSM arrangement 	H	PNA, FFA and WCPFC.	Observer Man Power.	NA	TBA

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Coastal State responsibilities								
	<ul style="list-style-type: none"> If a foreign flag vessel that fish in PNG Archipelagic waters. The Rule of Origin create confusion to the coastal state. E.g.; Fish caught in PNG waters by a Philippines flag vessel always declared as Philippines fish. 	<ul style="list-style-type: none"> Amend State Agreement stating all fish caught inside archipelagic waters must be landed and processed in PNG. Make representation to the regional bodies through the national bodies to change the Rule of Origin. 		H	NFA	Capacity Building	FAO	TBA
	<ul style="list-style-type: none"> Limited legal capacity in MCS in NFA 	Recruitment of Legal Officer for NFA responsible for MCS	NFA Legal Officer MCS	H	NFA	NFA Legal Unit		ASAP

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Market measures								
	Import of fish and fishery products into PNG market with-out thorough inspections.	Work with PNG Customs Services Authority, NAQIA, National Department of Health to inspect all imported of fish and fishery products and to ensure that there is an efficient system in place supporting industry.	Import procedure on fish and fishery products	H	PNG Customs, NAQIA, PNG Ports and NFA	- Manpower - Inspection facilities - others		ASAP
	Import/ Export of FFP containers held in the company's premise even though approvals already issued.	Ports facilities allocated to Customs for proper check and clearance. Or Customs to come up with Customs Bond Warehouses/ areas fitted necessary/appropriate inspection facilities to allow for coordinated inspections by all relevant agencies.	Allocated port facilities	H				
	Lack of understanding on the	Training of PNG Customs Officers on the existing monitoring and control	Training	L	NFA PNG Customs	Trainers	FAO/NFA/ CUSTOMS	ASAP

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
	<p>traceability system NFA has to support them in issuing the EUR1 Form.</p> <p>E.g.: Mixture of fish origin loaded into one container which EUR-1 FORM cannot be issued</p>	systems (Traceability) NFA has for purpose of verification and issuance of EUR1 form.						

3. MCS / OPERATIONS / PROCEDURES

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Port State Measures								
Art.9	No clear procedure for authorisations for entry into port and use of ports.	Development of SOP for Port call authorisation	<ul style="list-style-type: none"> SOP for entry into port and use of ports authorisation Authorisation will be centralised Transshipments policy 	H	NFA	<p>Technical Expertise</p> <p>Established Working group to ensure</p>	<p>Fishing companies</p> <p>NFA</p> <p>Customs</p> <p>PNG Ports</p>	November 2017

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
			<ul style="list-style-type: none"> Develop inspection report form 			development of the SOPs	NAQIA	
Art.3	Administrative misunderstanding in the areas of Observer placement.	<p>Review of the current arrangement on Observer placement under FSMA.</p> <p>Awareness on the companies or vessel operators on the FSMA arrangement and also outlining their intention to fish</p>	<p>Placement of two (2) Observers.</p> <p>Increased awareness</p>	L	MCS	Budget	<p>Fishing companies</p> <p>NFA</p> <p>PNA</p>	2 nd Quarter 2017
Art.14	SOP for the inspection results	<p>Development of SOP for inspection results</p> <p>Development of the App in the FIMS portal.</p>	<p>SOP</p> <p>Fisheries sharing Data analysis, Security and Policy</p>	M	MCS	Budget	<p>Flag States</p> <p>Port State</p> <p>Coastal State</p>	January 2018
Art.15	SOP for the transmittal of inspection results	Development of SOP for the transmittal of inspection results	SOP	M	MCS	Budget	<p>Flag States</p> <p>Port State</p> <p>Coastal State</p>	January 2018

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Art.16	Fisheries sharing Data analysis, Security and Policy	Information security guidelines	Strengthen the existing tools; 1. FIMS	L	MCS	NFA Experts Budget	FAO FFA NFA	January 2018
Art.17	Guidelines for training of inspectors	Development of the training Modules	Training Modules	M	MCS	Experts Budget	FAO FFA NFA	November 2017- Draft
	Need for training of National inspectors and other Member countries inspectors	Deliver training of inspectors	Trainee	M	MCS	Budget Technical Expert	FAO FFA NFA	3rd Quarter 2017
Art.18	Procedures for Port State action following inspection	Developing procedures on the actions to be taken on IUU Fishing	Procedures	M	MCS	Technical /Legal Expert Budget	FAO FFA NFA	3rd Quarter 2017
Art.23	Policy guidelines for the non -Parties to PSMA	Develop clear policy guidelines for the non-parties to the PSMA.	Policy Guidelines	L	MCS	Technical /Legal Expert Budget	FAO FFA NFA	3rd Quarter 2017

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Flag State responsibilities								
Art.20	Clear procedures on how to address flag vessels.	Develop clear procedure on how to address flag vessels.	SOP	L	MCS	Technical /Legal Expert Budget	FAO FFA, NFA	2018
Coastal State responsibilities								
Art.21	Lack of understanding and corporation on the roles and responsibility of the coastal state domestically.	Awareness and review the current MOU/MOA with the line agencies;	PNG MCS working group	M	MCS	Technical /Legal Expert Budget	FAO FFA NFA Customs NAQIA PNG Port Justice Sector	November 2017
Art.9	No Clear or lack of Procedure for Authorisation of Port Calls	Development of SOP for Port call authorisation	SOP for Port call authorisation	H	NFA	Technical Expect Established Working group to ensure development of the SOPs	Fishing companies NFA Customs PNG Ports NAQIA	November 2017
Market measures								
EU Regulation No.1005/2008	SOP does not reflect the current market	Review the current SOPs	Strengthen the current SOP	L	CDCU	Budget	NFA FFA	2 nd Quarter 2017

Strategy					Roadmap			
Article No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
EU iEPA Rule of Origin (RoO)	Policy guideline on the rules of origin	Development of PNG Rules of origin guidelines/regulation.	RoO Regulation	H	PNG Customs	Budget	PNG Customs DFAT	November 2017

4. REGIONAL MECHANISMS / COOPERATION

Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Port State Measures								
Key GAP/: Information sharing on all level at the regional and international levels. E.g. through Niue Treaty, subsidiary, RPOA IUU...								
	Lack of Data and information sharing on MCS inspection reports One party is not meeting up to its obligation	Review the current MoU with Philippine Authority (BFAR) to strengthen data and information sharing arrangements	updated technical Arrangement	H	PNG NFA, BFAR,	Finance , human resources	AFMA, FFA,	6- 12 month Completed by DEC 2017

Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
	Lack of execution and implementation of data sharing arrangements & under the current MOU arrangements between PICs	Develop regional MoU and regional information management systems	MoU Regional Information Management System	L	PNA & PNG NFA at regional level.	Finance, Personnel	Other regional bodies as required	6-12 months Completed by end of DEC 2017.
	No Standards on Port State Measures at the Regional Level	Advise the regional bodies on the need to develop regional standard	Regional PSM	M	WCPFC NFA & other line authorities in PNG as PNG Ports, Customs, PNG AG.		FAO Technical expertise.	12-24 months
Flag State responsibilities								
	Slow dissemination of information and data coming in from non PNG flag observers boarding PNG flag vessels. These information is pushed to the PNA and when it comes to	Identify mechanisms under the FSM and PNA arrangements to address this. Using exiting channel for communication to address issues of concern like through the Minster NEC and Foreign affairs	E-reporting	M	Foreign Affairs, DG, PNA	Financial resource, Technology, human resource	FAO for capacity building & workshops Technical assistance	Within 12 months

	enforcement of data evaluation for decision it is very late	To revisit clauses and articles under these arrangements for data sharing and information SOP for data sharing and encourage e-reporting and access of specific data						
Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Coastal State responsibilities								
	Limited capacity of PNG Authorized patrol assets to conduct high seas boarding and inspections.	To ratify the Niue Treaty subsidiary agreement to get assistance in high seas patrols for boarding and inspections.	Increase number and capability of crafts for high sea boarding and inspection	H	Department of Justice and Attorney General Foreign Affairs NFA	Personnel	FFA , PNG	Within 12 month , by end of 2017

Strategy					Roadmap			
No.	Gap / Constraint	Recommended Action	Expected Result	Priority H; M; L	Responsible Institution(s)	Resources required	External support	Timeframe
Market measures								
	Import of products derived from IUU fishing and related activities	Regional Certification arrangements taking into account legality and traceability and health measures. Develop an IUU checklist procedure for imports. Review of existing trade agreements. Any trade agreement to include a provision on IUU fishing and a prohibition on the trade of IUU fish.	Import Protocol	H	APEC, PIF, MSG DEPT Trade	Finance	WTO, FAO, ACP, APEC	12-24 months
	Lack of regional Standards for food safety and market access Operations.	Regional undertaking for product and market standards, traceability approaches	Minimum standard for food safety in the region.	M	SPC, FFA, PICS	Finance	SPC, FAO, FFA	12-24 months