

APPENDIX 4

**A STRATEGY TO IMPROVE THE EFFECTIVENESS OF THE AGREEMENT
ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL,
UNREPORTED AND UNREGULATED FISHING
“BALI STRATEGY”**

A. INCREASING ADHERENCE TO AND PARTICIPATION IN THE PSMA

1. Parties should support bilateral, sub-regional, regional and global efforts to increase the number of Parties, especially major port States and flag States, including through:

- a. raising awareness and sharing knowledge of benefits of ratification, acceptance or approval to the PSMA;
- b. encouraging non-Parties to implement measures consistent with the Agreement and to participate in meetings and, to the extent possible, actively cooperate with Parties in the implementation including by responding to request for information and taking follow up actions where appropriate;
- c. supporting capacity development and preparation of non-Parties to reach a state of readiness to become Parties; and
- d. promoting the added value of implementing the PSMA and supporting preparedness of non-Parties to reach a state of readiness to become Parties.

B. FULFILMENT OF RESPONSIBILITIES OF THE PARTIES FOR EFFECTIVE IMPLEMENTATION OF THE PSMA***Strengthening the policy, legal, institutional frameworks and operational mechanisms***

2. Parties should develop, and periodically review and revise, as appropriate, national policy, legal and institutional frameworks, and operational mechanisms to:

- a. implement the PSMA, relevant international instruments and measures to combat IUU fishing and related activities in support of such fishing;
- b. strengthen timely and effective enforcement of port State measures (PSMs) and appropriate follow-up actions;
- c. strengthen inter-agency cooperation for efficient and effective implementation of the PSMA; and
- d. share and disseminate best practices and experiences amongst the Parties in the effective implementation of the PSMA.

Integration and coordination at national and regional levels

3. Parties at the national level should:

- a. integrate the PSMs under the PSMA into their national management and regulatory frameworks, including monitoring, control and surveillance (MCS) and enforcement systems;
- b. recognise that PSMs and the PSMA apply to the entire fisheries sector, including the commercial small scale fisheries (SSF), the specificities of which should be duly taken into consideration in the design and implementation of measures, including capacity development related measures to address the specific requirements of developing countries;
- c. encourage using a risk assessment approach to implement PSMs to contribute to combatting IUU fishing and related activities in support of such fishing; and
- d. strengthen inter-agency collaboration among agencies involved in PSMs and integrate the PSMs into the broader framework of port State control (PSC), as appropriate.

4. Parties that are contracting parties to or members of regional fishery bodies (RFBs), in particular regional fisheries management organizations (RFMOs), or participate in such RFMOs, should promote the adoption and harmonization of PSMs consistent with the PSMA, including by proposing new and revised conservation and management measures (CMMs).

Cooperation and exchange of information

5. Parties should submit their NCP and DPs by end of 2023 and keep this information up to date.

6. Parties and FAO should cooperate to make the Global Information Exchange System (GIES) fully operational by the end of 2023. In particular, they should:

- a. cooperate fully with RFBs and non-Parties States to support the use of the GIES;
- b. seek ways to continuously improve GIES particularly by supporting full participation of developing States; and
- c. consider additional components to incorporate into the GIES, as agreed by future meetings of the Parties, such as advance request of port entry to be used on voluntary basis.

7. Parties that are contracting parties to, members of or participate in RFBs, in particular RFMOs, as well as FAO, should encourage Parties or Members of such RFBs having electronic information exchange systems in place agree to cooperate with the GIES as a means of exchanging information related to implementation of their PSMs subject to measures on compatibility, interoperability, and confidentiality of the information exchange with the GIES; they should also encourage RFBs with no electronic information exchange systems in place to consider using GIES as means for sharing information on their PSMs as required. FAO should engage with RFBs, in particular RFMOs, to assist in removing barriers for information exchange through GIES.

Entry and use of Ports

8. In light of PSMA requirements, Parties should consider:

- a. interagency coordination and cooperation processes, where needed, for entry or denial of entry, and for authorization or denial of use of ports for requesting foreign fishing vessels;
- b. sharing of information in a timely manner among relevant national agencies, as appropriate ;
- c. clear and published requirements and processes for port entry that include the collection of advance request for port entry (ARPE) by foreign fishing vessels information consistent with Annex A, as well as, procedures and requirements for submitting ARPE to a designated national agency which will then notify all other relevant agencies; and
- d. a method to communicate a port entry or denial of port entry to the foreign fishing vessel which submitted the ARPE.

9. Parties should consider requesting, as and when relevant, transshipment or landing declarations as part of the conditions and requirements for ARPE consistent with the Voluntary Guidelines on Transshipment.

10. Flag States, port States, coastal States and RFMOs should cooperate and respond in a timely manner following request of a port State in order to process an entry or denial of entry to the port.

11. Parties are invited to consider the need for establishing requirements and procedures for:

- a. entry of foreign fishing vessels into ports or internal waters in the case of force majeure or distress and consider designating areas for safe refuge, quarantine, or for preliminary inspections; and
- b. the use of port to vessels for reasons of the safety or health of the crew or the safety of the vessel, where the reasons for such need are duly proven.

Inspections and follow-up actions

12. Parties should consider domestically and within their RFMOs:

- a. a minimum annual level of inspections and communicate to the Secretariat annually number of requests of port entries, number of port entries and level of inspections to meet the objectives of the Agreement, as appropriate;
- b. the use of properly designed and regularly revised risk assessment, taking into account information exchanged between the port State, relevant coastal States, the flag States, relevant RFMOs, FAO, and other relevant international organizations as well as updates to fisheries regulations;
- c. reinforcing interagency collaboration and information exchange in the adoption and use of risk assessment, and, where appropriate, the assignment of specific risks to agencies in accordance with their mandates;
- d. having procedures in place for conducting inspections that include any needed interagency coordination in accordance with Annex B, including review of documentation and physical inspection of vessel, gear and catches;
- e. a regular training programme for inspectors is set up following at least Annex E guidelines for the training of inspectors and taking into consideration the FAO Training Prospectus; and
- f. procedures and processes in place for taking enforcement action for infringements of the port State's domestic laws found during an inspection, as appropriate, that includes coordination with an appropriate law enforcement agency, where needed.

13. Parties should conduct a coordinated and effective inspection of vessels by relevant agencies and the results of the inspection are recorded in a clear, comprehensive, transparent and timely manner, consistent with Annex C, and to be promptly transmitted as per Article 15 and 16.

14. Parties are encouraged to create a national database where the results of the inspections, especially where infringements are found, are recorded, and such records be shared promptly through national interagency information exchange mechanisms, as appropriate.

Role of flag States

15. Parties and non-Parties, in their capacity as flag States, are encouraged to record in GIES actions taken in respect of vessels where it has been established as per PSMs under the Agreement that IUU fishing has been conducted and are encouraged to cooperate with port States to take enforcement measures against their flag vessels following the detection of IUU fishing by a port State.

16. Parties, in their capacity as flag States, when they believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, should proactively communicate a request to that State to inspect the vessel or to take other measures consistent with the PSMA.

Capacity development

17. Parties should:

- a. strengthen existing capacity development efforts aimed at a more effective implementation of the PSMA, and develop new capacity development and training initiatives to address policy, legal, institutional, technical and operational gaps, including interagency coordination, exchange of information, MCS, inspections, compliance and enforcement;
- b. voluntarily make contributions to the trust fund established under Part 6 of the PSMA that is administered by FAO or contributions for specific projects and programmes supporting the implementation of the PSMA;
- c. assisted by experts advising the Secretariat, share information on best practice for the implementation of PSMs, including measures under the PSMA, CMMs that integrate PSMs, and relevant regional and international instruments to combat IUU fishing and related activities in support of such fishing;

- d. share information in an effective manner on the available capacity building and training programmes, projects or activities on the PSMA targeted at Parties on the FAO Capacity Development Portal Application;
- e. support capacity development initiatives jointly organized and delivered by the PSMA Secretariat or FAO in collaboration with the Secretariats from other international instruments that complement and strengthen the implementation of the PSMA; and
- f. strengthen donor coordination in capacity development initiatives and assistance delivery.

Relationship with international law and other international instruments

18. Parties should identify international instruments related to or impacting on fisheries², where appropriate and feasible, integrate implementation of those instruments and PSMA, to help promote that only legally sourced fish and fishery products enter into ports.

19. Parties should strive to identify and clearly define terms used in the Agreement, taking into account definitions in other FAO instruments, including the Voluntary Guidelines for Transshipment.

C. MECHANISMS FOR IMPLEMENTATION OF PART 9 (MONITORING, REVIEW AND ASSESSMENT)

20. Parties should continue using the PSMA Questionnaire for self-assessment of their implementation of the Agreement. Parties should consider additional means for monitoring the implementation of the Agreement. Parties should consider, consistent with Article 24 of the Agreement, additional review meetings, in consultation with the Bureau and the Secretariat.

21. At the meetings of the Parties (MOPs), Parties and other States observers as appropriate should report in plenary or through a dedicated session of the MOPs on the progress made and their efforts in implementing the PSMA.

22. Parties should consider regular monitoring of the implementation of the Agreement, through consideration of all relevant data, including in particular aggregated data provided by the Secretariat based on questionnaires, on the GIES use, on the outcome of the regional coordination meetings, through a working group on effective implementation set up by modifying the terms of reference of the existing Strategy ad hoc Working Group, if funding is available.

D. ENSURING EFFICIENT AND SUSTAINABLE FUNCTIONING OF THE AGREEMENT

23. Parties acknowledged the increasing needs in human and financial resources resulting from the growth of the Agreement in number of Parties, the increase in the number of meetings, and the development of tools for the effective implementation of the Agreement. In this regard:

- a. Parties will consider any option to respond to these challenges, bearing in mind the priority nature of the fight against IUU fishing and the importance of the effective implementation of the PSMA in this fight; and
- b. as a first step, and in accordance with paragraph 11.5 of the Rules of Procedures of their meeting, the Parties request FAO, through its Director General, to draw the attention of the FAO Governing Bodies on the need to bring the financial and human resources supporting the functioning of the Secretariat, as well as the administrative and operational functions of the Agreement, in adequation with the priorities and challenges.

² International Instruments relating to or impacting on fisheries include: the United Nations Convention on the Law of the Sea; Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; the Code of Conduct for Responsible Fisheries and related voluntary instruments developed thereunder including the Voluntary Guidelines for Transshipment; Conventions and Agreements establishing RFMOs; and, other relevant instruments.

E. MONITORING AND REVIEW OF THE STRATEGY

24. Parties should consider, as a part of the monitoring and review of the implementation of the Agreement, updating of this strategy as appropriate at least every 4 years taking into account the decisions made by Parties at the MOP.

25. In such context, Parties request the Secretariat to maintain a compendium of decisions made by the Parties.