



Review of the Kiribati NPOA-IUU Fishing and preparation of a detailed implementation strategy.

Completion Report



March 2024

Client:

Pacific Islands Regional Oceanscape Program (PROP)



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1 Background

In cooperation with the World Bank, the Government of Kiribati is committed to further enhancing the effective management of Kiribati's oceanic and coastal fisheries.

This will be achieved through enhanced compliance measures for large-scale oceanic fisheries, diversification of sustainable marine-based revenue sources for coastal communities, and strengthening seafood safety.

The lead agency for the Pacific Islands Regional Oceanscape Program (PROP) Project (the Project) is the Ministry of Fisheries and Marine Resource Development (MFMRD) it has the effective implementation support for MCS and enforcement activities in Kiribati's offshore and coastal fisheries are planned as a significant component of its work.

The MCS Project Components are:

1. Strengthening Monitoring, Control and Surveillance of Large-Scale Oceanic Fisheries through two sub-components:
 - 1.1. Strengthening Monitoring, Control and Surveillance (MCS) Capacity.
 - 1.2. Investing in Improved MCS Enforcement.

A key element of subcomponent 1.1 involves reviewing and updating the 2015 Kiribati National Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (NPOA-IUU FISHING). This assignment will ensure that the Kiribati NPOA-IUU FISHING is up to date and that MFMRD is well-positioned to ensure its effective implementation.

A common criticism of the present NPOA-IUU document is that the texts are voluminous and cumbersome. Recognising this shortfall and the need for the newly revised NPOA-IUU document to be user-friendly and well-utilized, it was decided that a review of the NPOA-IUU be undertaken as part of the objectives of PROP.

To achieve the objective of the intervention, PROP agreed with the consultant on the following five activities.

1. Undertake a high-level audit of the current Kiribati NPOA-IUU fishing and related MCS activities, including Kiribati's involvement in national and regional fisheries compliance programs and activities. The audit report to the MFMRD will include recommendations developed with the involvement of the designated staff.
2. Using both a desktop research approach and direct contact with national and regional fisheries compliance agencies, the consultant will identify and critically evaluate the broad range of IUU combat strategies currently in use globally. The evaluation will include an analysis of the cost-effectiveness and reported success rates of these strategies and their relevance to and practicality for Kiribati, with a report to the MFMRD to include recommendations developed with the involvement of the designated MFMRD staff.
3. Review and update the Kiribati NPOA IUU Fishing using the revised regional NPOA IUU template (*that the consultant himself developed for FFA*). The updated NPOA-IUU Fishing will include approved high-level audit and desktop research recommendations.
4. Develop an implementation strategy for the updated NPOA IUU Fishing, including a communication strategy for key stakeholders and a five-year plan of IUU combat activities.
5. Prepare and implement a training program on the revised NPOA IUU Fishing and implementation strategy for MFMRD staff, including an integrated competency assessment for participants.

To achieve the expected output of the activities delineated above, the consultant proposed the following methodological steps: (*reference to required services and deliverables in the ToR are in italics*)

1.1 Task 1 - Review of the existing NPOA-IUU

The present Kiribati NPOA - IUU will be analysed in terms of structure, technical components, user experience (UX), as well as linearity the most updated regional template from 2021, while *having regard*

to contemporary regional developments and, relevant reports.

- 1. Engage with the designated MFMRD and Project staff to ensure a complete understanding of the Assignment expectations.*
- 2. Lead the process of development and approval of Assignment outputs.*

1.2 Task 2 -Drafts preparation

Lessons learned, and conclusions from Task 1 would be used to assess the value and limitations of the present format, in particular, the level of detail needed in the general areas and the use of cross-referencing to other complementary documents such as Fisheries Inspection Plans as well as other NPOAs (sharks, seabirds, etc) if in existence in Kiribati.

1.3 Task 3 - Drafts on-site validation and training

Following task 2, the consultant will head to Tarawa, with the drafts of *all the assignment outputs to:*

- 3. Validate via discussion and input from MFMRD and the designated MFMRD and Project staff the drafts developed.*
- 4. Lead the process of training for MFMRD staff following an agreed program.*
- 5. Mentor effective day-to-day administration of the Assignment, ensuring files and records are established and maintained in electronic form, all of which will be provided to the Project Manager when the Assignment is complete.*
- 6. Submitting any final reports.*

2 Outputs and deliverables

To achieve the expected output of the activities delineated above, the consultant followed the subsequent methodological steps:

(reference to required services and deliverables in the ToR are in italics)

2.1 Task 1 - Review of the existing NPOA-IUU

2.1.1 Methodology

The strategy is based on pragmatism and experience. The consultancy approach mixes regulatory expectation with sound regional experience, first-hand operational compliance management and an understanding of the institutional shortcomings at each FFA member country.

In accordance to the ToR, the consultant followed the following activities:

1. *Review of existing NPOA-IUU*

Eight NPOAs - IUU (5 from FFA membership and 3 from outside) were analysed in terms of structure, technical components, user experience (UX) and evolution in between different NPOAs for the same country. These are:

1. Belize 2014
2. Maldives 2019
3. Myanmar 2020
4. Fiji 2014
5. Vanuatu 2015
6. Tuvalu 2014
7. Solomons Islands 2019
8. RMI 2014
9. RMI 2020

The NPOAs were compared in function of the following indicators.

- **Self-developed / consultant:** This indicator is used as a proxy for the “ownership” by the fisheries agency on the NPOA. This has potential repercussions in terms of its application but also on the real capacity of the institution to progress with the action points/recommendations.
- The most desirable option is for self-development, followed by a combination of self-development guided by a Long Term Consultant/s. Short Term Consultants hired only for writing the NPOA is a practical and cost-effective outcome, but does very little for the ownership and sense of applicability.
- **Length:** The “Readability” of a document is defined by various elements, key among them a group known as “Surface Metrics”. These are average document length (*average number of words per document*), average sentence length, vocabulary size (*number of distinct words across all documents*), and vocabulary coverage. The document length is the first one to be unconsciously assessed by the readers and users, particularly when it comes to implementation. Bigger documents are more overwhelming.
- **Numbers of Action Points / Recommendations:** A larger number of recommendations over various areas is overwhelming and leads to leaving actions unattended. It is better to prioritise actions over short periods of time. Furthermore, some actions depend on another action being taken 1st, creating confusion.
- **User experience** (UX or UE) is how a user interacts with and experiences a product, system or document. It includes a person's perceptions of utility, ease of use, and efficiency. Improving user experience is important to most NPOA creators because negative user experience can diminish the use of it and, therefore, any desired positive impacts. User experience is subjective. However, the attributes that make up the user experience are objective. In this case, the user experience is also related to the design and appeal of the document.
- **Sense of applicability:** How the user feels about the utility and applicability of the NPOA depends to a certain extent on all the issues analysed prior, plus an indirect assessment of how capable would be the institution in charge, based on their resources able to action on the plan.
- **Regional MCS strategy and IUU quantification:** MCS and IUU issues have recently been addressed by two assessments of MCS capacity and performance in Pacific Ocean Fisheries: The FFA 2016 Evaluation of the Regional FFA MCS Framework¹, and the 2021 FFA report on quantification of IUU². The recommendations of both these technical studies have been used on improvements in resourcing, operational strategies and more effective and efficient use of the MCS tools at hand and to strengthen the amendments to the current legal framework. It only makes sense that the NPOAs are aligned with them.

The NPOAs' review against the chosen indicators was compared in a matrix, and best practices were recognised.

2. *Conduct home-based electronic evaluation on the value and limitations of the current NPOA-IUU format.*

The lessons learned and conclusions from Activity 1 were used to facilitate the consultation on the value and limitations of the present format, particularly the level of detail needed in the general areas and the use of cross-referencing to other complementary documents.

3. *Assessment of the effectiveness of the current NPOA-IUU template*

Based on the outcomes of activities 1 and 2, a qualitative assessment of the effectiveness and suitability of the present template will be compiled in a brief report identifying recommended actions to improve the effectiveness of the current NPOA-IUU template.

¹ McEachan F. (2016) Evaluation of the Regional FFA MCS Framework, FAWT Group PTY LTD of the ACT, Australia.

² MRAG Asia Pacific (2021). The Quantification of Illegal, Unreported and Unregulated (IUU) Fishing in the Pacific Islands Region – a 2020 Update.

4. Development of an updated NPOA-IUU template for use by FFA Member States.

Based on lessons learned, recommendations presented, and feedback from activity 4, an updated NPOA-IUU template will be developed. In its development, it will incorporate:

- the need to support adaptive MCS responses, recognising the resource constraints,
- updated information on the prevalence and extent of IUU in the region,
- recognition and reliance on the high level of cooperation with regional partners such as FFA, SPC, PNA, WCPFC, processing/market states and industry organisations,
- providing sufficient information to interested third parties.
- reminders that potential prescribed actions need to be achievable and easily measurable.

The completed draft will be based on all the necessary sections and titles required by the FAO model, complemented with indicative text, as to guide the national administrations on the minimal type and extent of the content required, as well as potential common issues arising from the specificities of its fisheries and its governance structures when applicable (i.e. states, provinces, levels of autonomy, etc.)

2.1.1.1 Limitations of the methodology

This consultancy is based on the interpretation of the secondary sources provided. Hence, the work's final quality depends on the sources' quality.

2.1.2 Activities and Findings

2.1.2.1 NPOA IUUs in the region

The IPOA-IUU is a voluntary instrument and is one of four IPOAs that fit within the FAO Code of Conduct for Responsible Fisheries framework, also adopted by COFI in 1995. It describes broadly accepted principles and measures to prevent and counter IUU fishing at the level of states, regional economic integration organisations and regional fisheries management organisations (RFMOs)

National Plans of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA-IUU) in the FFA membership have been developed following the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU) adopted in 2001 by the Committee on Fisheries of the Food and Agriculture Organisation of the United Nations (FAO).

While NPOA-IUUs have a long history in the FFA membership, their presence has not always been noticeable. In 2005, the late Colin Brown authored the FAO document “Model Plan for a Pacific Island country - National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing”³. This “Model Plan” for elaborating an NPOA-IUU was designed to assist Pacific Island States in giving effect to the IPOA-IUU. The model incorporated the essential aspects and features of the IPOA-IUU, demonstrating how an NPOA-IUU might be drafted. In seeking to address IUU fishing, the model provides an introduction (*with an important focus on the fisheries situation in the model country*) followed by measures that might be adopted under the headings of all State responsibilities at the time (Flag, Coastal and State) as well as internationally agreed market-related measures, research, regional fisheries management organisations and the special requirements of developing countries. Many FFA members date their NPOA-IUU back to that document.

From 2012 to 2015 and as a consequence of the EU Yellow cards, FFA’s DevFISH II programme supported the update and redevelopment of many of these early NPOA-IUU as to be able to facilitate FFA members to respond when questioned by the EU.

Since then, three NPOA – IUU have been reviewed/updated; Tuvalu in 2018 (*yet has not been finished*), Solomon Islands 2019 by the staff of MFMR’s Policy and Planning and Offshore Fisheries Division staff with editing support from MSSIF (*not officialised yet*), Vanuatu 2019 with the support of NZ MPI (*still in draft form*) and RMI in 2021, which is endorsed and operational.

³ <http://www.fao.org/3/a0126e/a0126e00.htm>

2.1.2.2 Review of existing NPOA-IUU

As described in section 2.1. eight NPOAs were analysed and compared to benchmark them against the described indicators. For simplicity, the review of the NPOAs were compared in a matrix and best practices were recognised and classified by colour:

Best practice, with elements to be incorporated	Good elements to be considered, in particularly if improving from earlier versions	While some aspects are useful, the document itself is not the particularly practical
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Table 1: Comparative NOPA IUU matrix and best practices identification

Country	User friendliness					Pacific Needs Alignment	
	Self developed / consultant?	Length pages	# actions points	User experience	Sense of applicability	FFA MCS Framework	IUU quantification
Belize 2014	ST Consultant	26	7	Simple with basic design	Very basic and totally non comital (only HS)		
Maldives 2019	ST Consultant	48	34	Very good, well designed	Feels doable and progress feasible, professionally designed		
Myanmar 2020	ST Consultant	67	117	Very complex, basic design	More recommendations than pages, unfeasible in the presented time frame		
Fiji 2014	ST Consultant	60	43	Complex, wordy, template based	Limited, many recommendations not all really feasible in the presented time frame	No	No
Vanuatu 2015	ST Consultant	46	37	Complex, wordy, template based	Limited, many recommendations not all really feasible in the presented time frame	No	No
Tuvalu 2014-18	ST Consultant/ Self developed / FFA support	73	54	Complex, wordy, template based	Improved substantially with FFA from the 2014 version, unfortunately not completed yet	No	No
Solomon Islands 2019	ST Consultant/ Self developed / MISSF support	30	29	Action points not in one easy to follow table, good residual risk text	Improved substantially from the 2014 version, unfortunately status undefined, but unique set up	No	Yes
RMI 2014	ST Consultant	58	38	Complex, wordy, template based	Limited, many recommendations not all really feasible in the presented time frame	No	No
RMI 2020	Self developed / LT consultant	30	15	Simple, compact new design	Practical, developed over months based on present practices, feasible	Yes	Yes

The review confirms FFA's assumption that the common criticism of the present NPOA-IUU documents as voluminous and cumbersome to read and, therefore MCS officers in many national fisheries administrations fail to use them as intended.

Furthermore, while the earlier versions lacked depth in coverage of key MCS issues, the newer versions are voluminous, user-unfriendly, and very complex, which turned off the target user groups from using it regularly.

As it was noted that the resulting NPOA-IUU were voluminous and very ambitious, Kiribati's IUU NPOA is point in case, with *61 pages and 443 action points*; hence, the documents stayed unused by officers in the compliance section, which in principle, should be using it as working reference documents.

The fact that it was difficult for the MFMRD staff to find and quote the 2015 IUU NPOA since they were written have access to a printed version, or have access to a progress report seems to prove that the 2014 structure, template and development process of the NPOA-IUU, is not really fit for purpose at present, and a new template is necessary.

The 2019 Solomon Islands is a very interesting one as is a great improvement from 2014, the only issue I raised was that (in comparison to all other ones) the list of action points with completion dates is in each section instead of in a unique table at the end that could be kept at hand to monitor progress, thus affects the user experience a bit. Uniquely, it incorporates a mention of the 2016 FFA IUU quantification report (but not of the FFA MCS strategy framework), finally it includes text with actions aimed at reducing residual risks, yet these read a description of basic MCS procedures that may have a better place on the sections of the NPOA that deal with each of the issues described there. Said so is a remarkable update of the 2014 original.

Based on the analysis presented in Table 1, the NPOA-IUUs of RMI (2020) and the Maldives (2019) were selected as the best to use as a benchmark for the new IUU NPOA template by FFA and as such it would be used to draft the update of the Kiribati one.

While the fisheries realities in many members may differ in function of the type of dominant fleet, membership to one or more RFMO, or regional fisheries organisation such as PNA. All share the FFA-managed set of MCS tools and the regional MCS strategy.

2.1.3 Task 2 -Drafts preparation

Lessons learned, and conclusions from Task 1 were used to assess the value and limitations of the present format, in particular, the level of detail needed in the general areas and the use of cross-referencing to other complementary documents such as Fisheries Inspection Plans.

With that information, an updated NPOA-IUU was developed and is presented as an attachment to this report.

In its development, it incorporated:

- the need to support adaptive MCS responses, recognise the resource constraints of MFMRD,
- updated information on the prevalence and extent of IUU in the region,
- recognition and reliance on the high level of cooperation with regional partners such as FFA, SPC, PNA, WCPFC, processing/market states and industry organisations,
- providing sufficient information to interested third parties.
- reminders that potential prescribed actions need to be achievable and easily measurable.

The completed draft was based on all the sections and titles required by the FAO model, complemented with indicative text, to guide the MFMRD on the minimal type and extent of the content required.

2.1.4 Task 3 - Drafts on-site validation and training

Following task 2, the consultant headed to Tarawa with the drafts of *all the assignment outputs to:*

1. *Validate via discussion and input from MFMRD and the designated MFMRD and Project staff the drafts developed.*

The process of consultations and feedback from MFMRD management extended from November 2023 to March 2024. The final version was agreed upon with Director Kaon Tiamere on 12 March 2024 and is provided as a stand-alone document in .pdf and a Word version accompanying this report.

The key issue identified is the need for the MOU between KSR/MICT and MFMRD to consolidate the procedure for flagging and providing authorisation to fish over the next 2 years.

An MoU was drafted and presented (Annex 1), and the AG will need to be involved, noting its legal implications as flag state.

Furthermore, Annex 2 explains the process for presenting the NPOA at the FAO repository.

2. *Lead the process of training for MFMRD staff following an agreed program.*

The training on the principles and outcomes of the NPOA IUU was summarised in a PowerPoint presentation, which was mentored during the PSMA training provided to compliance and boarding officers. This presentation was also provided to Oceanic division management and accompanies this report.

3 Reporting, administration records management.

The Tors required the consultant to *“Mentor effective day-to-day administration of the Assignment, ensuring files and records are established and maintained in electronic form, all of which will be provided to the Project Manager when the Assignment is complete”*.

Accompanying this final report are the following documents:

- a. Kiribati National Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing 2024 – 2029.
- b. Press Release: “Kiribati updates its National Plan of Action to Combat Illegal Fishing.”
- c. Pre-legal drafting MOU between MFMRD and Kiribati Ships Registry.
- d. Kiribati IUU NPOA presentation.pptx

Finally, this report covers the requirement of *Submitting of a final report*.

4 Acknowledgements

The author would like to acknowledge the patience, guidance, and support of the consultancy manager Mr. Beero Tioti – PROP Project Manager. This acknowledgement extends to all MFMRD colleges consulted.