



Fisheries  
Transparency  
Initiative



## Guidance Note #2

# Compiling FiTI Reports

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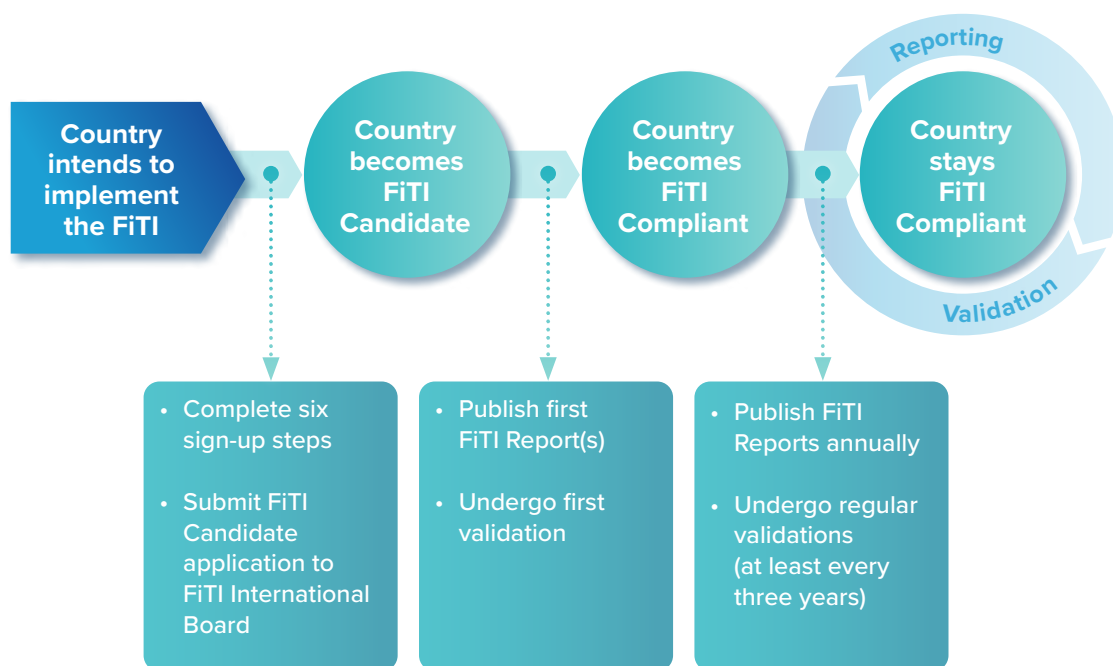
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# Introduction

The purpose of this Guidance Note is to support Report Compilers in producing annual reports on behalf of the FiTI National Multi-Stakeholder Group (MSG). Such reports must be compliant with the transparency requirements, the reporting process and describe commitments for progressive improvements in transparency, as set out in the FiTI Standard (section B).

A National MSG must publish their first FiTI Report within the subsequent year of becoming a FiTI Candidate country. Afterwards, implementing countries must publish FiTI Reports on an annual basis.



**Figure 1:** From intention to FiTI Candidate country to FiTI Compliant country

The role of the Report Compiler is critical to the success of the FiTI at the national and international level. Their role is to work collaboratively with the National MSG and support them in fulfilling their duty of producing an annual FiTI Report in accordance with the FiTI Standard. The FiTI Report will provide:

- ▶ An **assessment of transparency** according to the requirements set out in the FiTI Standard (section B.1).
- ▶ A **summary of published information** for each transparency requirements to support public understanding and debate.
- ▶ **Recommendations** to national authorities to improve the publication of information on FiTI requirements and other national priorities relating to the management of the fisheries sector over time.



The core tasks of the Report Compiler are described in the FiTI Standard (section B.2). Therefore, this Guidance Note does not introduce requirements in addition to the FiTI Standard, but instead provides further information on a range of aspects relevant to completing the tasks expected of them. This includes:

- An overview of the steps in the process of compiling the FiTI Report, from preparation to completion of the final report.
- Further clarification on key terms used in the FiTI Standard.
- The approach expected from the Report Compiler in undertaking their assessment of the transparency requirements, including the importance of multi-stakeholder engagement.
- Possible challenges that may arise in undertaking this work, and how to respond.
- How information should be presented to the National MSG and published in the final FiTI Report.
- Additional detailed explanations and suggestions on how to assess each transparency requirement and present the information in the FiTI Report.

## Further support

The FiTI International Secretariat works closely with countries to clarify any outstanding issues and, upon request, provides further clarification or guidance regarding the compilation of annual FiTI Reports.

# The purpose of the FiTI Report

The overall objective of the Fisheries Transparency Initiative (FiTI) is to support public authorities of coastal states to improve their own systems for collating and publishing information on the fisheries sector online in a complete and accessible manner. At the heart of the initiative is the FiTI Standard. It describes what information on marine fisheries should be published online by public authorities, organized into 12 transparency requirements.

In order to implement the FiTI, a country's National MSG must produce annual FiTI Reports that provide an assessment on the availability, accessibility and completeness of this requested information (these terms are explained below). However, if national authorities are unable to publish information because they genuinely do not have it, the FiTI asks that the National MSG considers how these information gaps can be addressed and over what time frame. This is referred to in the FiTI Standard as achieving "progressive improvements".

Thus, a basic function of the FiTI Report is to demonstrate that the country is meeting the FiTI transparency requirements, either because the country has published requested information or because there is a commitment to address information gaps in the future.

However, the FiTI Report is not just a means to verify if the country is compliant with the FiTI Standard—it is not simply a technical report to achieve compliant status for the country. Rather, it is the intention of the FiTI that these annual reports will also achieve three main benefits for implementing countries:

- **Providing a succinct summary of the information related to the transparency requirements to assist with public understanding and policy debates:** The importance of this function of the FiTI Reports is particularly relevant in countries where information on fisheries is inaccessible and difficult for many people to locate or understand.
- **Communicating recommendations made by the National MSG for progressive improvements in public access to information, and tracking achievements:** It is a fundamental objective of the FiTI to enable countries to have multi-stakeholder discussions on existing levels of information in the fisheries sector, and what information is needed to help improve fisheries management and related benefits. For countries that are compliant with the FiTI Standard, it is with these progressive improvements where FiTI may have the greatest positive impact over time.
- **Establishing the extent to which public information on the fisheries sector is regarded as credible:** The FiTI Report does not just establish whether information is published or not, but it also requires an understanding of how people view the quality and reliability of information. Making improvements to the credibility of information is critical to enhancing trust and multi-stakeholder engagement in fisheries management decisions.

It is recognised that in some countries, existing levels of public information on the fisheries sector will be limited because large amounts of information has not been collated by the national authorities yet. In these cases, a FiTI Report may be brief, and its importance is raising awareness at both the national and international level of considerable gaps in knowledge and by providing recommendations from the National MSG to the authorities on how to improve this over time.

Alternatively, in countries where national authorities have collated data but do not have the resources to publish this in an accessible way, the FiTI Report may be used as an interim measure to make this information accessible to the public. In these cases, the FiTI Report may contain substantial information. For a short period, the FiTI Report may have the appearance of working as the equivalent of an annual government report on the fisheries sector. However, as stated in the FiTI Standard, this situation must only occur for a short time, and implementing countries will have to develop their own publications and online information sources in order to remain compliant with the Standard. The FiTI Report is therefore not intended to duplicate, override or replace existing publications by national authorities.



## Disseminating the FiTI Report and stimulating public debate

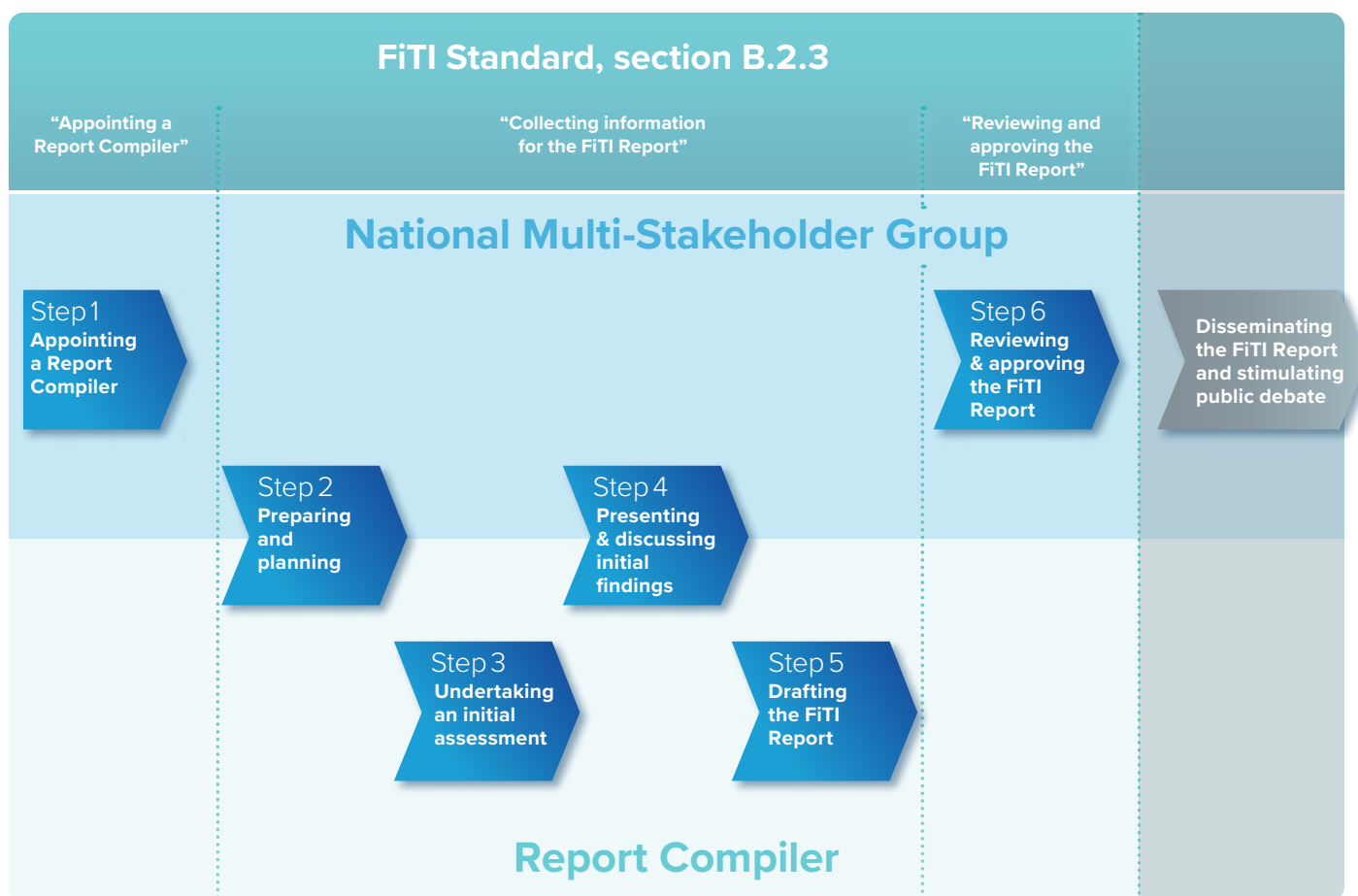
After producing the FiTI Report, the National MSG is required to actively disseminate this to a wide audience, in order that the findings can contribute to national policy debates. The FiTI has been developed with the understanding that simply publishing information may have a limited impact in many countries; more important is how this information is used, including the willingness of decision makers to listen to the ideas and concerns of stakeholders on how marine fisheries should be managed.

The FiTI Standard (section B.2.4) therefore requires the National MSG to undertake several activities to help publicize and share the findings of the report, including:

- Ensure that the FiTI Report is widely distributed among key audiences, including government, parliamentarians, companies, civil society groups, academia, the media, and international stakeholders;
- Ensure that the main findings of the FiTI Report contribute to public debates on how the fisheries sector is managed, enabling relevant stakeholders as well as citizens of FiTI implementing countries to demand reforms towards better governance of their marine fisheries;
- Contribute the lessons learnt and recommendations from FiTI Reports to policy dialogues and broader conversations about national reform efforts;
- Encourage outreach events to spread awareness on and facilitate dialogue around the FiTI across the entire country.

## Process of compiling the FiTI Report

The National MSG must produce regular FiTI Reports according to section B.2 of the FiTI Standard. This includes the following six steps:



**Figure 2:** Steps in the process of compiling the FiTI Report

## Step 1

### Appointing a Report Compiler

The National MSG must appoint a Report Compiler, tasked with compiling the information on the transparency requirements set forth in section B.1 of the FiTI Standard.

The Report Compiler must be perceived by the National MSG as independent, credible, trustworthy and technically competent. Selecting and appointing a Report Compiler must be based on **open tendering procedures**. The Report Compiler cannot be a member of the National MSG.

It is a requirement that the National MSG approves the Terms of Reference for the Report Compiler (see Annex), drawing on the objectives and agreed scope of the FiTI as set out in the National MSG's workplan. The National MSG must also endorse the appointment of the Report Compiler.

It is recommended for the National MSG to engage different Report Compilers over time to keep a fresh set of eyes on the transparency requirements and to prevent overfamiliarity that could lead to misstatements and misrepresentations.

## Step 2

### Preparing and planning

During the initial preparation phase, the National MSG must produce the following to enable the Report Compiler to undertake their work:

- Definitions of relevant terms in the FiTI Standard; in several places, the FiTI Standard allows for national interpretations of key terms. These definitions must be given to and used by the Report Compiler in undertaking the assessment and developing the draft FiTI Report. Examples of such definitions include:
  - On the **public registry of national fisheries laws, regulations and official policy documents** (B.1.1), the National MSG needs to agree on whether the minimum defined by the FiTI Standard is sufficient or whether any other types of documents should be included.
  - For **large-scale fisheries** (B.1.5), the definition of a “fishing vessel” needs to be established, and the National MSG must decide whether this includes different types of support vessels or not.
  - The National MSG must also agree how the **large-scale sector** is defined, in contrast to the small-scale fishing sector. In some countries this may require the National MSG to decide if vessels normally defined as “semi-industrial” (or the equivalent), will be included in this section, or included under small-scale fisheries (B.1.6).
  - The National MSG must agree on the interpretation of “**major offences**” under fisheries law enforcement (B.1.8).
  - The National MSG must agree on the interpretation of a **fisheries subsidy** (B.1.10), including whether this includes the supply of fuel to the fisheries sector by public authorities or not.

- A list of primary contacts in government, civil society and the fishing industry to facilitate the work of the Report Compiler with the consultations in the preparation of initial findings. Report Compilers are encouraged to consult with a wide range of stakeholders, including those that may not be identified by the National MSG.
- A list of recommendations made in previous FiTI Reports, and a summary of what progress has been made in meeting these recommendations, if applicable.
- A list of additional transparency requirements (not covered in the FiTI Standard), if these are seen as beneficial to support national priorities.

The National MSG should provide all of the above information in writing. It is also encouraged that the National MSG arranges for a preliminary meeting with the Report Compiler so that this information can be explained, and the Report Compiler can seek further clarifications.

### Step 3

#### Undertaking an initial assessment

The Report Compiler will undertake a combination of desk-top and primary research, including interviews with members of the National MSG and other stakeholders, in order to make an initial assessment of each of the 12 transparency requirements. The main purpose of this task is to assess whether information for the transparency requirements are:

- Published online and accessible to the public; otherwise identify the reasons for this, including whether information is not collated by national authorities.
- Complete for the reporting period.
- The best available information (if applicable), and/or in need of updating to be more reliable.

More information on the initial assessment can be found in chapter 3.

### Step 4

#### Presenting and discussing initial findings

Having completed the research for the initial findings, the results will be presented to the National MSG. The decision to provide these results in a document or verbal presentation is left entirely up to the Report Compiler and the National MSG to decide. However, any written presentation of the initial findings must not be communicated as a draft of the final report.

The initial findings are shared with the National MSG in order to achieve three main goals:

- To check if the assessment on each of the 12 transparency requirements is valid. The presentation therefore provides an opportunity for all members of the National MSG to deliberate on the findings, and make any corrections and additions as needed.<sup>1</sup>

<sup>1</sup> At this stage, providing a summary of the information on the 12 transparency requirements is not required, although it may be included in any written presentation as an annex of the initial findings if this is considered useful for the National MSG.

- To identify if additional information or assistance is needed for the Report Compiler to complete the assessment. The presentation therefore provides an opportunity to notify the National MSG where information gaps exist, and what needs to be done to rectify these gaps.
- To make suggestions to the National MSG on possible recommendations for progressive improvements on transparency.

The findings of the initial assessment will be deliberated on by the National MSG, and it is the role of the Report Compiler to ensure any significant disagreements or differing opinions are noted as these may be relevant for inclusion in the FiTI Report.

## Step 5

### Drafting the FiTI Report

Based on the feedback from the National MSG, and the results of any follow up research that was needed, the Report Compiler will then produce a draft of the FiTI Report for review by the National MSG. This document must follow the structure set forth in chapter 8 of this Guidance Note, and will provide inter alia:

- A statement on the information for each transparency requirement establishing whether this information is accessible, complete and best available or if the information has not been collated by national authorities.
- A summary of the information for each of the transparency requirements, if applicable.
- A description of how the information for each of the transparency requirements was assessed as complete or best available, including any information on differing opinions by stakeholders.
- Recommendations for achieving progressive improvements on transparency to be reported on in the following FiTI Reports.
- Summary information on the consultations undertaken to complete the FiTI Report.

The FiTI Report provides the final findings, based on feedback and comments from the National MSG. As stated below, the FiTI Report is owned by the National MSG and is not an independent work product conducted by the Report Compiler.

Given the purpose of the FiTI Report (chapter 1), the approach to writing the report needs to follow some general principles.

#### Text is accessible to the non-expert audience

The FiTI Report is intended to stimulate public debate. In order to achieve this the Report Compiler must strive to present the FiTI Report in an accessible way.<sup>2</sup> This is not a technical report aimed for fisheries specialists, but a public document that is intended to be read by a wide audience.

<sup>2</sup> The National MSG may consider having the final Report designed by a professional graphical designer.

### **Text is as concise as possible**

In accordance with the FiTI Standard (section B.2.1), the FiTI Report must include succinct summaries for each transparency requirement being assessed.

The Report Compiler must use their judgment in summarising information. However, in writing the succinct overview, they are encouraged to draw attention to any significant facts and developments, such as substantial changes in the fisheries sector that have occurred during the reporting period. For example, the Report Compiler might consider a substantial drop in fisheries exports in the reporting period, and highlight this by using historical data.

It is important to stress that the FiTI Report is not intended to provide the public with extensive information on the transparency requirements. Otherwise the FiTI Report would become far too long for public interest. The objective of the FiTI Standard is to ensure that national authorities provide information on the fisheries sector through their own online resources that are accessible to the public.

As a last resort, the FiTI Standard does allow for national authorities to use the FiTI Report as a means to publish information. If this option is used, any lengthy statistical data or text must be included in Annex C, rather in the main text. However, ideally FiTI Reports should not be used to publish government information for the first time – there are easy ways to avoid this, including publishing any data or reports on the website of national fishing authorities.

## **Step 6**

### **Reviewing and approving the FiTI Report**

Having submitted the full draft of the FiTI Report, this will be reviewed by the members of the National MSG. Any final changes to the report will be communicated to the Report Compiler. The final report must only be published when it is approved by the National MSG.

## Assessing the transparency requirements

The FiTI Standard makes reference to four key concepts that must be used by the Report Compiler in assessing compliance with the transparency requirements:

### Information is “accessible”

For information to be accessible it must be freely available, published online by national authorities and is easy to find. A link to a downloadable file or document meets this criteria of being published online. Information is not accessible if it is only available in hardcopy, or if access to an online source is restricted on condition of payment or justification by the person requesting the information. Furthermore, information is not accessible if it is released in proprietary format.

For information to be considered accessible it must also be straightforward for anyone to find it. Some information on fisheries may be contained in publicly available documents, but finding these documents may require specialist knowledge. For example, information on a bilateral fisheries agreement might be found in a country assessment prepared by a development agency, and these documents are usually publicly accessible through the agency’s website, and may also be found through a national authority’s website. However, it is unlikely that a member of the public would look for such documents to find out information on fisheries access agreements in their country. If this was the only way a member of the public could locate this information, then the information should be considered inaccessible, even though it might be easy for the Report Compiler to find. In the case that information is judged to be difficult to locate, the reasons for this must be described in the FiTI Report, and the National MSG must agree on recommendations to improve the accessibility of information.

For information to be accessible, it should also be judged whether it is comprehensible. This is ultimately subjective; however, the FiTI Report should highlight where information published by authorities is ambiguous, or complex, meaning non-expert members of the public are unlikely to understand it.

Where information is judged to be inaccessible, the Report Compiler must, with the support of the National Lead and the National MSG, make authorities aware of these. It is encouraged that amendments to existing information by national authorities are made before the FiTI Report is completed. These amendments must be described in the FiTI Report. Only in case such amendments are not concluded, the FiTI Report must be used as an interim measure to make this information accessible to the public.<sup>3</sup>

Additionally, the purpose of the FiTI is to ensure national authorities publish information on their fisheries sector. It is not sufficient to meet the transparency requirements of the FiTI if any of the information requested in the FiTI Standard is only published by a third party, even if this information is derived from information provided by national authorities. For information to be judged as accessible for the FiTI it must be published on a website of a national authority, such as the fisheries ministry or authority, or published in the FiTI Report as an interim measure.

Finally, if information is also made available through non-online sources, such as, conferences, national newspapers, radio broadcasts or TV, the Report Compiler may include this in the FiTI Report as evidence of the measures taken by national authorities to disseminate information to the public or specific target audiences.

### Information is “complete”

Where information is published by the national authorities, such information is complete if there is no reasonable evidence that it contains missing information. For example, a public registry of fishing vessels (B.1.5) would not be considered complete if there was evidence that one or more authorised fishing vessels were not included in this registry. Also, information cannot be considered complete if it is missing for the reporting period (this applies only where the FiTI Standard specifies information should be published on an annual basis.)

Where the Report Compiler is aware of conflicting evidence on the completeness of public information, this should be rectified by national authorities prior to the finalisation of the FiTI Report, where possible, and the process in which this was achieved must be documented in the FiTI Report.

If the National MSG is unable to resolve any disagreement on whether information is complete or not, this must be clearly stated in the FiTI Report and a recommendation must be agreed upon to remedy this disagreement in time for the next FiTI Report.

### Information is “best available”

Some of the transparency requirements of the FiTI Standard include information that necessarily is based on estimates and can therefore be produced through different methods of data gathering. For example, information on stock assessments (B.1.4) will be based on sampling, extrapolation of data and the identification and control of variables in order to assess historical trends in stocks of fish. Similarly, public authorities base their information on the scale of small-scale fisheries and their catch (B.1.6) often through different methods of research.

<sup>3</sup> Challenges of making existing information publicly available in a FiTI Report are outlined below (chapter 6).



The inclusion of the concept “best available” information in the FiTI Standard is to address instances where information used by national authorities is clearly misleading. For example, a national authority may rely on its own data regarding the scale of the small-scale fisheries sector, but a more comprehensive and recent study by another organisation demonstrates that this information substantially underestimates the number of small-scale fishers and fish workers, or does not include large numbers of part time or seasonal fishers. If this alternative source of information is not considered in the FiTI Report, then the aim of promoting public understanding of the fisheries sector will not be met.

The following transparency requirements are those where information is usually based on subjective evaluations or methods of research that may be open to doubt:

- **B.1.3** Foreign Fishing Access Agreements, relating to assessments of the impact of these agreements.
- **B.1.4** The State of the Fisheries Resources.
- **B.1.5** Large-Scale Fisheries, relating to assessments of catches and information on by-catch/discards, and evaluations of social and economic impacts.
- **B.1.6** Small-Scale Fisheries.
- **B.1.7** Post-Harvest Sector and Fish Trade, relating to employment statistics in the informal sector.

In addition to assessing the accessibility and completeness of information, the Report Compiler must also assess “best available” information for these transparency requirements.

In such cases, the role of the National MSG is to judge whether information used by the public authorities could be improved by considering alternative sources of information, which may include studies by non-governmental organisations, the private sector or academic institutions. These alternative sources of information may be based on more robust methods, more extensive data or more up to date information. However, the FiTI Report must demonstrate critical reflection on these alternative sources of information, and care needs to be exercised in deciding if non-government sources of information do indeed provide a more credible alternative.

Where it is clear that alternative sources of information are superior to the ones used by the national authorities, the National MSG must agree on measures to address this, and this decision should be described in the FiTI Report.

Where there are no alternative sources of information but there are concerns regarding the reliability of existing government information, the FiTI Report needs to include this as well. For example, if national authorities rely on data on the small-scale fisheries that is derived from old studies, or ones that were based on flawed or limited methods of research and it is well established that the current situation is significantly different, the FiTI Report should document this view.

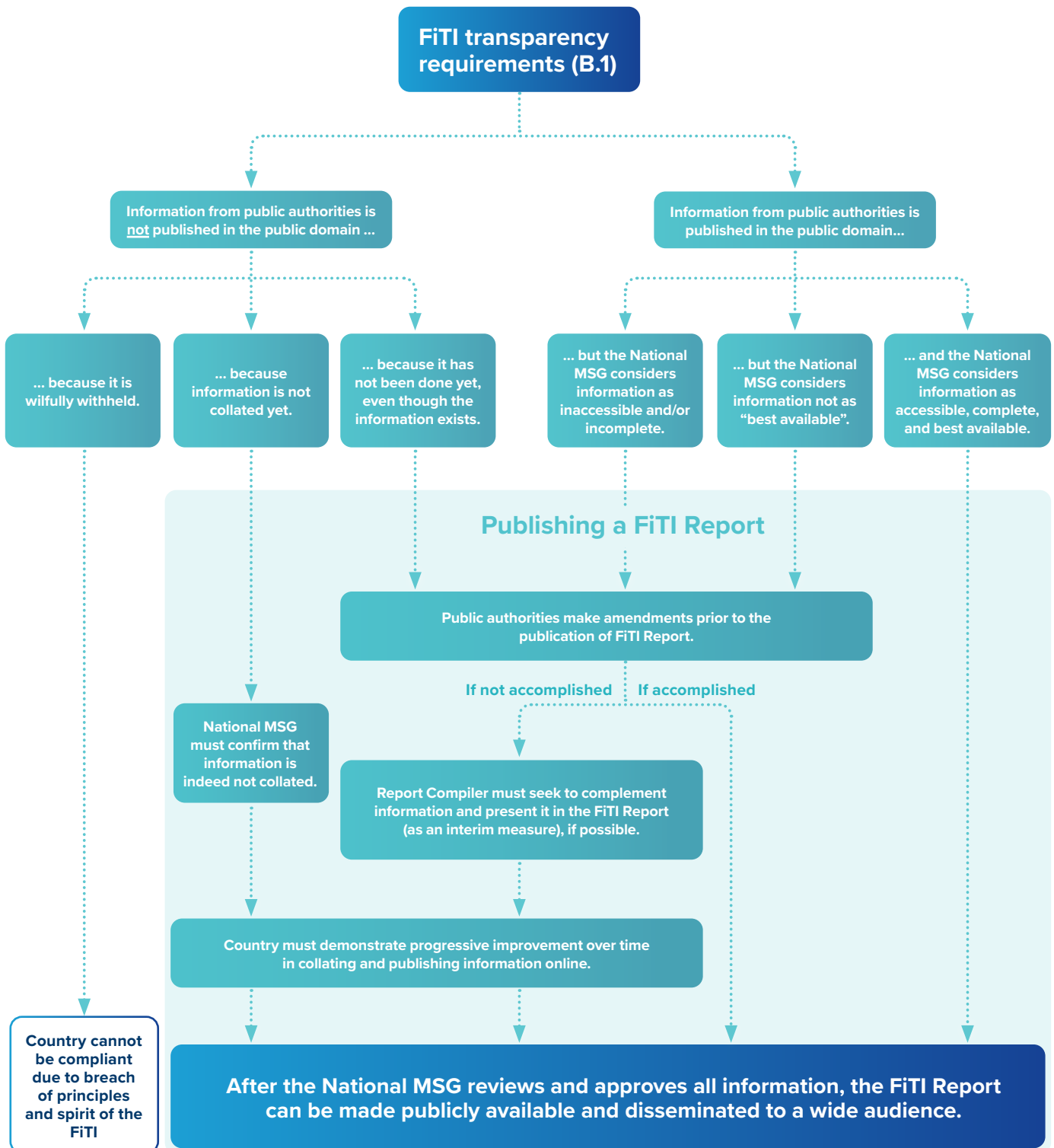
### Information is “not collated”

Where information is not published by the national authorities, it must be established if this is because the information has not been collated yet by any public authority. For example, there may be no published information on the economic or food security contributions of large-scale fisheries (B.1.5), because the national authorities have yet to undertake any research on this issue.

Countries are compliant with the FiTI Standard even if information for a transparency requirement is not published because it is not collated. Therefore, it is not mandatory that countries must publish complete data on all of the transparency requirements from the beginning. In fact, establishing that the country does not have information is an important finding in itself, which contributes to both transparency and debates for improved fisheries management. However, this situation cannot last indefinitely, and the FiTI International Board will assess countries also according to their improvements of data collection and publication over time, as part of regular country validations (FiTI Standard, section D).

Where information is not collated, the reasons for this must be described in the FiTI Report, and the National MSG must agree on recommendations to ensure this situation is addressed within a specified time frame.

Countries cannot be compliant if information on the transparency requirements is available, but deliberately not published. The wilful use of misinformation and/or wilful withholding of information required for implementing the FiTI is considered to constitute a fundamental breach of the initiative’s principles and requirements. Allegations of such behaviour are subject to FiTI International Board investigation and response. Where the FiTI International Board concludes that wilful misconduct occurred, the country will be put either on probation or immediately delisted (FiTI Standard, section E).



**Figure 3:** Assessing the transparency requirements of the FiTI Standard

## The concept of progressive improvements

The objective of the FiTI is to support countries in improving levels of transparency over time. In other words, the FiTI does not expect all countries to have complete data for every transparency requirement from the beginning. Instead, public authorities must disclose the information they have, and where important gaps exist, they must demonstrate improvements over time. As such, engaging with the FiTI is not intended to be a burdensome and costly research activity. It has been designed to ensure that any country can implement it, including those where resources for collating information are limited. In fact, the FiTI may be particularly beneficial in such contexts, as it should support national authorities in their efforts to organise and present information.

It is anticipated that for some countries there will be gaps in knowledge, and at times these gaps may be substantial and relate to information that the National MSG considers important for achieving the responsible management of the fisheries sector.

Wherever these gaps exist on the transparency requirements, it is the responsibility of the National MSG to agree jointly on recommendations for addressing them. The FiTI Standard does not set out a specific time frame for these improvements to be made, as this is highly depending on a country's context and situation. For example, in undertaking the assessment for the FiTI Report, it may be established that the country has no up to date information on the status of fish stocks, or the size of post-harvesting sector. Improving information on these issues may require long term research projects that require additional funding assistance to complete.

In order for the National MSG to determine recommendations for progressive improvements that will be included in the FiTI Report, the following should be considered.

- If there are several aspects that require improvements, the National MSG should consider what are the priorities. It is important that the Report Compiler understands how these priorities have been identified, and that this decision is described in the FiTI Report.
- In describing decisions on achieving progressive improvements, the FiTI Report must outline how these progressive improvements could assist in improving fisheries management.
- There needs to be a realistic appreciation of time frames and resources. Recommendations on progressive improvements should take existing national priorities into account and not be a “wish list” that is unlikely to be delivered.
- Where national authorities have already determined resource requirements for implementing progressive improvements recommended by the National MSG, the FiTI Report should describe these, and further describe any efforts that have been made or commitments by national authorities to secure these resources.

In case the National MSG decided to expand the list of transparency requirements beyond the 12 set forth in the FiTI Standard, the discussions on progressive improvements should include them as well. For example, the FiTI Standard does not include considerations of habitat and ecosystem impacts. Nor does the FiTI Standard require reports on investments in economic sectors that may have a direct impact on the fisheries sector, such as coastal and offshore mining. In countries where these other issues are considered important, the National MSG may identify progressive improvements in transparency for related information to be included in their FiTI Report.

## Requirements in compiling the FiTI Report

In assessing a country's compliance with the FiTI Standard, the FiTI International Board will consider whether the annual FiTI Report provides a credible and thorough assessment. In order to achieve this, the Report Compiler must adhere to the following principles in preparing the report.

### Adhering to the reporting period

The FiTI Standard requires implementing countries to publish their FiTI Report on an annual basis. At a minimum, the FiTI Report must include an assessment of information concerning activities of the complete calendar year preceding the current year (reporting period).

For example, a FiTI Report to be published in 2020 (current year) would assess the transparency of information on, inter alia, catches made in 2019, vessels licensed in 2019, payments due for activities related to 2019.

### **The assessment of whether information is accessible, complete, best available or not collated at all must be based on information from the reporting period.**

In case information from **previous periods** is available, this should be mentioned by the Report Compiler.

For example: a FiTI Report will be published in 2020 (current year), and therefore concerns information from the entire calendar year 2019 (reporting period). The Report Compiler assesses that no information on small-scale fisheries is available for 2019. Therefore, the overall assessment is that information on small-scale fisheries is not collated. However, a study has recently been published regarding information on small-scale fisheries in 2015–16. The Report Compiler should mention this study, but it would not influence the transparency assessment.

Furthermore, major changes from the **current year** should also be included in the FiTI Report, wherever possible.

For example, if the implementing country signs a new fisheries access agreement during the year when a FiTI Report is being compiled, this information should be included in the report (even though the reporting period for the FiTI Report comprises the previous year).

In general, the Report Compiler should be providing information that is as up-to-date as possible. This may also include information on any key improvements to data collecting and publication that has occurred during the current year.

The Report Compiler must ensure that information concerning different periods must be clearly separated within the report.

## Ensuring multi-stakeholder engagement

Multi-stakeholder participation is the fundamental paradigm of the FiTI. It is therefore essential that the FiTI Report is produced through a consultative process whereby the views of a range of stakeholders, including from government, the private sector and civil society, are included. This ensures credibility of the final findings, and avoids the potential for criticisms after the National MSG has published the report.

The responsibility to ensure that the report reflects a wide range of perspectives lies with the National MSG and the Report Compiler.

The National MSG must consult widely on the status of the transparency requirements and on recommendations to be presented in the FiTI Report.

The Report Compiler must not only consult with relevant national and international stakeholders, deemed relevant for the transparency requirements (e.g. jointly defined during the first step of the reporting process), but should also conduct interviews when any of the following occurs:

- There is disagreement among members of the National MSG on whether information is complete or best available. In such cases it will be necessary to consult more widely to establish if there are other sources of information that can assist in resolving these disputes.
- Members of the National MSG lack expertise on a specific subject. In such cases the Report Compiler should identify if there are other experts that can provide a more reliable or detailed insight.

While face to face interviews must be considered the preferred method of consultation, where this is not practical, telephone interviews or email and video conferencing should be used.

It is the responsibility of the Report Compiler to ensure that all consultations and sources of information used by themselves and the National MSG are described in the relevant sections of the FiTI Report (chapter 8), as well as to highlight where they consider the extent of these consultations to have been limited and in need of improvement for future reports.

## Documenting improvements in transparency that have occurred in the process of compiling FiTI Reports

The process of assessing the transparency requirements might lead to changes in both the accessibility of information, or the modification of published information, prior to the final publication of the FiTI Report. This could include the following examples:

- Where information is considered inaccessible, national authorities decide to improve the accessibility of this information during the process of assessment, such as publishing a document online, or improving links to documents on government websites.
- Where government information was found to be incomplete, missing data is subsequently added.
- Where government information is considered to be not the best available, information is subsequently modified.

The FiTI Standard explicitly encourages such amendments before the FiTI Report is completed. Doing so also demonstrates how implementing the FiTI leads to improvements in transparency. The Report Compiler must ensure that these improvements are documented in the final report. Therefore, the final report should state where initial findings indicated information was not accessible, incomplete or not the best available, and was then subsequently changed by the time the FiTI Report was finalised.

## The findings and recommendations of the FiTI Report represent the views of the National MSG

The role of the Report Compiler is to support the National MSG in fulfilling their duty of producing and publishing annual FiTI Reports in accordance with the FiTI Standard. The final FiTI Report is therefore not owned, branded or published under the name of the Report Compiler. Nor must the report include their own views on assessing the transparency requirements, or their own recommendations on progressive improvements, unless these have been agreed to by the National MSG.

## The FiTI Report is not intended to be an assessment of how good national authorities manage the fisheries sector

The FiTI is not designed to assess whether national authorities are doing a good job or not, nor should any mistakes, weaknesses in decision-making, or bad fishing practices be explicitly highlighted. Such value judgements should not be included in the FiTI Report. The objective of the FiTI Report must be focussed on the accessibility and credibility of public information.

It is the FiTI's underlying theory of change that providing information which is relevant for improving fisheries management will stimulate demands for accountability and enhance trust over time, resulting in better and more democratic decision-making in fisheries.



## **Thoroughly examining information beyond that which is presented by national authorities, to assess information is the best available**

The Report Compiler must become familiar with non-governmental sources of information on the fisheries sector being assessed, which includes academic publications, civil society reports and information gathered by third parties, including donors, intergovernmental organisations, private sector and regional fisheries management organisations. This is essential to assess whether public information represents the best available, and it will also assist in reviewing whether published information is complete, and not contradicted by other sources. In addition, some information that may be difficult to find from national authorities may have already been collated by non-government organisations, such as information on development aid projects in the fisheries sector (B.1.11).

The Report Compiler should seek assistance from the National MSG, the FiTI International Secretariat and other experts in identifying relevant sources of information (e.g. literature and reports).

## Anticipating and responding to challenges in the compilation of the FiTI Report

The process of researching and documenting findings for the FiTI Report may encounter challenges. The following examples provide guidance on how to respond to some of these, although the Report Compiler must consult with the National MSG or even the FiTI National Lead if they recognise serious difficulties in completing the FiTI Report and are unable to resolve these without further support or guidance.

### **Delays by national authorities in providing information**

The Report Compiler may experience delays in receiving information from national authorities or in arranging interviews. It is the duty of the FiTI National Lead (or the Chair of the National MSG) to ensure that access to information is provided on a timely basis. For this, the FiTI National Lead may remind all relevant stakeholders that the process of providing FiTI Reports is bound to specific deadlines and periods set forth in the FiTI Standard (section B.2.2). Failure to publish the report on time will trigger consequences for non-compliance, as set forth in the FiTI Standard (section E).

It is therefore not the responsibility of the Report Compiler to engage in excessive efforts to receive data or arrange for interviews with public authorities. If by the time of presenting and discussing initial findings (step 4), information or interviews have not been provided, then this must be raised to the National MSG. Any excessive delays in receiving information, which indicates resistance among national authorities to share information, should be documented in the final FiTI Report.

If these delays hinder completing the assessment in the time frames set out in the Terms of Reference, this must be communicated to the National Lead and the FiTI International Secretariat.

## Failure by members of the National MSG to actively participate

The Report Compiler may encounter situations where meetings of the National MSG are not attended by all its members. In cases where the Report Compiler considers such a lack of participation to be extensive and seriously undermining the credibility of the FiTI Report, this should be raised in writing to the FiTI National Lead before finalising the report. If matters remain unresolved throughout the process, the Report Compiler must describe this in the FiTI Report (Statement of the Report Compiler).

## The views and recommendations of the National MSG lack credibility

While the final FiTI Report must represent the views and recommendations of the National MSG, there may be situations where the Report Compiler considers these views and recommendations to lack credibility. This may be due to:

- The National MSG continuously disregards findings and recommendations from the Report Compiler.
- Those on the National MSG holding differing views being intimidated to accept the position of more influential members.
- A lack of adequate participation by members of the National MSG.
- A failure of the National MSG to interrogate public information sufficiently.
- A decision by the National MSG to ignore views of other stakeholders, when these stakeholders are perceived to have a better insight into a subject.
- Recommendations on progressive improvements that are influenced by perceived conflicts of interests.
- Recommendations on progressive improvements that are unlikely to be delivered.

If the Report Compiler disagrees with the views of the National MSG, and believes there is compelling evidence that the final views and recommendations of the National MSG as documented in the report are misleading, unrealistic or likely to be seen as controversial by other credible stakeholders, then this must be raised in the FiTI Report (Statement of the Report Compiler).

## Disagreement among stakeholders

The Report Compiler may find that information published by national authorities is doubted by others as being complete or the best available, but national authorities or other stakeholders disagree. In this case their role is to consider whether arguments against published information are reasonable, and if so ensure that these arguments are discussed by the National MSG thoroughly. This must be documented in the FiTI Report, including where a concern against public information being incomplete or not representing the best available information was raised, but then found to be untrue.

As the final FiTI Report is owned by the National MSG, the Report Compiler must ultimately abide by the decisions of the National MSG. However, where substantial disagreement persists among national stakeholders, the Report Compiler must ensure that this is fully documented in the FiTI Report. This is important, not only to communicate that public information in the fisheries sector is contested, but also to communicate that there is a perception among some stakeholders that some public information lacks credibility. The Report Compiler must strive to remain impartial in communicating these debates and disagreements, and provide as much information as possible on why differing opinions exist.

### Responding to deliberate misinformation and obstruction

It is possible that in compiling information for the FiTI Report, the Report Compiler is aware that a national authority is either wilfully providing misinformation and/or wilfully withholding information in accordance with the FiTI Standard (section E.2.2). An example could be on payments made to the national fishing authorities for fishing licenses.

In such cases, all reasonable efforts should be taken to confirm that information provided by the national authorities is indeed incomplete, including by giving national authorities the opportunity to provide evidence. This evidence should then be raised with the National FiTI Lead. If it is subsequently found that a national authority has deliberately withheld information or given false information, this must be documented in the FiTI Report, along with measures that were taken to rectify the situation.

If the Report Compiler has grounds to believe that the FiTI National Lead is unable or unwilling to resolve instances of deliberately withholding information or providing misleading information by national authorities, the FiTI International Secretariat must be informed before the FiTI Report is finalised.

### Information is collated but not consolidated

Report Compilers may encounter a situation where national authorities have collated raw data, but have not been able to combine this data into a format that is required for FiTI Reports. This situation could occur when authorities rely on a paper-based system for recording information.

In such cases, Report Compilers are expected to consolidate this information for the FiTI Report (to be published as in interim measure in Annex C). However, the Report Compiler may reasonably argue that there is insufficient time to consolidate this information for the FiTI Report.

Report Compiler's must use their judgement in these situations. If they are unable to consolidate the information in the initially agreed timeframe, this must be explained to the National MSG. If national authorities are not able to rectify this situation in time for the final publication of the FiTI Report, then this must be described in the report, and referred to as information that is collated, but not accessible.

## Responding to sensitive information

In compiling the FiTI Report the Report Compiler must have access to sensitive information or details of information which, in such detailed way, might not be made public in the final FiTI Report (for example in the assessment of completeness regarding annual recorded retained catch information).

The Report Compiler may also be provided information that is likely to be considered sensitive or controversial. This includes information on fraud or corruption implicating national authorities, politicians or the private sector. Discussing this information with the National MSG, or including it in the FiTI Report, may have serious implications for national debates, the reputations of public officials and companies and the security of the Report Compiler and source of information.

Where Report Compilers believe that sensitive information provided to them is important for national policy debates, but have reason to believe that sharing this information with the National MSG may cause difficulties for themselves or others (including where the source providing such information requests anonymity), they must consult the FiTI International Secretariat before taking any further actions.

# Content of the FiTI Report

The FiTI Report must include the following chapters:

## 1. Foreword

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Written by the Chair of the National MSG.

## 2. Introduction

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The introduction must include the following information:

- A summary of key information (preferably in graphical form), as determined by the National MSG, to highlight important information on the country's fisheries sector. This could include:
  - Total number of foreign fishing access agreements.
  - Total number of vessels authorized to fish in the country's marine jurisdictional waters.
  - Total number of revenues for granting authorisations to fish (including compensation payments from access agreements as well as payments from vessels).
  - Total quantity of annual recorded retained catches.
  - Total number of small-scale fishing vessels and fishers, if available.
  - Total number of fish and fish products produced.
  - Total value of imports and exports of fish and fish product.
  - Total value of official development assistance for public sector projects.
- A general overview of transparency in the fisheries sector, highlighting particular strengths (such as improvements over time, or high levels of trust in public authority information) or areas that require improvements (such as substantial amount of information that is not collated, or high levels of doubt among stakeholders over the credibility of public information).

- A brief summary on the status of information for each of the transparency requirements under assessment. This will show where information is not collated yet, accessible, complete, and best available (if applicable). This summary should also indicate the number of new key recommendations provided by the National MSG for each transparency requirement, and any other recommendations relating to progressive improvements. This summary can be presented in a table form, using key messages or other forms deemed suitable by the National MSG to contribute to public debates.<sup>4</sup>
- A summary of progress in delivering past commitments on progressive improvements (not relevant for the first FiTI Report).

In writing the introduction, it is not necessary to discuss methods of research as this supplementary information will be included in Annex A and B.

### 3. Findings on the transparency requirements

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For each of the transparency requirement separately, the FiTI Report should include the following four sub sections. In case the National MSG decided to include additional transparency requirements (not covered in the FiTI Standard), seen as beneficial to support national priorities, the same structured must be used.

#### i. Accessibility of information

The purpose of this sub-section is to describe the assessment on whether required information is collated and accessible. The following information must be included:

- A description of the definition(s) used by the National MSG related to the transparency requirement, if applicable.
- Name of the national authority with the responsibility to collate/publish this information.
- If the information is not collated yet, the reasons for this must be described, and recommendations to ensure that this situation is addressed within a specified time frame must be given.<sup>5</sup>
- The name of the report/website and the reference on where detailed information can be found in the public domain, i.e. exact website (link).
- If the information was considered inaccessible during the initial assessment, the reasons for this should be explained.
- An account of any changes to published data during the reporting period made by national authorities to ensure information was more accessible.
- Where information has not been published in an accessible way by the time of finalising the FiTI Report, the fact that the National MSG has agreed to use the FiTI Report as an interim measure to publish this information.

<sup>4</sup> It is therefore important to provide such a summary in a simplified format, without overloading it with lengthy or excessive explanations. Instead, such additional explanations should be described in the section “Findings on the transparency requirements”.

<sup>5</sup> In case information is not collated and there are no alternative sources, sub-sections ii. and iii. are not applicable for this transparency requirement.

## ii. Summary of information

The purpose of this sub-section is to provide a succinct summary of the information provided by national authorities to assist with public understanding and debate. When writing this sub-section, the Report Compiler should consider the following:

- In case the FiTI Standard already requires national authorities to provide summary information for a transparency requirement (e.g. B.1.2 Fisheries Tenure Arrangements), such a summary may not be published in the FiTI Report again. It is also not necessary to attempt a “summary of a summary”. However, including this summary information can still be considered useful to maintain a coherent structure, if it helps identify historical trends, and/or complements other information in the FiTI Report.
- No detailed information should be provided here (e.g. no copying of detailed table reports from other national sources).
- Where information is unavailable due to national authorities not collating this information, but there are other sources of information from third parties, this information from non-governmental sources should be summarised instead. However, the source of this information must be made clear and the reader should not confuse this as information provided by national authorities.
- If information is judged to be not accessible by the time of preparing the final report, then a succinct summary of the information should still be provided, and Annex C of the report should be used to publish any detailed data or government text.
- This summary should not only cover current information, but also highlight any significant facts and historical trends relevant to improving public understanding and related policy debates, as well as provide an explanation of significant deviations from previous reporting periods, if applicable.

## iii. Assessment of information

The purpose of this sub-section is to describe any relevant details on how information was considered “complete” and the “best available” by the National MSG. The section must contain the assessment regarding completeness of information, but best available information must only be included if the Report Compiler considers it to be relevant for the transparency requirement:

Completeness of information:

- A description of whether the National MSG agrees that the information published by national authorities is complete to the best of their knowledge. If there were any disputes among members of the National MSG regarding the completeness of information, this should be described.
- In the event that national authorities have changed or added information to their online publications during the reporting period, because of errors identified by the Report Compiler or National MSG, these changes should be explained.



- If there have been obstructions or deliberate misinformation in providing data or information to assess the transparency requirement, this should also be documented here, as well as a description of how these problems were addressed, if at all.
- Where information has not been published in a complete way by the time of finalising the FiTI Report, state that the National MSG has agreed to use the FiTI Report as an interim measure to publish this information.

Best available information:

- A description on whether the National MSG agrees that the information published by national authorities represents the best available information. This is only applicable for certain transparency requirements (chapter 2). If members of the National MSG believe the information used by national authorities is not the best available, the report should provide analysis of alternative sources of information and discuss whether these are superior to information used by national authorities.
- Where information published by national authorities is considered unreliable or dated, but there are no credible alternative sources of information, this should also be described.

#### **iv. Recommendations for improving transparency**

The purpose of this sub-section is to describe any recommendations that the National MSG have considered and agreed to in order to improve the publication of data on this transparency requirement in the public domain. In describing the recommendations, the report must explain why the National MSG has agreed to these recommendations and how this will help improve fisheries management. Furthermore, the National MSG is encouraged to include further information regarding expected time frames (even information on resources needed, if possible) and also state the responsible parties.

It is advised that recommendations are clearly numbered (e.g. 2018–01). This will assist in referencing recommendations in subsequent FiTI Reports.

## **4. Progressive improvements**

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Starting with the second FiTI Report, this part will describe the progress made on past recommendations made by the National MSG in earlier FiTI Reports.

## Annex A. Statement of the Report Compiler

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As stated earlier, the role of the Report Compiler is to support the National MSG in publishing the FiTI Report. It is not the role of the Report Compiler to publish the final report under his/her name, nor to include his/her own views and judgements in the report, unless agreed by the National MSG.

The purpose of this Annex is to allow the Report Compiler to provide a brief summary of the parameters and activities completed when supporting the National MSG, including:

- Date of appointment,
- Link to public Terms of Reference,
- Methodology used, including total number of consultations, interviews<sup>6</sup>,
- Overall timeframe of activities, etc.

It should also clearly be stated that the published FiTI Report is the responsibility of the National MSG.

Furthermore, this Annex must be used by the Report Compiler to state any significant reservations or experienced challenges when performing the tasked activities, as well as a description of how these problems were addressed and resolved, if at all. This may include the following, but not limited to:

- Limitations on scope imposed by the National MSG (e.g. insufficient time frame), resulting in the Report Compiler's inability to conduct all necessary activities;
- Excessive delays in receiving information or conducting interviews with relevant national authorities;
- Extensive lack of participation by members of the National MSG in the reporting process, if this is perceived as seriously undermining the credibility of the FiTI Report;
- Continuous disregards of findings and recommendations by the National MSG;
- Compiling evidence that the final views and recommendations of the National MSG are misleading, unrealistic or likely to be seen as controversial by other credible stakeholders;
- Wilfully providing misinformation and/or wilfully withholding information by national authorities;
- Experienced intimidations.

This Annex of the FiTI Report is the sole responsibility of the Report Compiler and therefore the only part within the FiTI Report where the National MSG (or other stakeholders) cannot impose changes.

<sup>6</sup> Detailed information on the consultations undertaken should be stated in Annex B of the FiTI Report.

## **Annex B. Consultations for providing the FiTI Report**

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A summary of the consultations undertaken by the Report Compiler and the National MSG should be included here. The intention of this Annex is to demonstrate that the FiTI Report has been based on wide and extensive consultations. The report should further identify groups and organisations that could not be contacted or consulted for their input, such as any prominent foreign fishing companies or foreign governments.

## **Annex C. Further information on transparency requirements**

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In case where national authorities have collated data but do not have the resources to publish this in an accessible way, or where information has not been published in a complete way by the time of finalising the FiTI Report etc., such information (e.g. lists of data/tables or full texts of nonpublished government reports) should be published in this Annex as an interim measure.

## Guidance on the assessment of each transparency requirement

In addition to the guidance provided for Report Compilers for assessing and documenting whether information is collated, accessible, complete and seen as best available (in particular chapters 3 and 8), the following chapter provides further guidance for the assessment of each of the 12 transparency requirements, including:

- a brief background information, as well as its relevance to the overall objective of the FiTI,
- any specific issues for Report Compilers to be aware of in undertaking the assessment,
- further suggestions on how information should be summarised in the FiTI Report.

## B.1.1 Public Registry of National Fisheries Laws, Regulations and Official Policy Documents

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### Background

In developing the FiTI Standard it was recognised that in some countries fisheries laws, regulations and related policy documents are often not accessible or online resources are not complete. This includes government decrees that may supplement national Fisheries Acts or Laws, as well as policy documents such as fisheries management plans. It is not uncommon to find that fisheries are subject to frequent legislative changes through national or sub-national decrees, but these are updated on government websites slowly, if at all. Ensuring that these laws, regulations and policies are published is therefore an important starting point for the FiTI transparency assessment.

### Considerations for the Report Compiler

The FiTI Standard requires countries to ensure that all laws, legislation and policy documents concerning fisheries management, trade and investment, as well as fisheries management plans must be included on a public registry. However, the National MSG may expand this list to include documents that are relevant to other areas of fisheries management. The Report Compiler will therefore rely on the decision of the National MSG for making the assessment for the FiTI Report.

Ideally all fisheries laws, regulations and official policy documents should be presented in one location, which could be the Ministry responsible for marine fisheries. Where this is not done, the Report Compiler should make this recommendation to the National MSG in the initial findings presentation, thereby making these documents accessible.

The Report Compiler should limit the assessment to the most recent and active legislation policy documents, and it is not necessary to assess the publication of older documents that are no longer in force.

In the case that the Report Compiler judges any of these documents to be inaccessible, this should be communicated to the National MSG at the time of the initial findings presentation (chapter 2, step 4). The Report Compiler should make recommendations at this point to ensure that the relevant documents are accessible, prior to completing the FiTI Report. It is important to realise that a country cannot be compliant with the FiTI Standard if up-to-date laws, regulations and policy documents are not published online, and therefore the FiTI Report cannot be used as an interim measure to do this.

### How to summarise information for the FiTI Report

The FiTI Report should only provide the following information by way of summary:

- The title of the relevant document.
- The date when they came into force (for legislation) or published (policy documents).
- A description of where they are published, including the weblink.
- A succinct description of the purpose of each document.

The FiTI Report should not provide a summary of the contents of these documents if these are published online.

## B.1.2 Fisheries Tenure Arrangements

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### Background

The term “fisheries tenure arrangements” is not defined in the FiTI Standard. While there are several international definitions that could be used, the FiTI follows the understanding used by the United Nations Food and Agriculture Organisation (FAO), as set out in its “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”. This describes that:

*“...tenure systems determine who can use which resources, for how long, and under what conditions. The systems may be based on written policies and laws, as well as on unwritten customs and practices.”*

These Voluntary Guidelines also acknowledge that transparency has been lacking in tenure arrangements in some countries and therefore it recognised transparency as one of its core principles of implementation. The guidelines state that transparency refers to:

*“...clearly defining and widely publicizing policies, laws and procedures in applicable languages, and widely publicizing decisions in applicable languages and in formats accessible to all.”*

Ensuring that countries adhere to this principle lies at the heart of this transparency requirement. In developing the FiTI Standard it was recognised that while laws and regulations related to fisheries may provide comprehensive information on tenure arrangements, they are often written in ways that make them inaccessible or hard to comprehend. Furthermore, national laws can be incomplete or ambiguous on the matter of customary rights and tenure arrangements. The FiTI therefore requires that national authorities produce a complete summary description of tenure arrangements, and ensure that this is accessible.

### Considerations for the Report Compiler

In the case where the summary of tenure arrangements is not available because it has not been written, the National MSG should encourage national authorities to do so before the FiTI Report is complete. The National MSG may offer to provide their own summary to national authorities. If the summary remains inaccessible by the time the FiTI Report is completed, the National MSG must publish their own summary in the FiTI Report as an interim measure (Annex C).

In assessing the summary of fisheries tenure arrangements, Report Compilers must ensure that the summary is complete, including the information set forth in section B.1.2 of the FiTI Standard. One reason this may not be the case is due to customary tenure arrangements being omitted. In many countries customary rights are recognised, but are not codified in law. The Report Compiler must ask stakeholders to ensure that customary rights are accurately recorded in the summary, and as stipulated in the last sentence of this transparency requirement, seek clarification of any plans to formally codify these rights in law.

Unless there is suitable expertise on this subject among the members of the National MSG, the Report Compiler should establish contact with a leading governmental or civil society organisation working on customary rights to verify the content of the summary text.

Another reason why the summary information on fisheries tenure arrangements may be incomplete lies with specific “derogations” that can be provided to certain fishing vessels or companies, which are endorsed by national authorities but contrast with rules established in official tenure arrangement documents. Derogations may apply to individual fishing vessels through their license agreement, or it may apply to a fleet of vessels through a fisheries access agreement. The Report Compiler must ask fishing authorities, as well as other stakeholders, if such derogations exist, and include this information in the summary, if applicable. Cross referencing information from transparency requirement B.1.3 (on Foreign Fishing Access Agreements) is important as to avoid conflicting information.

Fisheries tenure arrangements must include information on the rights afforded to people for recreational fishing, including commercial sports fishing businesses.

If this summary of tenure arrangements is published, then the role of the Report Compiler is to check whether this summary is accessible and complete (including whether it has been updated to reflect any changes to tenure arrangements that have occurred since the publication of this summary).

The Report Compiler is encouraged to include any discussions that have taken place during the reporting period for amending tenure arrangements by national authorities in the future, even if these amendments have yet to be formalised, including plans for improving codifying customary rights. The FiTI Report should also highlight any changes to tenure arrangements that have occurred in recent times, including any changes from what was described in previous FiTI Reports.

### **How to summarise information for the FiTI Report**

If a summary of tenure arrangements is not published by national authorities, the full summary must be published in the FiTI Report, e.g. drafted by the Report Compiler and approved by the National MSG. However, this is an interim measure only, and the National MSG must recommend to national authorities that this summary is made available and accessible on the appropriate national authority website.

### B.1.3 Foreign Fishing Access Agreements

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#### Background

A foreign fishing access agreement refers to a contractual arrangement that is entered into between a coastal state and a foreign party that allows for fishing vessels to operate in the country's marine jurisdictional waters (i.e. Territorial Sea and Exclusive Economic Zone). Not all foreign flagged fishing vessels operate in a foreign country through an access agreement, however such agreements are common. Agreements can be signed between governments, between a coastal state and a union of foreign governments (such as the European Union), or between coastal states and private corporations, or associations of private companies.

The FiTI Standard covers agreements that allow access for foreign vessels to fish in the country's marine jurisdictional waters, as well as those that allow the coastal state's flagged vessels to fish in a third country.

Access agreements may exist on a short-term basis (1–3 years) or for a longer term (up to 10 years). In the case of the EU Sustainable Fisheries Partnership Agreements, these can be updated and extended through a protocol agreement. Other access agreements may also be amended periodically. Amendments may cause an adjustment to the fee structure, the number of vessels permitted to operate under these agreements, or they may change the rules on reporting and compliance.

It is well established that fishing access agreements have lacked transparency, and at times the contents of these agreements have been considered controversial, or unfair, by civil society, fishers and fishing companies. It is therefore the purpose of this transparency requirement to ensure that countries publish all documents relating to these agreements in a timely way, including any amendments or protocols.

#### Considerations for the Report Compiler

In some cases, existing fishing access agreements are bound by a confidentiality agreement. In such cases, coastal states are not able to publish these contracts or divulge details of their contents. It is for this reason that the FiTI Standard allows for a 3-year period for coastal states to negotiate with foreign parties to make such agreements public. This 3-year period starts from the date when the coastal state becomes a FiTI Candidate country. If the country is in the process of negotiating the confidentiality of an existing access agreement, this must be stated in the FiTI Report. The FiTI Report must also state on which date the contract should be published at the latest.

Another area of difficulty relating to transparency of fishing access agreements concerns the compensation arrangements. In some agreements these compensation arrangements are clearly stated in the contract agreement or protocol. In other agreements the compensation for the access may be provided in a separate agreement, sometimes referred to as a contract for services and investments. A grey area in understanding access fee payments is where these agreements are tied to other investment agreements or official development assistance, although this may not be referenced in the contract agreement specifically. The Report Compiler must ask relevant stakeholders as well as the members of the National MSG to establish how access



agreements were negotiated and whether these agreements have been conditioned by other commitments for investment or aid. The Report Compiler must use his/her judgment to include this information in the FiTI Report.

Additionally, the Report Compiler must establish if either party to an agreement has commissioned a study that evaluates the agreement. For example: the European Union has undertaken such studies for all its fisheries agreements, and has published these studies in the past 7 years (although they were previously treated as confidential documents). However, such studies are often not published by coastal states, and are therefore considered inaccessible by the FiTI Standard, as such studies must be published by national authorities on their own websites.

The Report Compiler must describe in the FiTI Report whether such evaluations exist for all access agreements, whether there has been an official commitment to produce such an evaluation, and as such if these evaluations are accessible and the best available information. The fact that an access agreement does not have a corresponding evaluation is an important message to be contained in the FiTI Report, and may lead to the decision by the National MSG to recommend that such evaluations are undertaken.

### How to summarise information for the FiTI Report

The FiTI Report should provide a succinct summary of each foreign fishing access agreement, including the following information:

- A description of where they are published, including the weblink.
- The date it was entered into force.
- The names of the signatories of the agreement.
- The duration of the agreement.
- The date of the last amendment or protocol agreement, and details of the subsequent changes made.
- The types of fishing permitted, including gear types/target fish species.
- Summary of any restrictions on the number of vessels or quantities of fish to be caught (if there are no restrictions, this should be stated).
- Any rules on prohibited activities, such as levels of discards/by-catch or transshipping at sea.
- The fee structure and details of compensation payments or tied investments.
- Rules regarding monitoring and the enforcement of rules for the fishing vessels.

If there is a corresponding evaluation of the agreement published by either party to the agreement, then the Report Compiler must summarise key findings only in accordance with the FiTI Standard.

In summarising information, the Report Compiler should consider whether there have been any considerable changes in the implementation or use of these agreements in recent times, or in comparison to what was described in previous FiTI Reports. For example, if there has been a substantial increase in the number of vessels taking up opportunities to fish under an access agreement in the reporting period, this may be useful to highlight and explain in the text.

## B.1.4 The State of the Fisheries Resources

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### Background

The extent and coverage of reports on fish stocks varies considerably among coastal states. For many countries, up to date and reliable information is lacking. Moreover, where fish stock assessments are undertaken, these are either insufficiently publicised, or the results are presented in ways that are difficult to comprehend.

The purpose of this transparency requirement is to raise public information on both the health of fish stocks and trends in marine biodiversity overtime. It must be understood in the context of widespread concern with decreasing marine biodiversity caused by human activities, including overfishing, climate change, habitat destruction and pollution. Ideally, coastal states should publish regular credible and comprehensive reports that communicate this information to the public, including a description of how these reports have been produced (i.e. what methods of research have been used) and how reliable these are perceived to be by other stakeholders.

### Considerations for the Report Compiler

The Report Compiler must consider that the FiTI is focussed on information published by national authorities, which therefore represents the government's view on the state of fisheries resources.

One of the challenges in assessing this transparency requirement is that in many countries stock assessments or research on marine biodiversity will be undertaken by non-governmental organisations, academic research institutes, or the private sector. Many of these studies may be undertaken in collaboration with public authorities, and sometimes co-published by them. However, the resulting studies may not be found on the websites of public authorities, and it is not clear whether the findings are endorsed by national authorities and represent the government's view.

The Report Compiler must ask relevant stakeholders as well as members of the National MSG to identify studies undertaken and published relating to fish stocks.

A clear distinction has to be made for the FiTI Report on information that is published by national authorities, and information that is published by other organisations. Of course, information on fish stocks published by national authorities may be based on research undertaken by third parties. But if this is used by national authorities in their own publications, then it will be considered information collated and published by them.

A potential issue where there may be confusion for Report Compilers lies with stock assessments for migratory fish, such as tuna. Generally stock assessments for these types of fish are undertaken by regional fisheries organisations. These organisations are given the mandate to produce stock assessments or reports on the health of fish resources by member countries. Many coastal states will not reproduce this information on their own national websites or annual reports on fisheries, but would consider this information to be representative of the government's understanding. For the purpose of the FiTI, information cannot be considered accessible if it only exists in publications made by a third party. Implementing countries must ensure that all available information is provided

through their own national websites, and that this information is accessible. Practically, this could mean that webpages of the relevant national authority simply provide a summary of the main findings by regional fisheries organisations and provide a link to where the technical reports can be accessed.

In developing the FiTI Standard, it was recognised that deciding on whether information used by public authorities represents the “best available” or not, may be difficult for Report Compilers. This is particularly so if the Report Compiler is not an expert on fish stock assessments or marine biology. The science of undertaking fish stocks and understanding trends in marine biodiversity is highly specialised and experts disagree on fundamental methodological issues. It is therefore not an expectation that FiTI Reports will provide a definitive assessment on whether alternative sources of information on the health of fish stocks are better than what is used by national authorities. Report Compilers should be encouraged to write that the issue is inconclusive if there is any doubt on the matter. However, it is important to describe and reference any non-government source of information that contrasts or contradicts information published by national authorities significantly. In such cases, the Report Compiler must rely on the views of the National MSG in finalising the text, and ensure that divergent views of stakeholders are captured.

### **How to summarise information for the FiTI Report**

The FiTI Report must only include the main findings of publications on the state of fish stocks, the date of the studies and a summary of the methods used.

In addition, the Report Compiler should consider including any major changes to the health of fish stocks that have been observed in recent times and in comparison to previous reports, and a summary of explanations for this, if these are known.

## B.1.5 Large-Scale Fisheries

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### Background

In the development of the FiTI Standard, a fundamental objective was to ensure that members of the public know who is authorised to fish, how much they pay to national authorities for this authorisation, and how much fish they catch. All this information is covered under this transparency requirement relating to large-scale fisheries, and is described in the FiTI Standard under three separate headings.

In the process of developing the FiTI Standard, several stakeholders expressed concern that FiTI should not publish information on the catches of individual vessels, as this can be considered commercially sensitive information. It was agreed that implementing countries can therefore publish information relating to catches aggregated according to flag states.

Information on the vessel registry must be published on a per vessel basis.

Information on payments shall also be published by national authorities on a per vessel basis. The exception to this is if any payment made by a vessel is calculated on actual catches. Publishing this information could provide the public with details of the catches made by that vessel, and would therefore be interpreted as commercially sensitive information. National authorities can therefore publish this category of payment information aggregated according to flag states. However, all other payments, including licenses fees, must be published on a per vessel basis.

### Considerations for the Report Compiler

The definition of large-scale fisheries is a matter to be decided by the National MSG. This definition may include or exclude vessels otherwise categorised as “semi-industrial” in national legislation.

The FiTI Standard does not define a fishing vessel, and this must also be decided on by the National MSG. A fishing vessel can be defined as any vessel used or intended to be used for the commercial exploitation of living marine resources, including mother ships and any other vessel directly engaged in such fishing operation. The definition may therefore include support vessels. Additionally, some authorities may provide vessels with authorisation for exploratory fishing and fishing for scientific activities. FiTI Reports must describe the definition adopted by the National MSG.

### VESSEL REGISTRY

As a starting point, the Report Compiler must check the accessibility of an online, up-to-date registry. Such a vessel registry must include:

- All nationally-flagged large-scale vessels authorised to fish in the country’s marine jurisdictional waters;
- All foreign-flagged large-scale vessels authorised to fish in the country’s marine jurisdictional waters;

- All nationally-flagged large-scale vessels authorised to fish in third countries' marine jurisdictional waters and on the High Seas.

If such a vessel registry is not published online, the National MSG must encourage the relevant national authority to do so before the FiTI Report is published. Otherwise, the FiTI Report must list this registry as an interim measure in Annex C.

In assessing whether information on the vessel registry is complete, the Report Compiler must consider three aspects.

**The first** is whether all of the information listed in the FiTI Standard is provided for each vessel. There are 14 separate information requirements that must be included in the vessel registry, although items “viii”, “ix” and “xiv” are not necessarily applicable to all vessels.

The Report Compiler should note where information is missing on any of these 14 items for individual vessels and bring this to the attention of the National MSG in the initial finding presentation (chapter 2, Step 4). The National MSG must take measures to recommend that all applicable information is added to the vessel registry. In such cases, the Report Compiler must describe in the FiTI Report that data was not complete for the online vessel registry during the assessment period.

It is possible that for some of the 14 information items, the online vessel registry is not complete, but because information is not collated by national authorities. This could occur where information is requested by the national authorities from fishing companies (or their agents), but they have failed to provide this. In such cases the FiTI Report must establish that the national authorities made a reasonable effort to collect the applicable information. The National MSG must also agree on steps to ensure the information is captured for the subsequent FiTI Report.

**The second** aspect to consider is whether there are any vessels that are not included on the vessel registry at all. There is no straightforward way for the Report Compiler to do this other than asking stakeholders and members of the National MSG to report omissions.

**The third** aspect to consider is whether information on the vessel registry is accurate. For example, information on the flag state of the vessel, or its size and tonnage, may be wrong. Again, there is no easy way to cross check this information, and the Report Compiler must engage with relevant national authorities to understand their processes of verifying information and also seek assurances from the National MSG that they are satisfied with the accuracy of information held in the public registry. The Report Compiler is not obliged to do individual verifications, e.g. by inspecting boats anchored in the harbour.

In the event that the Report Compiler is made aware of information that is not collated or is inaccurate, previous FiTI Reports should be consulted to check if similar errors were noted for the same vessels. Any repeated instances where vessel owners fail to provide information to the authorities, or give inaccurate information, must be described in the FiTI Report.

## PAYMENTS

In assessing the completeness of payments for fishing from large-scale vessels, the Report Compiler must consider whether

- information collated by national authorities regarding payments made by vessels listed in the public registry is complete, and whether
- for each payment, the supplementary information as set forth in the FiTI Standard (section B.1.5, “Payments for fishing”) is complete.

In making this assessment, the Report Compiler must compare information on payments with information on the vessel registry, and confirm if any vessel listed in the registry that is known to have been due to pay a fee for fishing activities does not have a corresponding payment(s) for the reporting year. For such cases, the Report Compiler must seek clarification from the national authorities and describe the reason for the missing payment. In the case that the payment due has not been paid on time, the FiTI Report must indicate this and specify the vessel concerned.

In order to verify information on payments, the Report Compiler must also make efforts to compare the total amounts from the per vessel list, with any records held by the relevant state authority on government revenues, such as the Central Treasury.

In some situations, it may not be possible to cross check the total amounts from the per vessel list of payments with the aggregate data published by the Central Treasury or its equivalent. This is due to delays in publishing this data. In such cases the FiTI Report should clearly state that such data on revenues from the fishing sector are not available from the Central Treasury.

It is possible that some payments due for vessels for catches undertaken in the reporting period have not been received by the time the FiTI Report is compiled. This could happen, for example, when a vessel is subject to additional fees based on actual catches. The Report Compiler should discuss this with national authorities and identify any payments related to fishing in the reporting period that have yet to be received and included in public information. This must be described in the FiTI Report.

It is also possible that the Report Compilers may find that payments made by fishing companies in the reporting period relate to fishing activities that belong to the previous year. It is important that national authorities clearly link payments to the correct fishing year, and the Report Compiler must pay attention to ensure that payments stated in the FiTI Report correspond to the report’s reporting period.

The FiTI Report should also document whether the participating government entities had their financial statements audited in the financial year(s) covered by the FiTI Report.

## CATCHES

The primary objective of this transparency requirement is to assess whether information on catches is accessible and complete. It is important to note that it is not the expectation of the FiTI to establish whether information on annual recorded catches, landings and transshipments sent to national authorities are accurate. This would be extremely difficult to judge in many places. Rather, the objective is to ensure all the annual recorded information, as reported to the national authorities, is made public.

In assessing whether information on catches, landings and transshipment is complete, the Report Compiler must have access to such information on a per vessel basis, even though such information on per vessel basis might not be made public by national authorities in order to protect the commercial interests of vessel owners. Without such detailed level of information, the Report Compiler is not able to spot any obvious discrepancies, such as active vessels not reporting catch information at all. Furthermore, the Report Compiler must consult with national authorities and the National MSG to ensure that aggregate data presented for each flag state does not contain any omissions. It is not the role of the Report Compiler to conduct further investigations to verify whether there are omissions or not. However, if members of the National MSG question the accuracy of reported information on catches, transshipments and landings, and believe that there are omissions in the data, then this should be described in the FiTI Report. In accordance with the FiTI Standard (section B.2.1), significant deviations from information published by national authorities must be explained, if applicable, including the names of individual vessels which do not comply with catch, landings and transshipment reporting provisions according to the country's rules and procedures on access rights and fishing authorisations.

There can be a considerable time delay for reporting catches by national authorities. Regional Fisheries Management Organisations, such as the Indian Ocean Tuna Commission, request national authorities to communicate catch data to them at least six months after the end of a calendar year. However, some national authorities may receive and collate catch data over a longer time frame than this, which means data on catches made during the proceeding year will not be available for FiTI Reports. In such cases, the FiTI Report must include the most recent data published by national authorities, and describe clearly that catch data for the reporting year is not yet available for some of the licensed vessels. The report should also explain the causes of any delays in collating and publishing this information.

With regards to information on discards, fishing effort and economic, social and food security contributions, the primary task of the Report Compiler is to assess if information is collated and accessible, and to assess whether there are concerns among stakeholders about the completeness of this information, and whether public information represents the best available.

### How to summarise information for the FiTI Report

The FiTI Report should not contain substantial data on any of the three components relating to the large-scale fishing sector. Only if data on vessels, payments and catches is not yet published by national authorities, the complete data should be included in Annex C of the FiTI Report. The summary should therefore present key facts and figures only (preferably in table/graphical form). For subsequent FiTI Reports, previous year values should be shown as well.

#### For the vessel registry, summary information should include:

- Total numbers of vessels on the vessel registry (broken down according to commercial, scientific, exploratory fishing – if applicable); thereof:
  - Total numbers of nationally-flagged vessels authorised to fish in the country's marine jurisdictional waters, disaggregated according to vessel type/gear type.
  - Total number of foreign-flagged vessels authorised to fish in the country's marine jurisdictional waters, disaggregated according to their flag states and vessel type/gear type.
  - Total number of national-flagged vessels authorized to fish in third country's waters, disaggregated according to third countries.
  - Total number of national-flagged vessels authorized to fish in the high seas.
  - Information on supply vessels, disaggregated by their purpose and flag state.

#### For payments, summary information should include:

- Total of all payments, indicating the name of the natural person or legal entity that made the payment, the recipient government agency or department receiving these payments, year of payment receipt, and disaggregated according to the purpose of the payments; thereof:
  - Total payments made by nationally-flagged vessels.
  - Total payments made by foreign-flagged vessels, disaggregated according to flag states.
  - Total payment disaggregated by vessel type/gear type or target species.
  - Total payments by vessels authorised for scientific, exploratory fishing, if applicable.
  - Total payments by supply vessels, disaggregated by their purpose and flag state.



**For catches, summary information should include:**

As the transparency requirement is for countries to publish summary information on catches, if this information is accessible, it is not necessary for the FiTI Report to summarise this information again. However, the Report Compiler must use their judgment and consider whether the FiTI Report would benefit from repeating this information here, displayed alongside historical data if available. The same applies for information on discards and by-catch, although the FiTI Report should provide a summary of the methods of research used to establish rates of discards or by-catch as well.

In case significant deviations from information published by national authorities has been determined, the names of individual vessels which do not comply with catch, landings and transshipment reporting provisions according to the country's rules and procedures on access rights and fishing authorisations must be listed.

Where there are available studies relating to fishing effort, the FiTI Report should only provide a summary of the main findings, and not provide information on a per vessel basis.

Where there are available evaluations or audits of the economic, social and food security contribution of the large-scale fishing sector, the FiTI Report should only present key findings of these studies.

## B.1.6 Small-Scale Fisheries

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### Background

Reliable and up to date information on the size and productivity of the small-scale fisheries sector is often unavailable in countries. This is partly due to the difficulties in undertaking surveys and catch analysis, particularly where the small-scale fisheries sector is extensive. Information on employment in the post-harvest sector can be vulnerable to being unaccounted for in national statistics.

Incomplete or inaccurate data on the small-scale fisheries can also contribute to their marginalization or undervaluation. In developing the FiTI Standard the inclusion of information on this sector was therefore considered to be paramount.

### Considerations for the Report Compiler

The nature of small-scale fisheries in many countries means generating statistics on aspects such as the number of fishers and the quantities of their catches, is extremely difficult and time consuming. Official statistics, based on surveys or interviews with fishers, have been regularly challenged for presenting a misleading or incomplete analysis. Several countries have benefited from additional studies by non-governmental organisations and academic research institutes, which must be reviewed for the FiTI Report. The main challenge for the Report Compiler is therefore the assessment of whether information is accessible and seen as best available.

A useful resource for identifying information on small-scale fisheries in many countries is the website of the “Too Big To Ignore” partnership. This is an international initiative for the study of small-scale fisheries, and contains reports and contacts for resource people working on the subject. Report Compilers are encouraged to consult this website to identify relevant information.

Annual data on the number of fishers and fish production is also collated by the FAO. Although some countries do not submit complete data to the FAO, Report Compilers should consult the FAO’s databases in assessing national public information. Any discrepancies or gaps in the FAO’s database in comparison to statistics used by national authorities should be highlighted in the FiTI Report.

The assessment of this transparency requirement is likely to encounter differing opinions among stakeholders on the reliability of information, and in many countries a valid finding will be that public authorities have collated limited information on the small-scale fisheries sector. Estimates may also be based on outdated studies. A FiTI Report will add value to these debates where gaps in knowledge can be confirmed, and the National MSG is able to reach an agreement on realistic recommendations for progressive improvements.

It should be noted that the transparency requirement on small-scale fisheries includes information on the recreational fisheries sector. Report Compilers should ensure that data on the small-scale fisheries includes this sector, as it is often overlooked in national statistics. The Report Compiler is encouraged to ask the National MSG to consult with representative groups from the recreational fishing sector, or consult directly on their behalf, such as sport fishing associations, to provide and verify public information.

### **How to summarise information for the FiTI Report**

The FiTI Standard requires national authorities to publish six types of summary information on the small-scale fisheries. As the transparency requirement already requires national authorities to publish summary information on small-scale fisheries (e.g. total number of small-scale fishing vessels), the National MSG must use their judgment and consider whether the FiTI Report would benefit from repeating this information here, displayed alongside historical data, if available.

In assessing and summarising public information for the small-scale fisheries, Report Compilers should describe how public data has been generated, and which government agencies have the mandate for this role. Report Compilers are encouraged to include information on resources available for this work, and highlight any difficulties facing national authorities. This may be important contextual information to ensure public understanding on the challenges facing authorities in generating complete and timely information.

Where there are available studies and reports on quantities and species of fish discarded by the small-scale fisheries sector, and evaluations or audits of the economic, social and food security contribution of the small-scale fisheries sector, the FiTI Report should only include key facts and findings.

## B.1.7 Post-Harvest Sector and Fish Trade

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### Background

In many countries the fisheries post-harvest sector accounts for a large number of jobs and livelihoods. Trade in fish and fish products provide important revenues and sources of national food security. In developing the FiTI Standard, this information was considered critical to improving public information on the sector, and it was recognised that in some countries data on the post-harvest sector and fish trade is either inaccessible or incomplete. Poor levels of public data often exist for employment and trade derived from the small-scale sector, and this obscures the important role of women in these activities. A gendered approach to collating and publishing information on the post-harvest sector is therefore particularly important for this transparency requirement.

### Considerations for the Report Compiler

In assessing information on the post-harvest sector and fish trade data, the Report Compiler must be aware of the possibility that national information may not adequately differentiate between fish and fish products produced from marine fisheries and freshwater fisheries, or aquaculture. This distinction should be clear in public information.

As data on the post-harvest sector and fish trade is often limited when covering the activities of the informal sector, it is important that the FiTI Report considers how information on these aspects is generated, and the extent to which these methods of data gathering are considered reliable by the National MSG. In particular, FiTI Reports should consider the adequacy of information on women employed in the post-harvest sector.

### How to summarise information for the FiTI Report

The FiTI Standard requires national authorities to publish five types of summary information on the post-harvest sector and fish trade. As the transparency requirement already requires national authorities to publish summary information (e.g. total quantity of fish and fish products produced), the National MSG must use their judgment and consider whether the FiTI Report would benefit from repeating this information here, displayed alongside historical data, if available.

Where there are available studies and reports on wages in the post-harvest sector, the FiTI Report should only include key facts and findings.

## B.1.8 Fisheries Law Enforcement

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### Background

Non-compliance with national laws on fishing is thought to be a significant challenge to sustainable and equitable fisheries in many parts of the world. It is an issue that has gained international attention, which in turn has led to several regional and international initiatives. Many of these are referred to the ambition of reducing “illegal, unreported and unregulated” (IUU) fishing.

While international attention has been given to combatting IUU fishing, in developing the FiTI Standard it was recognised that public information on the implementation of law enforcement activities in the fisheries sector, including on penalties and prosecutions, is often limited, but of national interest.

This transparency requirement therefore focuses on the efforts and results of law enforcement activities. This is not limited to the fishing sector only, but also includes law enforcement in the post-harvest sector and fish trade. This is important, given international concern with violations of labour standards and mislabelling of traded food products.

### Considerations for the Report Compiler

Where the FiTI Standard request information on national strategies and activities for law enforcement, this should include participation in regional and international initiatives. However, it is important that the information describes the activities implemented as part of these strategies by national authorities, rather than simply establishing that national authorities are members of such initiatives.

The FiTI Standard requires national authorities to publish details of convictions for major offences in the fisheries sector. The interpretation of “major offences” is open to differing interpretations. The Report Compiler must consult with the National MSG on how to interpret this. If the National MSG is unsure how to resolve this issue, then the Report Compiler could suggest a monetary threshold for defining major offences, as well as a minimum prison sentence. For example, published information will include only those cases resulting in fines or prison sentences above a threshold.

It should be noted that in some countries penalties for illegal fishing include asset seizures, where authorities confiscating fishing vessels and gears, as well as fish. These assets may be destroyed, utilised by national authorities, or sold. Information on asset seizures, including the use of seized assets by national authorities, should be included in public reporting, and therefore included in the FiTI Reports.

A challenge in assessing information on penalties and convictions is where fishing companies accused of non-compliance with fisheries rules enter into an out of court settlement. In such cases it may be contested by companies if there is any proof of being guilty for non-compliance, and there may be complaints that these cases are included in published lists of convictions. However, the spirit of the FiTI is to ensure that such cases are made public, as it is an area where abuses of public authority may be prevalent. Report Compilers are therefore requested to ask national authorities for information

on cases which have been resolved without recourse to law courts or formal charges, and the amounts involved in the settlement of these disputes should be recorded. Information on out of court settlements for major offences should be included in the FiTI Report (as an interim measure) if these are not included in public records.

While it may be infeasible for the Report Compiler to verify in all cases if penalties and convictions have been served effectively, the Report Compiler must ask national authorities and the National MSG if reported penalties and convictions have been adhered to. Records on the payment of fines may be available to the Report Compiler from the ministry responsible for justice, and could be used to cross check information published by the fisheries authorities. It is strongly encouraged that the Report Compiler accesses this information and describes the results of cross-checking information in the FiTI Report. If this is not possible, then the FiTI Report must state that verification of data by the ministry responsible for justice has not been undertaken.

It is important to note that the FiTI does not request any information on estimates of the scale and impact of IUU fishing in implementing countries. Report Compilers are encouraged not to include these estimates given the inherent difficulties of generating reliable estimates of IUU fishing. FiTI Reports should avoid replicating estimates on IUU fishing where these are unreliable and potentially misleading for public debates. If the National MSG requests such estimates to be included in the FiTI Report, it is the duty of the Report Compiler to ensure any limitations to these estimates are described.

### **How to summarise information for the FiTI Report**

Report Compilers should provide a succinct summary for the three types of information on fisheries law enforcement.

Furthermore, if the list of major offences is already made accessible by public authorities (including supplementary information request by the FiTI standard, such as name of the company or vessel owner), the FiTI Report should only provide a reference to where this list can be accessed and provide summary details, including:

- The total of fines issued for major offences in the past five years, and thereof payment for these fines.
- The total number of cases where prison sentences were issued.
- The total value of assets seized by national authorities, where applicable.

In case this information is not available, the Report Compiler must provide this summary information as part of the FiTI Report (Annex C).

## B.1.9 Labour Standards

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### Background

There has been international concern that the fisheries sector in some countries has poor levels of labour standards or labour standards are poorly enforced. Labour standards for foreign workers are an area of particular concern, as is the use of child labour.

The purpose of this transparency requirement is to improve public knowledge on both the nature and implementation of labour standards in the fisheries sector, both at sea and in the post-harvest sector.

### Considerations for the Report Compiler

The requirement to provide a summary of national laws on labour standards applicable for national and foreign workers employed in the fishing sector at sea and in the post-harvest fisheries sector should be considered similar to the requirement to publish a summary of tenure arrangements (B.1.2). As such, if this is not available because it has not been written, the National MSG should encourage national authorities to do so before the FiTI Report is complete. The National MSG may offer to provide their own summary to national authorities. If the summary remains inaccessible by the time the FiTI Report is completed, the National MSG must publish their own summary in the FiTI Report as an interim measure (Annex C).

Where public evaluations of labour standards are not available, the Report Compiler must review other sources of information and identify organisations working in this field for consultations, including non-governmental organisations working to promote labour standards as well as trade unions representing the fisheries sector. These consultations should be used to establish if there are any public and non-governmental reports relevant to this transparency requirement, and the extent to which these reports are considered credible.

### How to summarise information for the FiTI Report

The FiTI Standard already requires national authorities to publish a summary description of national laws on labour standards applicable for national and foreign workers employed in the fishing sector at sea and in the post-harvest fisheries sector. The National MSG must use their judgment and consider whether the FiTI Report would benefit from repeating this summary.

In addition to the summary of laws, this transparency requirement includes 4 separate reporting elements.

The first and third of these elements are straightforward and should be included in the FiTI Report.

The second requirement requires the Report Compiler to summarise key facts and findings only.

For the fourth element, where this information is publicly accessible, the Report Compiler should only provide a summary of findings. This may include:

- The total number of offences, disaggregated according to types of offence.
- The total value of fines and penalties, including details of any prison sentences.



## B.1.10 Fisheries Subsidies

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### Background

The role that subsidies play in contributing to unsustainable fisheries is regarded as an international priority for fisheries reforms. Government transfers to the fisheries sector are an important consideration for contributing to unsustainable fishing. They are also seen in some contexts to favour certain groups and sectors over others.

There are no global agreements on the publication of data on government subsidies to the fisheries sector, but there is widespread support for such transparency to happen. The purpose of this transparency requirement is therefore to ensure information on government subsidies to the fishing sector is published in a timely way, demonstrating the purpose of these transfers and the recipients.

### Considerations for the Report Compiler

The definition of government financial transfers or subsidies to the fisheries sector remains contested. The FiTI Standard does not attempt to resolve this definitional interpretation, but rather leaves the interpretation up to the National MSG to decide. In practice, Report Compilers may provide an important and useful resource for the National MSG to discuss this definition and agree on the parameters.

Irrespective of the outcome, Report Compilers are encouraged to ensure this transparency requirement reflects the following:

- Fuel subsidies should be included in public information, although if the National MSG decides that the supply of fuel to the fishing industry by a public body does not constitute a fisheries subsidy (which is the case in some countries reporting on subsidies to the OECD), then this must be clearly stated in the FiTI Report.
- Reporting on government subsidies must include government non-financial transfers to the fisheries sector that are intended to provide a financial benefit to the sector, such as assistance in marketing food products.

The FiTI Standard also includes the request that information on subsidies is to include details of recipients. Report Compilers should interpret this as meaning the names of companies or individuals that receive individual transfers where this is applicable. Published government information may provide less detail than this, indicating the sectors for which transfers are given. This may be correct where government subsidies are provided to people and companies classified as working in a specific sub-sector. However, where government subsidies are selectively provided to specific companies, the Report Compiler should describe whether this information is publicly available, and if not, include this information in the FiTI Report. An element of judgement is needed in approaching this task, as listing numerous small transfers will have limited public value. The definition of a monetary thresholds should be considered by the National MSG.

### How to summarise information for the FiTI Report

The FiTI Report should contain a description of how government subsidies to the fisheries sector is defined by the National MSG and how these are defined in national legislation or policy documents, if these are applicable. This includes the official view of national authorities on the issue of fuel subsidies.

In summarising data on subsidies, the FiTI Report must provide a categorisation of the different types of subsidies, such as fuel subsidies, boat building subsidies, subsidies on inputs (ice) and non-financial subsidies including support for marketing. The corresponding data should be presented on the monetary values of the subsidies (if known), and the recipients, which will either be defined as a sub-section, group of companies or specific individuals and companies.

Depending on the outcome of discussions with the National MSG, the Report Compiler may decide to summarise data on subsidies in the FiTI Report by stating the individual names of recipients that receive substantial government subsidies, beyond a material threshold or by another method. For example, the Report Compiler could discuss publishing the value, purpose and recipient details of a government fisheries subsidy for those transfers above the defined threshold, or publish the details of the 10 most valuable subsidies in the country only.

## B.1.11 Official Development Assistance

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### Background

Official Development Assistance (ODA) can present an important source of funds and assistance in the fisheries sector. However, there have been global awareness on the lack of public information on the value of ODA, its purpose and impact, as well as a lack of public participation on decision making regarding the use of ODA.

The purpose of this transparency requirement is to support public understanding of the purpose and activities of ODA supported projects in order to raise public debates on how ODA supports national priorities and to strengthen accountability.

### Considerations for the Report Compiler

The FiTI Standard restricts the definition of ODA to only projects and activities funded in the public sector. It is therefore not a requirement to publish information on development aid support to non-governmental organisations in the country. However, information should be published where a public agency or department is a partner to a project funded through ODA, even if a non-governmental organisation is the leading implementation organisation.

Considerable information on ODA to the fisheries sector for countries is collated and published by organisations already, including by the OECD and the World Bank. All have searchable databases that enable projects for marine fisheries to be found. Report Compilers must therefore consult such databases to assess whether information published by national authorities is correct and complete.

A challenge in reporting on ODA to the fisheries sector lies with the parameters. Some ODA funded projects will have an obvious focus on the fisheries sector, while others may include fisheries related activities and spending within a broader project. Fisheries ODA may come through aid for agriculture and food security, or they may form part of wider efforts to support coastal development or marine conservation. For this reason, while “fisheries” is often included as a specific sub-sector in searchable databases on ODA, there are also other sectors that should be examined. For example, in the OECD and World Bank databases, alongside fisheries as a search query, there are also searches for projects under “agriculture, forestry and fisheries”.

In practice it may be difficult to isolate the exact figure and activities directed towards the fishing sector in these types of projects. However, public information should include this information, or at the minimum indicate that fisheries is a benefactor of a wider aid programme.

Additionally, ODA can be provided to the public sector responsible for fisheries via general budget support. Report Compilers should check if this is captured in public information on aid in the country, and request further information from relevant national authorities if it is not.

Beyond consulting national authorities and international aid databases, Report Compilers should consult with resident representatives of development aid programmes in the country being assessed for information on ODA, including the availability of any programme documents and evaluations.

It is important to reemphasise for this transparency requirement that information on ODA projects is often only published by the donor. However, information cannot be considered accessible if it is found only on international aid databases or on the web pages of foreign donors. The information must be published by the national authorities, or described in the FiTI Report as an interim measure.

### How to summarise information for the FiTI Report

The FiTI Report should provide a list of all active ODA projects and the value of contributions derived from general budget support related to fisheries and marine conservation. For projects specifically, the summary of information should include:

- The name of the project;
- The recipient(s) or the ODA project and lead agencies;
- The bilateral, multilateral and private donor(s);
- The project's value;
- The project's time frame and completion date;
- The purpose of the project (objective and specific aims and deliverables);
- What programmatic documentation is accessible, in particular the mid-term or end of project evaluation.

Additionally, the Report Compiler should consider providing further information on the extent to which there is any efforts by public authorities at the national level to consult with civil society and the private sector on the use and implementation of ODA in the fisheries sector.

## B.1.12 Beneficial Ownership

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### Background

Transparency of beneficial ownership has gained international prominence, including in the fisheries sector. Where governments do not have information on the beneficial owner of companies, this is thought to hamper national or international efforts at addressing a range of issues, including money laundering, tax evasion and corruption. Similarly, where governments do not disclose this information to the public, the role of non-governmental organisations in contributing to efforts to address these problems is diminished.

The purpose of this transparency requirement is to support public understanding of existing commitments by national authorities towards beneficial ownership transparency.

### Considerations for the Report Compiler

It is important to understand that this transparency requirement does not establish any obligation by national authorities to put in place legislation for beneficial ownership transparency, only to disclose information on any national policies to achieve this.

Also, of the five specific requirements listed in the FiTI Standard, the first three are not specific to the fisheries sector. Report Compilers must therefore consult national legislation or policy statements on beneficial ownership transparency to undertake the assessment of these three requirements. The Report Compiler may need to consult with experts outside of the National MSG to fully understand this subject.

It is not relevant for this transparency requirement to consider whether information is complete, but the Report Compiler must consider whether policies or legislation on beneficial ownership transparency are applicable to all companies, or whether only companies above a material threshold are included.

### How to summarise information for the FiTI Report

If information on any of the five specific requirements is accessible online, then the FiTI Report should only provide a link to this information, and it is not necessary to provide any further summary in the FiTI Report. The exception to this is for the last of the five requirements, which should be summarised.

## Annex: Sample Terms of Reference (ToR) for Report Compilers

For each annual reporting process, the National Multi-Stakeholder Group (MSG) must appoint a Report Compiler, tasked with supporting the National MSG in producing a FiTI Report, which provides an assessment on the accessibility, completeness and availability of best information on marine fisheries, published online by public authorities.

Selecting and appointing a Report Compiler must be based on open tendering procedures. The National MSG must endorse the appointment of the Report Compiler.

Clear and comprehensive Terms of Reference provide a robust foundation that safeguards the legitimacy of the annual FiTI reporting process and ensures a clear understanding of expectations and responsibilities for the National Multi-Stakeholder Group (MSG) and the Report Compiler. It is therefore an important first step of each annual reporting process for the National MSG to establish (or review, in subsequent years) commonly agreed rules and procedures, which are binding for the Report Compiler.

The utilisation of Terms of Reference for the Report Compiler is also a formal requirement in the FiTI Standard (section B.2.3) and thus, a mandatory step in each annual reporting process.

Each National MSG is free to develop its own Terms of Reference (ToR) tailored to its particular needs and national circumstances. However, the Terms of Reference must contain a set of 11 minimum provisions, as outlined below.

Should the National MSG wish to deviate from these minimum provisions set out in this ToR, the FiTI International Secretariat must be consulted as advance approval from the FiTI International Board might be required.

## 1) Mission and Objectives of [country's] FiTI

[The National MSG must include a background statement on the FiTI in the country, outlining e.g. the importance of fisheries for the country or the alliance of the FiTI with other major fisheries reform efforts. The National MSG must also declare its ambitions and broader aspirations for the upcoming FiTI reporting process, such as increasing transparency, providing recommendations and contributing to the public debate.]

## 2) Objective of the FiTI reporting process

On behalf of the government of [country] and the FiTI National Multi-Stakeholder Group, the [contracting party] seeks to appoint an individual or firm to support the FiTI National Multi-Stakeholder Group of [country] in the publication of a FiTI Report in accordance with the provisions set forth in the FiTI Standard (section B). The purpose of the FiTI Report is:

- to demonstrate whether the FiTI transparency requirements have been fulfilled by [country], i.e. if the information published by national authorities is accessible and complete, and represents the best available information,
- to provide a succinct summary of information on each of the 12 transparency requirements to contribute to public debates, and
- to determine recommendations of the National MSG to improve transparency and participation in marine fisheries in [country] over time.

## 3) Provisions of reporting process

The reporting process must be carried out in accordance with the FiTI Standard as well as the Guidance Note on “Compiling FiTI Reports” and will include such activities and procedures as the National MSG and the Report Compiler jointly consider necessary for the completion of their responsibilities under the given circumstances.

## 4) Reporting deadline and period

The Report Compiler is tasked with supporting the National MSG in the preparation of the FiTI Report for calendar year [e.g. 2020].

The FiTI Report must comprise of information from the complete calendar year [e.g. 2019].

The FiTI Report must contain information on transparency requirements [either 1 – 6, or 1 – 12].

The following high-level timeframe is determined for this reporting process:

| Activity  | Responsibility                            | Deadline |
|---|---|----------|
| Appointing the Report Compiler                    | Contracting authority <sup>7</sup>        | [Date]   |
| Endorsing the Report Compiler                     | National MSG                              | [Date]   |
| Signing the contract <sup>8</sup>                 | Contracting authority and Report Compiler | [Date]   |
| Determine preparatory information <sup>9</sup>    | National MSG                              | [Date]   |
| Conduct kick-off meeting                          | National MSG and Report Compiler          | [Date]   |
| Undertake initial assessment                      | Report Compiler                           | [Date]   |
| Present and discuss initial findings              | National MSG and Report Compiler          | [Date]   |
| Draft the FiTI Report (1st version)               | Report Compiler                           | [Date]   |
| Provide feedback on the FiTI Report (1st version) | National MSG                              | [Date]   |
| Draft the FiTI Report (final version)             | Report Compiler                           | [Date]   |
| Review and approve the FiTI Report                | National MSG                              | [Date]   |

The National MSG and the Report Compiler shall work jointly towards adherence to this timeframe. In case of delays for which the Report Compiler is not responsible for, the schedule shall be adjusted accordingly, considering the official reporting deadlines of the FiTI Standard.

<sup>7</sup> In case the country's National Multi-Stakeholder Group is constituted as a legal entity, it may conduct the contractual process of appointing a Report Compiler on its own.

<sup>8</sup> It is typical to attach the Terms of Reference to the contract between the Report Compiler and the government's contracting authority.

<sup>9</sup> As set forth in the Guidance Note for Compiling Reports, process step #2.



## 5) Role and responsibilities of the Report Compiler

The role of the Report Compiler is to work collaboratively with the National MSG and support them in fulfilling their duty of producing an annual FiTI Report in accordance with the FiTI Standard.

The responsibilities of the Report Compiler shall include, but are not limited to:<sup>10</sup>

- Participating in a preliminary meeting with the National MSG to kick-off the reporting process;
- Consulting with the FiTI International Secretariat prior to undertaking the initial assessment;
- [Supporting the National MSG in defining key terms for the reporting process];
- Undertaking a combination of desk-top and primary research, including approx. (X) interviews with members of the National MSG and approx. (X) interviews with other relevant national and international stakeholders, in order to make an initial assessment of each of the 12 transparency requirements<sup>11</sup>;
- Contacting the relevant national authorities directly to clarify any information gaps or discrepancies;
- Drafting succinct summaries of the information for each transparency requirement, if applicable;
- [Collating information that is not published by public authorities in the public domain or is assessed as inaccessible or incomplete in order to present it in the FiTI Report as an interim measure, up to a maximum of (x) work days];
- Presenting the initial findings to the National MSG;
- [Providing suggestions to the National MSG on possible recommendations for progressive improvements on transparency];
- Drafting the final report in accordance with the structure and requirements set forth in the Guidance Note on Compiling FiTI Reports, including
  - A statement on the information for each transparency requirement establishing whether this information is accessible, complete and best available or if the information has not been collated by national authorities
  - A summary of the information for each of the transparency requirements, if applicable
  - A description of how the information for each of the transparency requirements was verified as complete or best available, including any information on differing opinions by stakeholders

<sup>10</sup> Activities listed in [...] are optional and must be jointly agreed between the National MSG and the Report Compiler.

<sup>11</sup> Face to face interviews are the preferred method of consultation. In case the Report Compiler seeks to use telephone interviews or email and video conferencing, this must be clearly indicated.

- Recommendations for achieving progressive improvements on transparency, as determined by the National MSG
- Documentation of any rectifications of public information by national authorities as part of the reporting process prior to the completion of the FiTI Report (e.g. as part of the assessment regarding “best available” information)
- Providing an independent “Statement of Report Compiler” as part of the final FiTI Report, in accordance with the Guidance Note on “Compiling FiTI Reports”;
- Providing recommendations to the National MSG for strengthening the operative reporting process in the future;
- Consulting with the FiTI International Secretariat to provide feedback on experiences with undertaking the assessment and highlight observations on any challenges or limitations to the assessment.

## 6) **Role and responsibilities of the National Multi-Stakeholder Group and its members**

The role of the National Multi-Stakeholder is to produce annual FiTI Reports in accordance with the FiTI Standard, ensuring that the entire FiTI reporting process is rigorous, comprehensive and perceived as open and inclusive.

The responsibilities of the National MSG shall include, but are not limited to:

- Exercising oversight over the entire reporting process;
- Determining Terms of Reference for the Report Compiler;
- Endorsing the appointment of a Report Compiler;
- Providing preparatory information in writing, including at a minimum:
  - Additional transparency requirements that are not covered in the FiTI Standard), if these are seen as beneficial to support national priorities, if applicable
  - National interpretations of relevant terms in the FiTI Standard, such as fishing vessel, large-scale sector
  - A list of recommendations made in previous FiTI Reports, and a summary of what progress has been made in meeting these recommendations, if applicable
- Conducting preliminary meeting with the Report Compiler to kick-off the reporting process;
- Providing contact details to relevant stakeholders in government, civil society and the fishing industry and assist the Report Compiler in ensuring an open and inclusive consultation process;
- Supporting the Report Compiler in requesting additional information from the national authorities;
- Serving as the first escalation point to the Report Compiler, e.g. when experiencing delays by national authorities in providing information;

- Recommending improvements on the publication of relevant data in the public domain;
- Consulting widely on the status of the transparency requirements (as part of the initial assessment provided by the Report Compiler) and on recommendations to be presented in the FiTI Report;
- Reviewing, approving and publishing national FiTI Reports in accordance with the reporting deadlines and periods specified in the FiTI Standard;
- Disseminating the FiTI Report and stimulating public debate.

Each member of the National MSG shall assume several responsibilities and participate actively in the reporting process, including, but not limited to:

- Preparing and participating in kick-off meeting with the Report Compiler;
- Participating in interviews with the Report Compiler, if applicable;
- Preparing and participating in review meetings, e.g. on the initial assessment as well as on the draft FiTI Report;
- Holding regular consultations with their respective stakeholder groups to receive and coordinate their input ahead of National Multi-Stakeholder Group meetings; and reporting back to their stakeholder group after relevant meetings.

## 7) Deliverables

The Report Compiler shall provide the following deliverables as part of the assignment:

- Presentation of initial assessment to National MSG<sup>12</sup>
- Draft FiTI Report in accordance with the mandatory report structure set out in the guidance note “Compiling FiTI Reports”

The final FiTI Report shall not be owned, branded or published under the name of the Report Compiler. Nor shall the final FiTI Report include the Report Compiler’s own views on assessing transparency requirements, or their own recommendations on progressive improvements, unless these have been agreed to by the National MSG.

The Report Compiler must, at the end of the mission, submit to the National Secretariat all data and sources collected during the mission, in accordance with the confidentiality clauses stipulated in the Report Terms of Reference.

<sup>12</sup> The decision to provide these results in a document or verbal presentation is left entirely up to the Report Compiler and the National MSG to decide. However, any written presentation of the initial findings must not be communicated as a draft of the final report.

## 8) Qualifications of the Report Compiler

The support of the National MSG in producing a FiTI Report must be undertaken by a Report Compiler demonstrating professional conduct. It is a requirement that the Report Compiler is perceived by the National MSG to be credible, trustworthy and technically competent. The Report Compiler shall demonstrate:

- Expertise and experience in the fisheries sector in (country);
- Excellent knowledge of the FiTI Standard as well as the FiTI initiative as a whole;
- Expertise in accounting, statistical analysis, auditing and financial analysis;
- Good writing skills;
- A track record in similar work;
- [Add additional information about any other skills and competencies required, e.g. language skills].

In order to ensure the quality and independence of the exercise, Report Compilers are required, in their proposal, to disclose any actual or potential conflicts of interest, together with commentary on how any such conflict can be avoided.

The Report Compiler cannot be a member of the National MSG.

## 9) Confidentiality

Where the Report Compiler is given confidential information, such as access to details of information which, in such detailed way, might not be made public in the final FiTI Report, the Report Compiler shall ensure that this information is kept confidential at all times, as required by law and ethical or other professional standards relevant to this engagement. This shall apply during and after this assignment.

## 10) Code of Conduct

The provisions of the FiTI Global Code of Conduct shall apply to the Report Compiler for the above stated timeframe, unless otherwise specified.

## 11) Sub-Contracting

Depending on the complexity of procurement activities, the Report Compiler shall consider involving technical experts during the reporting process. In cases where such experts are involved, the National MSG must be informed prior to any commence of work by these experts.

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