



Fisheries  
Transparency  
Initiative



## Guidance Note #3

# Validating countries

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# Introduction

The **Fisheries Transparency Initiative (FiTI)** is a global multi-stakeholder initiative that strengthens transparency and collaboration in marine fisheries management. By making fisheries management more transparent and inclusive, the FiTI promotes informed public debates on fisheries policies and supports the long-term contribution of the sector to national economies and the well-being of citizens and businesses that depend on a healthy marine environment.

At the heart of the initiative is the **FiTI Standard**, the only internationally recognised framework that defines what information<sup>1</sup> on fisheries management should be published online by national authorities. Organised into 12 transparency requirements, the FiTI Standard was developed over two years in a global multi-stakeholder endeavour.

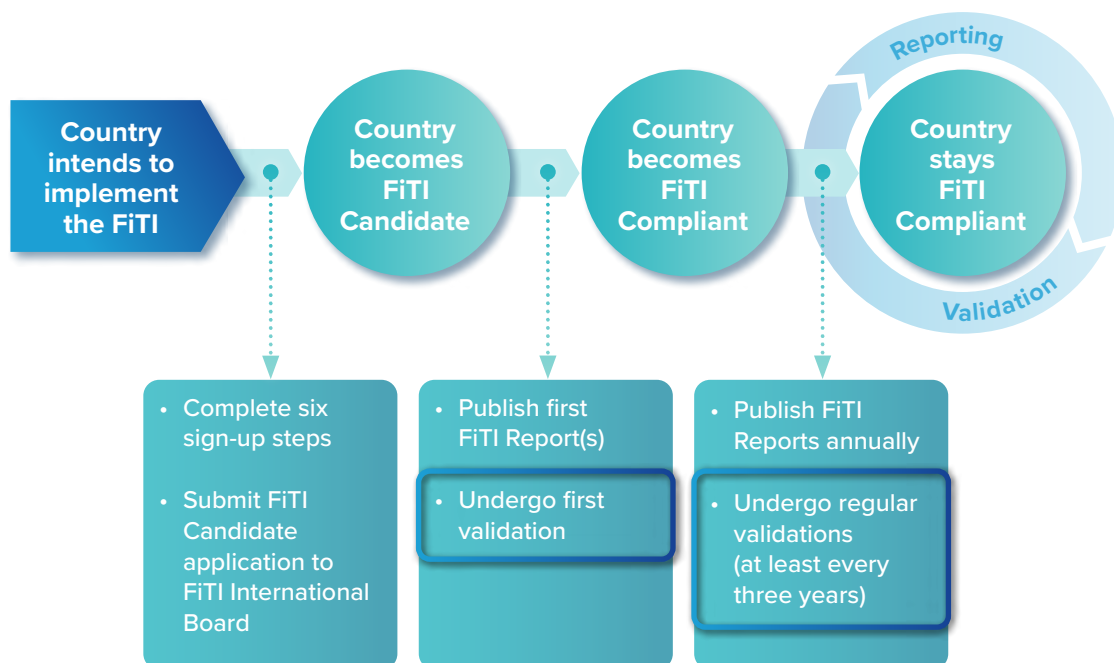
The reputation of the FiTI as an initiative promoting good governance in fisheries, in particular transparency, participation and accountability, is one of the initiative's greatest assets. This is also a major driver motivating countries to join the FiTI and benefit from its international standing. Robust and objective assurance procedures play an important role in creating and maintaining this reputation to ensure equal treatment of all countries.

Regular validations of implementing countries are therefore an essential part of the FiTI process,

- serving to assess an implementing country's compliance with the FiTI Standard;
- safeguarding the integrity of the FiTI by holding all FiTI implementing countries to the same global standard;
- assessing the impact of the FiTI in the country, reflecting stakeholder opinions, and listing recommendations for progressive improvement; and
- promoting dialogue and learning at the country level.

<sup>1</sup> As part of this Guidance Note, the terms '*information*' and '*data*' are used interchangeably. It is acknowledged that while closely intertwined, they differ in meaning and usage (e.g. data is the raw fact, which should be processed to gain information). However, this difference is not of major relevance for the FiTI validation process.

Validation occurs at different points during the FiTI implementation, as outlined below:



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

Section D of the FiTI Standard lists the provisions that must be applied when conducting validations. **This document serves as the formal guidance note for the FiTI International Secretariat, Independent Validators and the FiTI International Board on how to conduct validations in accordance with these provisions.** It also clarifies expectations of FiTI implementing countries. It explains the scope, guiding principles and procedures for validation, gives guidance on assessing each requirement, and sets out standard terms of reference for validations and validation reports.

Further details on timeframes, outcomes and consequences of validation are described in more detail in this Guidance Note. Cases of exceptional validations conducted outside the normal schedule are also covered.

This Guidance Note is based entirely on these elements and the letter and spirit of the FiTI Standard as a whole. It therefore does not introduce any additional requirements or procedures other than those already outlined in the FiTI Standard.

## Further support

The FiTI International Secretariat works closely with countries and stakeholders to clarify any outstanding issues and, upon request, provide further clarification or guidance regarding validations.

# Overview of the FiTI validation process

The FiTI International Board holds ultimate responsibility over the validation process. It initiates the process and determines the implementing country's overall level of compliance in accordance with section D.1.2 of the FiTI Standard.

In order to initiate the validation process, the FiTI International Board must formally engage the International Secretariat as well as an Independent Validator<sup>2</sup>, and clearly state which timeframe the validation should cover.

## Regular and extraordinary validations

Validations are triggered based either on specific dates as outlined in the FiTI Standard<sup>3</sup> (*regular validations*) or on requests from stakeholders or the FiTI International Board itself (*extraordinary validations*).

### A FiTI Candidate country:

- may choose to request an extraordinary validation prior to publishing its first FiTI Report. Such a request must be made in writing by the country's government, with the support of the National Multi-Stakeholder Group (MSG), to the FiTI International Board;
- must undergo a regular validation prior to publishing its second FiTI Report. In this case, the country does not need to make a validation request to the FiTI International Board.

If a Candidate country does not achieve '*compliant*' status at its first validation, subsequent validation schedules will be established by the FiTI International Board in accordance with the procedures set out in section E.2.3 of the FiTI Standard.

2 Such engagements could, for example, be documented in the minutes of an FiTI International Board meeting, or through a separate statement.

Selecting and appointing an Independent Validator (or team of Validators) must be based on open tendering procedures, and follow the Terms of Reference outlined in Annex IV of this document.

3 Section D.4 of the FiTI Standard.

**A FiTI Compliant country:**

- must undergo regular validations at least every three years, unless an extension has been requested by the country and granted by the FiTI International Board in accordance with section C.1.2 of the FiTI Standard.

The FiTI International Board holds the right to require a country to undergo an extraordinary validation outside of the regular validation timeframe (section D.4).

National stakeholders may also petition the FiTI International Board if they consider that the country's '*compliant*' status should be reviewed. An ad-hoc validation may then be approved at the discretion of the FiTI International Board (section D.4).

**Consequences of non-compliance**

The FiTI Standard describes the processes concerning the consequences of non-compliance (which are suspension, probation or delisting), types of non-compliance, and follow-up on non-compliance.

The consequences of non-compliance are sufficiently laid out in sections E.1 and E.2.3 of the FiTI Standard and require no further clarification in this Validation Guide.





## Phases of the validation process

The assessment of a country's compliance with the FiTI Standard (section D) is spread across **three phases of validation**, each building on the conclusions and recommendations of the previous phase.

FiTI Standard	Section D.2.1	Section D.2.2	Section D.2.3
Responsibility	1. Baseline Assessment Report	2. Validation Report	3. Compliance Statement
Purpose	FiTI International Secretariat	Independent Validator	FiTI International Board
	<ul style="list-style-type: none"> <li>▶ Determines the level of compliance for each individual validation requirement</li> <li>▶ Documents efforts that go beyond FiTI requirements</li> <li>▶ Provides recommendations to further strengthen the FiTI implementation process</li> <li>▶ Identifies additional aspects for the consideration of the Independent Validator</li> </ul>	<ul style="list-style-type: none"> <li>▶ Verifies the baseline assessment of each individual requirement as well as the country's progress performance, as conducted by the FiTI International Secretariat</li> <li>▶ Identifies opportunities to further improve the operational effectiveness as well as the impact of the national FiTI implementation in terms of promoting sustainable fisheries management</li> <li>▶ Provides a recommendation for the overall compliance designation, in accordance with the categories stated in section D.1.1 of the FiTI Standard</li> </ul>	<ul style="list-style-type: none"> <li>▶ Determines the final overall compliance designation, in accordance with the designation categories stated in section D.1.1 of the FiTI Standard</li> </ul>
Information gathering	Primarily through desk-based research	Primarily through stakeholder consultations (and complementary research)	Primarily based on the Validation Report
Expected timeframe	Approx. 3 months	Approx. 4 months	Approx. 1 month
Involvement of National MSG?	No	Yes	No

Details of each of these phases are provided in chapters 2–4 of this Guidance Note.

Regular and clear communication is essential to ensure transparent and efficient workflows throughout the three phases of validation. The FiTI International Secretariat, the Independent Validator and the FiTI International Board need to appropriately communicate with stakeholders as well as among themselves. Also, the National MSG and relevant stakeholders must be allowed the opportunity and space to provide their honest opinions freely and readily.

## Costs for a country validation

Costs for the entire validation process, including the engagement of an Independent Validator, will be borne by the FiTI, either directly or through partners.

## Guiding principles

To ensure that every implementing country works towards the same level of transparency, the FiTI Standard emphasises that minimum requirements must be equally applied to all.

Assessing compliance with these requirements, and effectively maintaining a level playing field that protects the credibility of the FiTI, is a central objective of the validation process.

The validation process, and in particular the decisions regarding compliance with the FiTI Standard, must therefore be conducted based on the guiding principles anchored in the FiTI Standard. Below, these principles are explained and additional FiTI interpretation is provided in cases where the FiTI Standard remains general.

### Spirit of the initiative

The FiTI validation process offers a unique opportunity to conduct an objective and standardised verification of a country's past performances (e.g. published FiTI Reports) as well as to identify lessons learned, enhancement opportunities and corrective actions to further strengthen the operational effectiveness of the FiTI implementation and the overall impact of the FiTI for the sustainable management of a country's marine fisheries. As such, the validation process is beneficial for national stakeholders in validated countries as well as for FiTI's international stakeholders (e.g. business partners, donors etc.).

**However, the validation process should not be mistaken as a purely technical, audit-like exercise.** Instead, when determining a country's level of compliance, the validation process must balance the outcomes of a detailed, evidence-based assessment of a country's performance against the individual requirements of the FiTI Standard (as set forth in its sections B.1–B.3)<sup>4</sup> with the overall perception of the country's performance against the spirit of the initiative – as document in the FiTI Principles. In this regard, greater flexibility during a country's first regular validation processes should be applied, where suitable.

**Non-numerical outcomes:** *While parts of the validation process (as shown below) assess a country's level of compliance with the individual requirements of the FiTI Standard through a numerical approach, the overall validation process is not designed to be a mathematical scoring exercise. Furthermore, the validation process does not produce an overall compliance score, nor does the FiTI engage in ranking validated countries.*

<sup>4</sup> For more information, please refer to [chapter 2](#) of this Guidance Note.

### Contextual mindfulness

Each validation needs to consider a country's current economic, cultural, and political landscape. This is in particular relevant when considering a country's endeavours around the principle of *'progressive improvement'*, and ultimately, its overall level of compliance, as outlined in section D.1.2 of the FiTI Standard.

Validations therefore need to strike a balance between ensuring that all countries are consistently held to the same global standard and ensuring that each country's unique situation is taken into account.

### Progressive improvement

Progressive improvement represents a key aspect of the FiTI implementation and consequently of validation. The concept is anchored in FiTI Principle 7 which stipulates: *'Increasing transparency and participation must be feasible and introduced progressively in order to ensure the wide acceptance of this initiative.'* In other words, the FiTI does not expect all countries to have complete data for every transparency requirement from the beginning.<sup>5</sup> Instead, public authorities must disclose the information they have, and where important gaps exist, they must demonstrate improvements over time. To do so, it is the responsibility of the National MSG to agree jointly on recommendations for addressing such gaps, and for the FiTI country's government to act on these recommendations, as summarised below:

	Responsibility of the National MSG	Responsibility of the country's government
Assess the availability, accessibility and completeness of information in the public domain (as part of the annual FiTI reporting process)	X	
Ensure the FiTI Report explains the fact of and reasons behind the absence of information	X	
Determine recommendations for improving information gaps <sup>6</sup> and state these in the FiTI Report (including expected timeframes)	X	
Consider and (where seen as relevant) implement <sup>7</sup> the recommendations of the National MSG in order to achieve improvements in line with the FiTI Report and agreed timeframes		X
Monitor implementation progress of previous recommendations (as part of the FiTI Report)	X	

<sup>5</sup> The term *'if available'* – referring to data or information – is recurring throughout section B.1 of the FiTI Standard, emphasising this principle.

<sup>6</sup> As per Guidance Note #2 on compiling FiTI Reports (section 4), recommendations for corrective actions should be made when gaps are substantial and relate to information that the National MSG considers important for achieving the responsible management of the fisheries sector. Gaps are substantial if the omission or misstatement of the concerned data or information could significantly affect the comprehensiveness of the FiTI Report.

<sup>7</sup> In case a government does not agree with a recommendation of the National MSG (or the proposed timeframe), this needs to be clearly stated in a subsequent FiTI Report.

The government's progress regarding implementation of the National MSG's recommendations must be documented in subsequent FiTI Reports. The FiTI therefore does not only seek to increase transparency around the information demanded by the FiTI Standard's 12 transparency requirements, but also aims to make transparent the rate of improvement over time.

The principle of progressive improvement therefore has practical implications for the validation process, as a country can still initially achieve a 'compliant' status, even if some information required by the FiTI Standard is not available. This principle is in particular relevant for determining the level of compliance during a country's first validation process:

*During its first regular validation, a FiTI implementing country must not be validated as non-compliant with the FiTI Standard in case information is not available to the government; even if such a lack of information is considered by the National MSG as important for achieving the responsible management of the fisheries sector.*

*During subsequent regular validations, the level of progressive improvement in making previously unavailable or unpublished information publicly accessible needs to be included in the determination of the level of compliance.*

It is important to emphasise that the FiTI Standard does not set out a specific timeframe for these improvements to occur, as this is highly dependent on each country's context and situation. For example, during an initial validation of a FiTI implementing country, it is found that the country has not collated information on discards in its small-scale fisheries, or conducted evaluations or audits of the economic, social and food security contributions of the large-scale fishing sector. Closing such information gaps may require additional funding or technical support, and is therefore highly dependent on several factors, such as the availability of financial resources, the complexity of the country's fisheries sector, national priorities etc.

This document therefore provides general guidance for those (e.g. FiTI International Secretariat, Independent Validators and the FiTI International Board) involved in determining compliance designations in initial as well as subsequent validations. However, it must be recognised that, in particular during subsequent validations, a degree of discretion needs to be applied to assess the influence of progressive improvements on determining the compliance designation(s).

Furthermore, it is not an objective of the validation process to determine whether recommendations from a country's National MSG to close information gaps are adequate, timely or actionable. Nevertheless, the validation process should highlight when major information gaps have not been addressed by any of the National MSG's recommendations, as well as when recommendations that have been provided are perceived as inadequate to address the issue(s) they seek to rectify.

### Transparency in the public domain

Another key principle of the FiTI Standard is the need for national authorities to develop and strengthen their own systems for collating and publishing information online in a complete and accessible manner. At the same time, the FiTI Standard recognises that not all information available to a government is in a state fit for immediate online publication. It is therefore acceptable for information to be published as part of a FiTI Report as an initial step. However, this should be used only as an interim mechanism. If this situation persists, there will be practical implications on the outcome of the validation process.

*During the first regular validation of a country, the decision of the FiTI International Secretariat's regarding the compliance designation for individual transparency requirements (section B.1. of the FiTI Standard) should not differentiate between information published online or information only published as part of a FiTI Report.*

*However, in order to ensure that national authorities publish increasing amounts of information online, the compliance designation should be lowered if subsequent validations find that information has not been migrated online and is still only made accessible through FiTI Reports.*

### Balanced representation of a country's performance

Validations strive to advance the principles and requirements of the FiTI Standard in order to achieve transparency in fisheries management. The validation process must therefore identify the strengths of national FiTI implementations, but also provide criticism and identify corrective actions where goals are not being met. This means that where a FiTI implementing country is not meeting the technical requirements and the spirit of the initiative, the validation should describe those shortcomings in a constructive, evidence-based way.

All parties involved in a FiTI validation process (i.e. FiTI International Secretariat, Independent Validator, FiTI International Board (or an appointed Sub-Committee)) must strive to be clear and fair and to rigorously explain conclusions or opinions that may be rooted in prejudices, including their own.

# Phase 1: Baseline Assessment Report

The FiTI International Secretariat initiates the validation process, as requested by the FiTI International Board. The FiTI International Secretariat's team should include staff that are familiar with the country [e.g. Regional Coordinator(s)] and staff that have not been extensively involved in supporting implementation. A senior management member of the FiTI International Secretariat should provide quality assurance throughout the process.

The FiTI International Secretariat is responsible for the execution of the four key activities:

- **Assessing and scoring individual requirements**
- **Determining the level of compliance for each validation requirement**
- **Documenting additional aspects**
- **Providing the Baseline Assessment Report**

## Assessing and scoring individual requirements

The initial assessment is primarily conducted as desk research relating to the country's compliance with the FiTI Standard, without major stakeholder consultations.<sup>8</sup> This includes a review of the following documents, inter alia:

- The National MSG's annual workplans and other planning documents, such as budgets and communication plans;
- The National MSG's Terms of Reference and minutes from National MSG meetings;
- FiTI Reports that fall within the validation timeframe, and supplementary information such as summary sheets, infographics and scoping studies;

<sup>8</sup> Feedback from relevant stakeholders is obtained in the next phase of the validation. However, in case of information gaps or discrepancies, the FiTI International Secretariat should collaborate with the country's FiTI National Lead as well as the Report Compiler(s) responsible for compiling FiTI Reports that fall within the validation timeframe to directly clarify such instances. If this cannot be resolved, these instances should be flagged in the Secretariat's Baseline Assessment Report and brought to the attention of the Independent Validator.

- Communication and outreach material;
- Impact Reports (if applicable); and
- Other information of relevance to validation, including third-party studies and reports seen as relevant.

In accordance with section D.1.1 of the FiTI Standard, the validation process assesses the country's level of compliance for each individual FiTI requirement defined in the sections B.1, B.2 and B.3 of the FiTI Standard. This includes:

- **12 individual *transparency* requirements,**
- **4 individual *procedural* requirements for FiTI Reports, and**
- **5 individual requirements for the country's *national implementation framework*.**

FiTI Standard	Section B.1	Section B.2	Section B.3
Requirement categories	<b>Transparency requirements</b>	<b>Procedural requirements for FiTI Reports</b>	<b>Requirements for National Implementation Framework</b>
Validation requirements	<ol style="list-style-type: none"> <li>1. Public Registry of National Fisheries Laws, Regulations and Official Policy Documents</li> <li>2. Fisheries Tenure Arrangements</li> <li>3. Foreign Fishing Access Agreements</li> <li>4. The State of the Fisheries Resources</li> <li>5. Large-Scale Fisheries</li> <li>6. Small-Scale Fisheries</li> <li>7. Post-Harvest Sector and Fish Trade</li> <li>8. Fisheries Law Enforcement</li> <li>9. Labour Standards</li> <li>10. Fisheries Subsidies</li> <li>11. Official Development Assistance</li> <li>12. Beneficial Ownership</li> </ol>	<ol style="list-style-type: none"> <li>1. Reporting Requirements</li> <li>2. Reporting Deadlines and Periods</li> <li>3. Reporting Process</li> <li>4. Report Dissemination and Public Debate</li> </ol>	<ol style="list-style-type: none"> <li>1. Enabling Environment for Stakeholder Participation</li> <li>2. Governance and Support</li> <li>3. Multi-Stakeholder Oversight</li> <li>4. Annual Workplan</li> <li>5. Impact Report</li> </ol>

**Figure 2:** Validation requirements according to the FiTI Standard

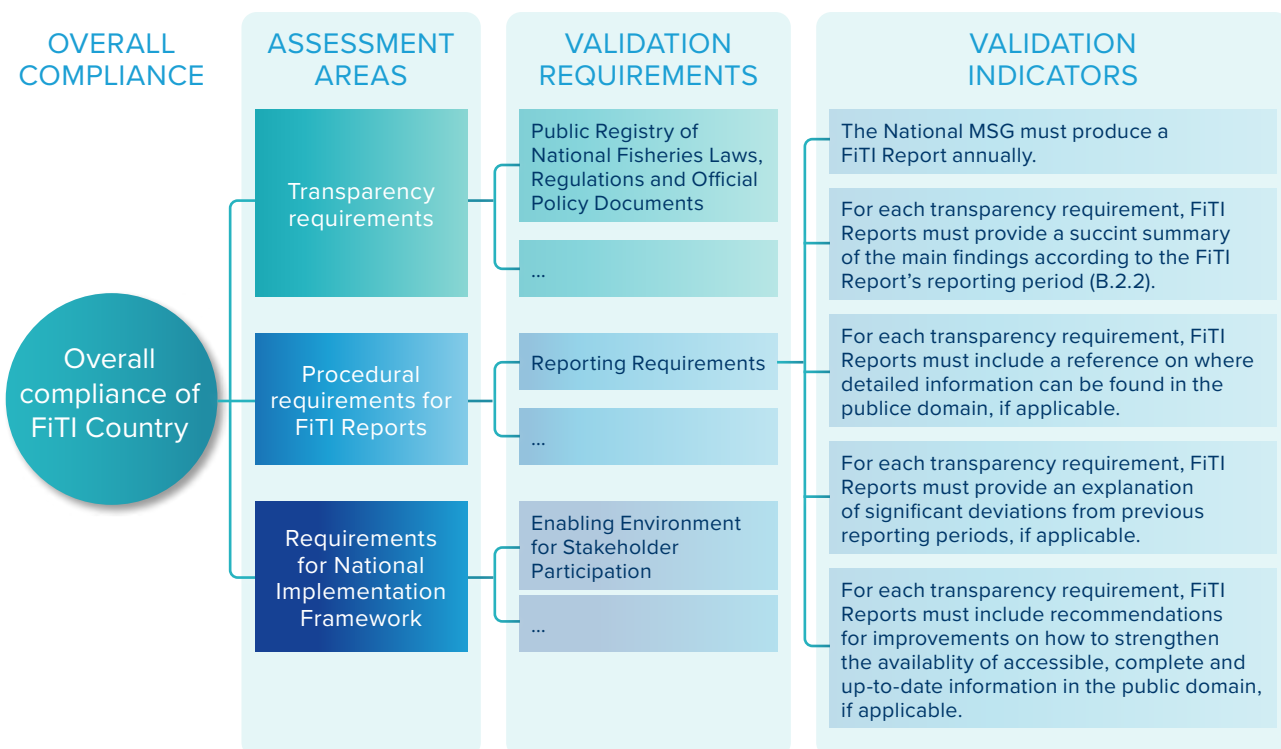
Only the country's FiTI Reports published within the timeframe of the validation (as determined by the FiTI International Board) should be taken into account when assessing the country's compliance designations with *transparency* and *procedural requirements*.<sup>9</sup>

<sup>9</sup> To note, FiTI Reports that should have been published within a validation timeframe but were ultimately delayed (and so fall outside of the validation timeframe) should not be considered when assessing the country's level of compliance with the *transparency requirements* of the FiTI Standard.

This Guidance Note refers to ‘requirements’ in the FiTI Standard for ease of reference. The validation must, however, differentiate between which provisions are ‘required’ (mandatory) and ‘encouraged’ (optional). The word ‘must’ in the FiTI Standard indicates the mandatory character of a required action. A validation should document whether a country has acted upon or implemented provisions which are ‘encouraged’ (indicated through words such as ‘should’ or ‘may’), though such provisions should ultimately not be considered in any assessment of the country’s compliance with the FiTI Standard.

Countries intending to implement the FiTI must fulfil six sign-up steps, as set forth in section A of the FiTI Standard. These have already been assessed by the FiTI International Board upon a country’s application to be recognised as a FiTI Candidate country and are therefore not reassessed during validation.<sup>10</sup>

Given the comprehensibility of the FiTI Standard, each of these 21 validation requirements is further broken down into unique and assessable **validation indicators**, as shown below:



**Figure 3:** Hierarchy of validation requirements (example)

<sup>10</sup> Section B.3 of the FiTI Standard deals with the follow up to the sign-up steps and thus, does fall within the scope of a validation. However, sections B.3.1, B.3.2 and B.3.3 refer to their corresponding requirements A.2, A.3 and A.5, and A.4 for specifications. Their requirements are transposed to the assessment of section B.3 and must be fully achieved if B.3.1, B.3.2 and B.3.3 are to be considered compliant.



In order to determine the level of compliance for each validation requirement, a country's performance is **assessed and scored on the level of validation indicators**, and then aggregated for each validation requirement (as described in the next section). This allows for a more granular and objective assessment, as all of the 21 validation requirements are comprised of multiple indicators. For example, as shown in Figure 3, the procedural validation requirement '*Reporting requirement*' includes five validation indicators, as defined in the FiTI Standard.

A list of all validation requirements, their objectives and detailed validation indicators is provided in Annex II of this Guidance Note.

Scoring the validation indicators must follow the compliance designations outlined in section D.1.1 of the FiTI Standard.<sup>11</sup>

Compliance designations	Description	Points
Compliant	Validation demonstrates that all aspects of the requirement have been implemented and that the broader objective of the requirement has been fulfilled.	3
Meaningful progress	Validation demonstrates that significant aspects of the requirement have been implemented and that the broader objective of the requirement has been fulfilled.	2
Inadequate progress	Validation demonstrates that significant aspects of the requirement have not been implemented and that the broader objective of the requirement has not been fulfilled.	1
No progress	Validation demonstrates that all or nearly all aspects of the requirement have not been implemented and that the broader objective of the requirement is far from being fulfilled.	0
<i>Not collated</i>	<i>Validation demonstrates that information for this requirement has not been collected or compiled by national authorities at all.</i>	N/A
<i>Not applicable</i>	<i>Validation demonstrates that this requirement is not applicable in the country.</i>	N/A

For each validation indicator, a brief description of the prior<sup>12</sup> and current situation as well as evidence supporting the scoring must be documented.

Assessing a country's performance on the level of validation indicators is a straightforward exercise for most of the *procedural requirements for FiTI Reports* (section B.2 of the FiTI Standard) as well as the *requirements for the country's national implementation framework* (section B.3 of the FiTI Standard).

<sup>11</sup> Section D.1.2 of the FiTI Standard only lists the below four compliance designations explicitly. In order to allow for a comprehensive assessment of all possible scenarios (including those that fall under the '*progressive improvement*' principle), validation also needs to document instances where information has not been collated at all by the government, or where a transparency requirement is not applicable to the country.

<sup>12</sup> Prior to the start of the validation timeframe.

However, assessing the validation indicators for the *transparency requirements* (section B.1 of the FiTI Standard) can be a more complex endeavour, as multiple aspects need to be considered, including:

- The extent the country has demonstrated *progressive improvements* between the previous and current validation timeframe;
- The level of *information in the public domain* (i.e. published on government websites) in comparison to the level of information being published solely through FiTI Reports;
- The possibility of the country's government *wilfully providing misinformation* and/or *wilfully withholding information*.

Furthermore, as outlined under the general principle of validations '*contextual mindfulness*', validation needs to ascertain whether a current status or demonstrated progress correlates with the significance, relevance and intent of the letter and spirit of the requirement, even if not all technical aspects have been fully complied with. For example, the lack of a public vessel registry in a country with few vessels needs to be assessed differently than in a country with hundreds or even thousands of registered vessels.

Therefore, determining a compliance designation for individual validation indicators that are seen as not fully compliant must also appraise the relevant factors listed under section D.1.2 of the FiTI Standard<sup>13</sup>, most notably:

- The nature of the outstanding requirements and how close the requirements are to being met;
- The magnitude and complexity of the fisheries sector of the country;
- The good faith efforts undertaken by the National MSG to comply with the requirements;
- The reasons and justifications for not complying with the requirements; and
- Any plans agreed by the National MSG to address the requirements in the future.<sup>14</sup>

It is therefore evident that determining a validation score for some of these aspects does require the exercise of a certain level of discretion. This is particularly true when available information has not been published on a government website or as part of a FiTI Report due to operational challenges (see below).

<sup>13</sup> Whereas section D.1.2 of the FiTI Standard lists seven factors that need to be considered when assessing the *overall compliance*, only the five factors listed here are relevant for the assessment of individual requirements. For example, one of the two non-listed factors refers to the overall spirit and total sum of reform or mitigation efforts undertaken by the National MSG, and not to actions undertaken in relation to individual requirements.

<sup>14</sup> Only plans in written form and approved by the National MSG can be considered during validation. Plans must be set down either in the National MSG's workplan, in the country's latest FiTI Report, or the Independent Validator's final Validation Report (to be transposed into an updated workplan after validation), and must be publicly available before the final decision on validation is reached by the FiTI International Board.

It is not expected for the FiTI International Secretariat (or the Independent Validator, see next chapter) to engage in similar reporting activities as already conducted by the country's Report Compiler(s) in the preparation of the FiTI Reports, nor to conduct comprehensive investigative activities. Instead, attention should focus on those areas where research, common or industry knowledge suggests that information stated in the FiTI Report or on a government website could be inaccurate.

Any conclusions reached by the FiTI International Secretariat during the first phase of validation that differ from information provided in a country's FiTI Report(s) must be clearly stated in the Secretariat's *Baseline Assessment Report* and brought to the attention of the Independent Validator.

The below section provides several examples for each of the above-stated compliance designations to facilitate the assessment and scoring of individual requirements. Furthermore, the influence of the principles of '*progressive improvement*' and '*transparency in the public domain*' is briefly cited in these examples, and more generally explained further below.



### Compliance designation: Compliant

Validation indicators should be assessed as *compliant* if information in accordance with the FiTI Standard is available to the government:

- and has been made fully accessible online on a government website [or via FiTI Reports, see below<sup>15</sup>].

Whether information is fully or only partially available to the government does not influence the compliance designation assigned to a validation indicator during the *first validation*, as long as it is clearly stated that the published information is currently incomplete or that certain information has not been collated at all. For example, a government may not have been able to publish the total quantity of annual retained catch data as part of the FiTI reporting process, due to the late submission of logbooks from industrial fishing fleets. If the reasons for this partial unavailability of information are clearly stated, and all other available information is published, then a validation indicator can still be assessed as *compliant*.

The aspect of progressive improvement needs to be considered during subsequent validations, as outlined below.

In cases where information is seen as not fully but largely accessible, with only minor gaps that have been clearly stated, validation should also consider a *compliant* score.

<sup>15</sup> Paragraph '*Transparency in the public domain*', see further below.



### Compliance designation: Meaningful progress

Validation indicators should be assessed as *meaningful progress* if information in accordance with the FiTI Standard is available to the government:

- but is only partially accessible online on a government website [or via FiTI Reports, see below] and the **reasons given by the National MSG for why information is only partially accessible are seen as justified. Such reasons may include:**
  - **Legal restrictions:** The lack of fully accessible information is justified by a documented legal restriction (e.g. due to a contractual clause in a foreign fishing access agreement).
  - **Operational restrictions:** The lack of fully accessible information is justified by documented operational challenges, such as:
    - A lack of human or financial resources to publish data;
    - Practical difficulties in determining information in accordance with the FiTI Standard (e.g. catches made in different locations, such as countries' waters, High Seas are stored in the same wells of a fishing vessel and can therefore not be physically separated, as required by the FiTI Standard);
    - The current state of data quality/data consolidation (e.g. data is spread across multiple databases);
    - The scope and/or complexity of the underlying data (e.g. financial payment information).

This list must not be seen as exhaustive, nor should the stated reasons be accepted per se. Instead, validations need to determine on a case-by-case basis whether such reasons are indeed acceptable, also taking into account the country's progress towards meeting the requirement in question as well as its national context and other contextual factors in accordance with section D.1.2 of the FiTI Standard. In case these reasons, in particular regarding operational restrictions, are seen as not fully justified, a lower compliance designation should be considered (e.g. *inadequate progress*).

Furthermore, if legal or operational restrictions still prevent available data from being made fully accessible online by the next validation cycle, a lower compliance designation than determined in the previous validation should be considered.



### Compliance designation: Inadequate progress

Validation indicators should be assessed as *inadequate progress* if information in accordance with the FiTI Standard is available to the government:

- but is only partially accessible online on a government website [or via FiTI Reports, see below], and the **reasons given by the National MSG for why information is only partially accessible are seen as not justified (or no reasons are given at all)**.
- and has been made publicly accessible online on a government website [or via FiTI Reports, see below], but is seen as clearly misleading (e.g. information is incomplete but not labelled as such).

**Where information published by the government is seen as clearly misleading and/or incomplete, additional evidence needs to be documented to support such a claim, for example:**

- Information on the *numbers of small-scale fishers or vessels* (B.1.6) published by the government clearly omits certain types of fisheries (e.g. lobster fishery, sea cucumber fishery), without any further explanation for such an omission.

- and is accessible online on a government website, but additional alternative (non-governmental) information that could further improve the information published by public authorities is not documented, for example:

- In cases where the government does not publish *evaluations or audits of the economic, social and food security contributions of the small-scale fisheries sector* (B.1.6), or *employment statistics in the informal sector* (B.1.7) etc., civil society organisations, private sector companies, academic institutions or intergovernmental organisations, such as the World Bank or the UN-FAO may provide such information. Such information needs to be referenced in FiTI Reports under '*best available information*'.

In all these cases, validation needs to assess whether they constitute a possible breach of the principles and the spirit of the FiTI, as per section E.2.2 of the FiTI Standard, or whether they result from an honest mistake. The outcomes of such assessments need to be clearly documented in the *Baseline Assessment Report* and if there are indications of possible breaches, they need to be clearly marked as an area for the attention of the Independent Validator.<sup>16</sup>

<sup>16</sup> In case a validation confirms that information was wilfully withheld by a government, this will be considered to constitute a fundamental breach of the FiTI's principles and requirements. Where it is manifestly clear that a FiTI implementing country has breached one or more aspects of the FiTI Principles or the spirit of the initiative, the FiTI International Board will either put the country on probation or delist it, in accordance with section E.2.3 of the FiTI Standard.



### Compliance designation: No progress

Validation indicators should be assessed as *no progress*, if information in accordance with the FiTI Standard is available to the government:

- but no information has been made accessible in the public domain (i.e. neither on a government website, nor as part of a FiTI Report), and no or only unsatisfactory reasons have been provided as to why the available information has not been made publicly accessible.

In this case, validation needs to assess whether this constitutes a possible breach of the principles and the spirit of the FiTI, as per section E.2.2 of the FiTI Standard, or whether this mainly results from an honest mistake.



### Compliance designation: Not collated

Where FiTI Report(s) or government websites state that information has not been collated by the government at all, **validation must consult additional sources of information to assess the validity of such claims, for example:**

- Where the government does not publish *information on stock assessments*, (B.1.4) seafood certification initiatives, like the Marine Stewardship Council, may publish information about the status of stocks as part of their fisheries assessment. One may also find details of government stock assessments in academic literature.
- Where no government data is published for *retained catches* (B.1.5), cross referencing information published by Regional Fisheries Management Organisations (RFMOs) may reveal that the government compiles such data.
- Governments may not publish information about *fisheries subsidies* (B.1.10) but may provide annual information on subsidies to the fisheries sector in reports to the World Trade Organisation and/or to the Organisation for Economic Co-operation and Development (OECD) .
- Where it is difficult to find information on *public sector development projects* (B.1.11) referring to reference index sites, such as Development Aid or the International Aid Transparency Initiative (IATI) can provide a directory of major donors for development efforts. A browse through these different sites may pinpoint support given to a country's fisheries sector.

In case validation finds contradicting evidence which demonstrates that information is available to the government but has not been declared as such, validation needs to assess whether this constitutes a possible breach of the principles and the spirit of the FiTI, as per section E.2.2 of the FiTI Standard, or whether this mainly results from an honest mistake.

Furthermore, information that has been persistently declared by the National MSG as not being available to the country's government over two or more validation cycles might also be assessed as *inadequate progress*, due to a lack of progress improvement, depending on contextual considerations in accordance with section D.1.2 of the FiTI Standard.



### Compliance designation: Not applicable

Where FiTI Reports or government websites state that a transparency requirement is not applicable to the country's marine fisheries sector, **validation must consult additional sources of information to assess the validity of such claims, for example:**

- Where it is unclear whether *foreign fishing access agreements* (B.1.3) have been signed by the country, other parties of such agreements may publish relevant documents, such as contracts or evaluations on their website. Development agencies may also publish impact studies of these agreements. For example, the Sustainable Fisheries Partnership Agreements between the European Union (EU) and a number of (mostly) Africa countries are published online on the site of the EU.

In case validation finds contradicting evidence which demonstrates that a requirement is applicable to the country's marine fisheries sector, but has not been declared as such, validation needs to assess whether this constitutes a possible breach of the principles and the spirit of the FiTI, as per section E.2.2 of the FiTI Standard, or whether this results from an honest mistake.

### Progressive improvement

A validation indicator should not be assessed as non-compliant (e.g. *inadequate progress* or *no progress*) during the country's first regular validation where information is not at all or not fully available to the government; even if such a lack of information is considered by the National MSG as important for achieving the responsible management of the fisheries sector. However, during subsequent regular validations, the level of progressive improvement (i.e. the extent of efforts to make previously unavailable or unpublished information publicly accessible) needs to be included in the determination of the compliance designation, in consideration of the country's unique national context and other factors listed under D.1.2 of the FiTI Standard. Validation indicators which see no progressive improvement over time must be scored as either *inadequate progress* or *no progress* in subsequent regular validations.

### Transparency in the public domain

Validation indicators for which information is only published in FiTI Reports over two or more consecutive validation timeframes cannot be assessed as *compliant*, even if all other requirements are met.

## Determining the level of compliance for each validation requirement

The assessment of each individual requirement must lead to a single designation of compliance, in accordance with section D.1.1 of the FiTI Standard.<sup>17</sup>

An average score is calculated for each validation requirement, based on the scoring of the underlying validation indicators (see above). Compliance designations are reached through the following methodology:

Compliance designation	Calculated score range
Compliant	$\geq 2.5$
Meaningful progress	$< 2.5$ to $\geq 1.5$
Inadequate progress	$< 1.5$ to $\geq 0.5$
No progress	$< 0.5$
Not applicable/Not collated <sup>18</sup>	N/A

The ultimate designation determined for each validation requirement will be documented in the Validation Scorecard (refer to Annex I of this Guidance Note). The numerical scores will not be stated in the Validation Scorecard.

## Documenting additional aspects

In addition to the main purpose of this initial validation phase, i.e. the assessment of the 21 validation requirements, the FiTI International Secretariat also needs to document information on additional aspects, as outlined below.

### Efforts that exceed the requirements of the FiTI Standard

The FiTI Standards lists multiple examples within sections B.1 to B.3 that are considered as optional actions or activities to further strengthen transparency and participation in the country. Where such actions or activities are ‘*encouraged*’ (should, may), the findings from validation should not be considered in the assessment of compliance, but documented in the *Baseline Assessment Report*. For example, to further strengthen the dissemination of a FiTI Report and stimulate public debates, National MSGs are encouraged to contribute the lessons learnt and recommendations from FiTI Reports to policy dialogues and broader conversations about national reform efforts (section B.2.4 of the FiTI Standard).

<sup>17</sup> Under the FiTI Standard, all 21 individual requirements have equal importance and must be assessed with the same level of scrutiny. A differentiation between the importance of the 21 requirements only takes place after their individual assessment and compliance designation, when determining the country’s overall compliance as per section D.3 (see next chapter of this Guidance Note).

<sup>18</sup> Validation indicators assessed as being not applicable to the country or not collated will not be included in the calculation.



In addition to these optional aspects, the National MSG may decide to go further beyond the individual requirements of the FiTI Standard. For example, in addition to publishing foreign fishing access agreements as per section B.1.3 of the FiTI Standard, the National MSG may opt to include a comparison table of these agreements to facilitate understanding of the rights and responsibilities stemming from each agreement.

Such efforts that exceed the requirements of the FiTI Standard should again be documented during the validation process but are not considered when assessing compliance with the FiTI Standard. Furthermore, these efforts are also recognised in the Validation Scorecard, column *'Exceeding'*.

### Efforts that go beyond the scope of the FiTI Standard

The National MSG may have determined activities or objectives that fall outside the scope of the FiTI Standard but that have been identified as necessary to address national priorities for the fisheries sector. For example, the National MSG may decide to include additional transparency requirements (beyond the 12 mandatory requirements stated in section B.1 of the FiTI Standard) into the scope of their annual FiTI Reporting process, such as the impacts of climate change or the interactions between fisheries and other sectors in the Blue Economy.

Such efforts should again be documented during the validation process but are not considered when assessing compliance with the FiTI Standard. Furthermore, these efforts are also recognised in the FiTI Validation Scorecard.

### Direction of progress

The International Secretariat will conduct an evaluation of the country's direction of progress in terms of meeting each FiTI requirement in comparison to the country's most recent validation(s), indicating whether implementation is improving or deteriorating (either as *'no change'*, *'worse than before'* or *'better than before'*). This aspect is therefore only relevant for the second and subsequent country validations.

### Recommendations

As part of its initial assessment, the FiTI International Secretariat should determine recommendations for increasing operational effectiveness of the FiTI process in an implementing country and/or improving its impact, if applicable. These recommendations need to be documented in the *Baseline Assessment Report* for the consideration of the Independent Validator.

### Additional aspects for the consideration of the Independent Validator

Finally, any other aspect that needs to be brought to the Independent Validator's attention must be clearly summarised in the *Baseline Assessment Report*. This could include situations where the final determination of a compliance designation differs from the mathematical calculation or where the FiTI International Secretariat was unable to confirm/refute certain aspects of the FiTI Report.

## Providing the Baseline Assessment Report

The *Baseline Assessment Report* serves as the base for the subsequent validation phases. Before submitting the report to the Independent Validator, the FiTI International Secretariat will provide the draft report to the FiTI International Board for comments or clarifications.

The report should follow the structure outlined in Annex III, and include a completed Validation Scorecard. The report will only be provided in British English. The report does not include an overall assessment of compliance.

After the entire validation process is completed (based on the approval of the FiTI International Board), the *Baseline Assessment Report* will be made publicly available.

## Phase 2: Validation Report

Given the often close interaction between the FiTI International Secretariat and a country's National MSG (e.g. in the development of FiTI Reports), and in order to avoid perceptions of bias, the involvement of an Independent Validator in the validation process is crucial.

Based on the *Baseline Assessment Report* of the FiTI International Secretariat, the Independent Validator will conduct a verification of the Secretariat's initial assessment and also determine recommendations to further strengthen the impact of the FiTI in the country. Whereas the Secretariat's initial assessment is conducted as a technical, desk-based research, the second phase comprises primarily of stakeholder consultations (as well as complementary desk research). This phase of the process serves both roles, that of fact-finding and gathering of viewpoints of various stakeholders and key informants.

In order to do so, the Independent Validator is responsible for four key activities:

- **Determining a Stakeholder consultation & research plan**
- **Conducting stakeholder interviews and complementary research**
- **Providing the draft Validation Report for feedback**
- **Proposing an overall compliance designation and finalising the report**

Appointed Independent Validators are required to participate in a two-hour individual training session with the FiTI International Secretariat prior to the execution of her/his validation activities. The training provides an in-depth look at a variety of validation topics, including the FiTI Standard, the principle of progressive improvement, as well as lessons learned and focus areas from the Secretariat's baseline assessment. Ample opportunity for questions is provided.

The Independent Validator should also interact with the Chair of the FiTI International Board at the beginning of this second phase in order to clarify information requirements and expectations.

## Determining a Stakeholder consultation & research plan

As a first step, the Independent Validator is tasked with preparing a *Stakeholder consultation & research plan* that will cover the key aspects of gathering information for the validation process, including:

- the list of interviews to be conducted, e.g. members of the country's National MSG, key informants that are not directly participating in the National MSG, the Report Compiler(s), the FiTI International Secretariat, and other national, regional and international stakeholders;
- the list of complementary documents to be reviewed, e.g. third party reports, studies or research on relevant policy or thematic areas; and
- consultation parameters, such as whether to conduct individual and/or group interviews, topic outline, questions.

The definition of stakeholders should be based on a pluralistic, broad interpretation, also extending to those not directly participating in the National MSG.<sup>19</sup> This includes, but is not limited to, international development agencies, donors, media, parliamentarians and academia.

The research plan must be presented to the FiTI International Secretariat to obtain feedback (provided within one week of submission of the plan). In cases where the Independent Validator does not have existing contacts with the stakeholders identified in the research plan, the FiTI International Secretariat will make formal introductions or provide the Validator with a letter of introduction.

Validators must reach out to the FiTI National Lead of the implementing country prior to the beginning of the validation process to introduce him/herself and present the *Stakeholder consultation & research plan*. The FiTI National Lead may also be invited to comment on the *Stakeholder consultation & research plan*, but has no veto right.

<sup>19</sup> The Independent Validator needs to be conscious of inviting stakeholders outside of the list of the 'usual suspects', in particular those that have been critical of or have even rejected the FiTI implementation in the country.

## Conducting stakeholder interviews and complementary research

As already outlined, the groundwork for the technical assessment of the 21 validation requirements of the FiTI Standard is conducted by the FiTI International Secretariat and documented in the *Baseline Assessment Report*. It is therefore not expected for the Independent Validator to perform the same task again. Instead, the Validator is responsible for reviewing the Secretariat's assessment. This should be done by obtaining feedback from stakeholder interviews, as well as conducting specific desk research activities. The Independent Validator is free to decide in which order to carry out these two tasks.

### Desk research

The Independent Validator should focus her/his attention on areas of discrepancies or aspects needing further clarification (as identified by the FiTI International Secretariat), as well as elements that the Validator perceives have been neglected or inadequately assessed.

### Stakeholder interviews

As the main activity of this process phase, the Independent Validator is tasked with conducting interviews with a diverse set of national and international stakeholders.

The objective of obtaining stakeholder feedback is twofold:

- to further assess the reliability of the initial *Baseline Assessment Report* prepared by the FiTI International Secretariat; and
- to gather information, recommendations and lessons learned that will further strengthen the FiTI implementation in the country.

In case the country has undergone previous validations, the Independent Validator needs to also review the **direction of progress** towards meeting each FiTI requirement, as proposed by the FiTI International Secretariat, and provide a comparison with the findings of previous validators.

During the course of her/his desk research, the Independent Validator should identify specific issues or recurrent themes raised in the *Baseline Assessment Report* and request stakeholder feedback to further explore and clarify them. Possible questions to **assess the reliability of the *Baseline Assessment Report*** could be as follow:<sup>20</sup>

- Is there any evidence of the government wilfully providing misinformation or wilfully withholding information required under the FiTI Standard?
- Are there any known restrictions to stakeholders' ability (particularly civil society and small-scale fishers) to use the FiTI implementation in their country to contribute to decision-making processes (e.g. when negotiating foreign fishing access agreements) or public debate?

<sup>20</sup> Some of these questions are stakeholder specific, meaning they are only relevant for certain interviewees (e.g. non-government rather than government stakeholders).

These two questions are of particular important for the validation process. In order for the Independent Validator to propose an overall compliance designation to the FiTI International Board, as outlined below, any potential or actual breaches of the principles and spirit of the initiative (section E.2.2 of the FiTI Standard) need to be taken into account.

Section E.2.2 covers two possible breaches:

- The application of ad hoc restrictions on the participation of a FiTI stakeholder group or its representatives (and in fact other constituents beyond just National MSG members) in any aspect of the FiTI process: this refers to the FiTI Principles 3 and 5, as set out in sections B.3.1 and B.3.3 of the FiTI Standard and therefore applies to the requirements of the national implementation framework '*Enabling Environment for Stakeholder Participation*' and '*Multi-Stakeholder Oversight*'.
- The wilful providing of misinformation and/or wilful withholding of information required for FiTI implementation: this refers to the FiTI Principles 4 and 6, as set out in section B.1 of the FiTI Standard, and therefore applies to the 12 *transparency requirements* of the FiTI Standard equally.

Section E.2.2 describes in detail the procedures for investigating and responding to allegations of breaches. Such procedures involve a self-standing investigation independent from validation. Yet, any investigation into a breach of the principles and spirit of the initiative influences the validation process as follows:

- A validation of a country cannot be concluded before the conclusion of any pending investigation or response to a breach detailed under section E.2.2.
- During a validation, an allegation of a breach brought before the FiTI International Board by any party or identified by the Board itself as part of its final compliance determination (see next chapter) must be investigated and responded to in line with the procedures of section E.2.2, putting the validation on hold until a conclusion is reached.
- Any decision on a country's status reached through the procedures of section E.2.2 (e.g. de-listing of a country) supersedes the final compliance determination reached during validation.

- Have there been or will there be any developments within the country's broader enabling environment that could impact stakeholder engagement with the FiTI in the future (particularly civil society and small-scale fishers), e.g. upcoming legal or policy changes?

In the interest of ensuring progressive improvement, **corrective actions** need to be proposed by the Independent Validator for all individual validation elements designated as '*meaningful progress*' or below.<sup>21</sup> Stakeholder interviews should be used to obtain ideas and feedback on such corrective actions.

<sup>21</sup> This step must be completed, even if the country's final compliance designation is determined as '*compliant*'.

Furthermore, questions intended to **gather information, recommendations and lessons learned** to further strengthen the FiTI implementation in the country may include:

- Has the FiTI led to public debates, and strengthened accountability mechanisms at the national and subnational levels? If not, why?
- Does the FiTI implementation address relevant challenges in the country's marine fisheries sector? If yes, which ones?
- In their communication activities, are civil society and business representatives (including small-scale fishers) referring to data on their country's fisheries sector made publicly available through the FiTI reporting process (and/or recommendations from the National MSG)?
- Is there any evidence that the increase of publicly available information arising from the FiTI implementation has led to changes in government's decision-making procedures?
- Have stakeholders, including decision-makers from government and the business sector, used the information, analysis or recommendations that were published as a result of the FiTI implementation when revising or implementing fisheries sector policies or practices, or when otherwise exercising oversight of the fisheries sector?
- How does the FiTI implementation link to national reform efforts (inside and outside the country's fisheries sector), in particular regarding transparency and accountability?
- How do stakeholders see the FiTI process developing (e.g. improving or deteriorating)?

The consideration and incorporation of stakeholder feedback into the validation should account for several factors, such as:

- the validation should not prioritise the most outspoken (or loudest) voices because they are seen to hold more prestige or power than more marginalised (or quieter) voices;
- an opinion expressed by a single stakeholder representative should not be interpreted to represent the majority opinion of a country's stakeholder group. At the same time, all participants' voices should be given equal opportunity and reported;
- stakeholder criticism of the FiTI implementation process should be documented, but the legitimacy of each claim should be equally considered.

## Providing the draft Validation Report for feedback

The Independent Validator is then tasked with compiling the information from the desk research and stakeholder interviews into a *draft Validation Report*. This report summarises the validator's findings, evidence, references and recommendations. The report should follow the structure as outlined in Annex III, including a completed Validation Scorecard.<sup>22</sup> The report must be provided in English (BE) but may also be translated into the country's main language to facilitate stakeholder review (see below). At this stage, the *draft Validation Report* must not include an overall compliance designation.

After an initial review of the *draft Validation Report* by the FiTI International Secretariat, a **feedback period** ensues in which the National MSG is invited to review the draft report to identify possible factual errors, offer additional information, clarifications, and other evidence. However, the National MSG does not have a veto power over any section of the report. Comments obtained during this feedback period are not made public.

Furthermore, the Independent Validator, the FiTI International Secretariat, as well as the Chair of the FiTI International Board have the right to share copies of the draft report on an embargoed basis with experts in the country who can help ensure the highest quality of reporting. This feedback period should not last longer than two weeks.

In cases where comments merit additional verification, the Independent Validator may need to contact the FiTI National Lead as well as the FiTI International Secretariat for further information.

The Independent Validator must take into account relevant feedback before finalising the *Validation Report* for submission to the FiTI International Board.

Where the Independent Validator is unsure of any area of her/his assessment, evidence exists to suggest any degree of ambiguity in the Independent Validator's assessment, where stakeholder views on an issue diverge, or where the National MSG disagrees with any aspect(s) of the Independent Validator's *Validation Report*, the Independent Validator needs to document this in the *Validation Report* and call the Board's attention to the matter at hand.

## Proposing an overall compliance designation and finalising the report

After the feedback period, the Independent Validator proposes an overall compliance designation for the country and finalises the report for submission to the FiTI International Board.

The determination of a country's overall performance against the FiTI Standard follows the same compliance designations used when validating individual requirements (outlined in section D.1.1 of the FiTI Standard).

<sup>22</sup> The draft Validation Report does not include the Independent Validator's recommendation for the country's overall compliance designation.



**It is important that the Independent Validator keeps in mind that her/his determination of a country's overall compliance designation should not in any way be the simple product of a purely mathematical exercise.**

Instead, in determining the overall compliance designation, the Independent Validator (when making a recommendation to the FiTI International Board) as well as the FiTI International Board (when making the final determination, see next chapter) must consider three key provisions of the FiTI Standard.

**Firstly**, when determining the overall compliance designation, several factors regarding the country's unique national context need to be considered (if applicable), such as the magnitude and complexity of its fisheries sector, or the reasons and justifications for not complying with the requirements. These factors are set forth in section D.1.2 of the FiTI Standard. The role of these factors (and their underlying rationales) in the determination of the overall compliance designation needs to be clearly documented in the Validation Report, especially if they have already been extensively cited during the assessment of individual requirements. If these factors do not (or hardly) feature in the assessment of individual requirements, they should not play a large role in determining the overall compliance designation.

**Secondly**, if there is clear evidence that the FiTI implementing country has breached one or more aspects of the principles or the spirit of the FiTI (as outlined in section E.2.2), this needs to be clearly brought to the attention of the International Board. While this may mean that the overall outcome of the validation will be directly set to non-compliant designation, the Independent Validator should nevertheless determine her/his overall compliance designation, in case the International Board does not agree with the Validator's assessment of E.2.2.

**Thirdly**, in accordance with section D.3 of the FiTI Standard, certain requirements carry greater weight than others when determining the overall compliance designation. Notably, the overall designation of a **compliant country** can only be given if:

- the individual validation requirements *Enabling Environment for Stakeholder Participation* (B.3.1) and *Multi-Stakeholder Oversight* (B.3.3.) have been assessed as 'compliant', and
- all individual *transparency requirements* (B.1) are scored as at least 'meaningful progress'.

After completion of the entire validation process (based on the approval of the FiTI International Board, phase three), the *Validation Report* will be made publicly available.

## Phase 3: Compliance Statement

In the third and final phase of the validation process, the FiTI International Board (or a dedicated Sub-Committee) reviews the assessments and recommendations documented in the Independent Validator's *Validation Report* in order to make a final determination:

- whether the individual requirements of the FiTI Standard have been met or not;
- whether any breach of the principles or the spirit of the FiTI, in accordance with section E.2.2 of the FiTI Standard, has occurred;
- regarding the implementing country's overall compliance designation in accordance with section D.1.2 of the FiTI Standard;<sup>23</sup> and
- regarding corrective actions.

In doing this, the FiTI International Board should primarily take the Independent Validator's *Validation Report* into account. The FiTI International Board is not required to conduct additional research or stakeholder interviews, though these can be scheduled if deemed necessary. The FiTI International Board must retain full independence from the Independent Validator in its decisions on compliance designation.

In cases where the FiTI International Board perceives the Independent Validator to have deviated from the validation procedures set forth in the FiTI Standard (or in this Guidance Note), whether in terms of tone, audience, form, or content, the FiTI International Board will strive to reach an amenable presentation and/or interpretation of the facts so as to meet both the Independent Validator's requirements and the FiTI's validation procedures.

<sup>23</sup> Similar to the Independent Validator's approach for proposing an overall compliance designation, the FiTI International Board will also take into account indications of any breaches of the principles or the spirit of the FiTI (as per section E.2.2 of the FiTI Standard), as well as the various contextual factors stated in section D.1.2 of the FiTI Standard. Where the FiTI International Board determines that a country's overall compliance designation is anything but 'compliant', the section E.2.3 of the FiTI Standard apply.

## Publishing the Compliance Statement

The FiTI International Board documents its final validation assessment in a brief *Compliance Statement*. The statement should follow the structure as outlined in Annex III, and include the final Validation Scorecard. The statement must be provided in English (BE) but may also be translated into the country's main language to facilitate stakeholder understanding.

After completion of the entire validation process (based on the approval of the FiTI International Board), the *Compliance Statement* will be made publicly available.

The FiTI Standard does not make provisions for a **redress mechanism** to alter the final outcome of a validation once announced. National MSGs do have the possibility to comment on the Independent Validator's *draft Validation Report*. However, to protect the independence and credibility of the FiTI, the FiTI International Board's decision on the overall compliance designation of a FiTI implementing country is final and cannot be appealed.

## Disseminating the outcomes of the validation process

Section D of the FiTI Standard stipulates that validation helps promoting dialogue and learning at the country level.

After the conclusion of a validation (i.e. the FiTI International Board has officially approved the *Validation Report* and issued its *Compliance Statement*), the FiTI International Board together with the implementing country's National MSG are required to actively disseminate the outcomes of the validation process to a wide audience, so they can contribute to policy debates.

Consequently, the National MSG is expected to undertake the same activities that the FiTI Standard prescribes for the dissemination of FiTI Reports (section B.2.4) to help publicise and share the findings and recommendations of the validation process.

## Validation outcomes and re-validation

Once a validation has been concluded, the National MSG is encouraged to update its annual *Workplan* to address any corrective actions stated by the FiTI International Board in its *Compliance Statement*, even if such an update falls outside the normal annual cycle (see section B.3.4 of the FiTI Standard). The *Workplan* must describe the objectives, constraints, activities and outputs for addressing correction actions made during validations.

While updating the *Workplan* outside of the annual frequency is only ‘*encouraged*’ by the FiTI Standard, it is strongly recommended for the purposes of tracking validation outcomes. Updating the National MSG’s *Workplan* to incorporate the corrective actions determined by the FiTI International Board in the country’s *Compliance Statement* allows both sides to measure progress against clear parameters in the most fair and efficient manner, increasing the likelihood of the country’s status becoming or remaining ‘*compliant*’.

While the FiTI Standard does not set out a specific timeframe for corrective actions to be implemented, the National MSG must apply the timeframes set forth by the FiTI International Board in the *Compliance Statement*, if applicable.

The FiTI International Board tasks the FiTI International Secretariat with reviewing and monitoring a country’s progress to implement corrective actions within the set timeframes. Any such review follows the same guiding principles, minimum requirement thresholds, and guidance for assessing requirements that are applicable to validations (as set forth in section D of the FiTI Standard as well as this Guidance Note), to ensure consistency and continuity of assessments.

# Annex I: Validation Scorecard

The *Baseline Assessment Report* by the FiTI International Secretariat, the *Validation Report* by the Independent Validator as well as the *Compliance Statement* by the FiTI International Board must include a completed Validation Scorecard in line with this template.

Validation Scorecard						
Requirements of the FiTI Standard (section B)	Level of compliance					Direction of progress
	Compliant	Meaningful progress	Inadequate progress	No progress	Exceeding (if applicable)	Compared to previous validation(s): No change – worse – better (choose one) <sup>24</sup>
<b>B.1 Transparency requirements</b>						
B.1.1	Public Registry of National Fisheries Laws, Regulations and Official Policy Documents					
B.1.2	Fisheries Tenure Arrangements					
B.1.3	Foreign Fishing Access Agreements					
B.1.4	The State of Fisheries Resources					
B.1.5	Large-Scale Fisheries					
B.1.6	Small-Scale Fisheries					
B.1.7	Post-Harvest Sector and Fish Trade					
B.1.8	Fisheries Law Enforcement					
B.1.9	Labour Standards					
B.1.10	Fisheries Subsidies					
B.1.11	Official Development Assistance					
B.1.12	Beneficial Ownership					
<b>B.2 Procedural requirements for FiTI Reports</b>						
B.2.1	Reporting Requirements					
B.2.2	Reporting Deadlines and Periods					
B.2.3	Reporting Process					
B.2.4	Report Dissemination and Public Debate					
<b>B.3 Requirements for National Implementation Framework</b>						
B.3.1	Enabling Environment for Stakeholder participation					
B.3.2	Governance and Support					
B.3.3	Multi-Stakeholder Oversight					
B.3.4	Annual Workplan					
B.3.5	Impact Report					
<b>Overall compliance designation</b> (Independent Validators and FiTI International Board only)						
<b>Efforts that go beyond the scope of the FiTI Standard (if any)</b>						

24 Only relevant for a second or subsequent validation.

# Annex II: Individual validation requirements and indicators

## I. Transparency requirements (section B.1 of the FiTI Standard)

As part of the regular FiTI reporting process, implementing countries must publish accessible and complete information about their fisheries sector in the public domain (i.e. online). This must be according to either six or the full 12 transparency requirements of the FiTI Standard.

Guidance Note #2 'Compiling FiTI Reports' explains what Report Compilers and FiTI National Multi-Stakeholder Groups must observe so that annual FiTI Reports comply with the **transparency requirements of section B.1** of the FiTI Standard. Guidance Note #2 is therefore also relevant for validations.<sup>25</sup>



As stated in chapter 2 of this Guidance Note, this area of assessment is comprised of **12 validation requirements**. Each of these requirements is further broken down into several validation indicators, the level upon which the assessment is performed.

<sup>25</sup> This document will thus not reiterate these requirements but refer to Guidance Note #2 as the formal source of guidance when assessing them during validation.

### 1) Public Registry of National Fisheries Laws, Regulations and Official Policy Documents

The objective of this requirement is to ensure public access of all aspects of the legal and regulatory framework around which the country's fisheries sector is structured.

ID	Validation indicator	Scoring
B.1.1_1	The implementing country must provide an online, up-to-date registry of all national legislation and official policy documents related to the marine fisheries sector.	<i>e.g. 'Meaningful progress' [2]</i>
B.1.1_2	The National MSG must decide on which areas of fisheries this applies to; however, at a minimum, copies of national laws, decrees and policy documents on fisheries management, trade and investment, as well as fisheries management plans must be included.	
		<i>[Calculated, average score]</i>

### 2) Fisheries Tenure Arrangements

The objective of this requirement is to ensure public access to information about how fishing rights are accessed, used, and managed across the country's marine fisheries. Official rules on tenures arrangements are one of the most critical aspects of sustainable fisheries management because they influence the sector's social, ecological and economic impacts.

ID	Validation indicator	Scoring
B.1.2_1	The implementing country must publish a summary description of laws and decrees on fisheries tenure arrangements, including information as specified in section B.1.2 of the FiTI Standard.	
B.1.2_2	In case tenure, access or user rights are not codified, information on the current and planned approaches to securing such rights must be published.	

### 3) Foreign Fishing Access Agreements

The objective of this requirement is to ensure public access to all contractual arrangements that the country has entered into with any foreign party. Transparency around access agreements provides the basis for public awareness of the rights enjoyed and responsibilities assumed by foreign fishing vessels operating in the country's marine jurisdictional waters, as well as national-flagged fishing vessels operating in the waters of third countries.<sup>26</sup>

ID	Validation indicator	Scoring
B.1.3_1	The implementing country must publish the contracts of all foreign fishing access agreements, including their associated protocol(s). <sup>27</sup>	
B.1.3_2	The implementing country must publish studies or reports undertaken by national authorities or foreign parties to an agreement providing evaluation or oversight of the agreement, if available.	
B.1.3_3	The implementing country must publish documentation derived from any national stakeholder consultation undertaken with respect to the preparation, negotiation or monitoring of the agreements, if available.	

The concept of '*best available*' information, as outlined in Guidance Note #2, must be addressed for this transparency requirement, relating to assessments of the impact of these agreements.

### 4) The State of the Fisheries Resources

The objective of this requirement is to enhance public access to information regarding the health of the country's marine fisheries resources. This is particularly important for fish targeted by commercial fisheries, given that their overfishing can put unsustainable pressure on stocks whose abundance is essential for ensuring national development and food security.

ID	Validation indicator	Scoring
B.1.4_1	The implementing country must publish the most recent national reports on the state of fish stocks, including any information on trends in the state of stocks and conclusions on the reasons for change, as well as studies or reports undertaken by national authorities that assess the sustainability of fishing.	
B.1.4_2	The implementing country must provide information on the methods and data used to assess fish stocks.	
B.1.4_3	The implementing country must publish ongoing or planned efforts to update and expand fish stock assessments.	

The concept of '*best available*' information, as outlined in Guidance Note #2, must be addressed for this transparency requirement.

<sup>26</sup> These agreements provide compensation to the coastal state for fishing opportunities in its waters, such as monetary transfers, commitments for investments and services, or reciprocal access to overseas fishing grounds for the coastal state's national fishing fleet.

<sup>27</sup> This includes agreements that allow access for foreign vessels to fish in the country's marine jurisdictional waters (i.e. Territorial Sea and Exclusive Economic Zone) as well as agreements that allow nationally-flagged vessels to fish in a third country.



## 5) Large-Scale Fisheries

The objective of this requirement is to enhance public access to information regarding the industrial fishing vessels allowed to fish in the country's jurisdictional waters (and for national-flagged vessels in third country waters/on the High Seas), as well as how much these vessels pay for fishing opportunities and the quantities of fish they are catching.

ID	Validation indicator	Scoring
B.1.5_1	The implementing country must provide an online, up-to-date registry of all nationally-flagged and foreign-flagged large-scale vessels authorised to fish in the country's marine jurisdictional waters, and of all nationally-flagged large-scale vessels authorised to fish in third countries' marine jurisdictional waters and on the High Seas, including information on 14 attributes, as listed in section B.1.5 of the FiTI Standard.	
B.1.5_2	The implementing country must publish accessible and complete information on payments made by each vessel listed in the vessel registry for their fishing activities, including information on 4 attributes, as listed in section B.1.5 of the FiTI Standard. <sup>28</sup>	
B.1.5_3	The implementing country must publish information on the quantity of annual recorded retained catches by nationally-flagged vessels listed in the vessel registry, including according to species or species groups, disaggregated by fishing authorisations or gear type as well as marine jurisdictional waters, High Seas and third country waters.	
B.1.5_4	The implementing country must publish information on the quantity of annual recorded retained catches by foreign-flagged vessels listed in the vessel registry according to species or species groups, disaggregated by fishing authorisations or gear type, presented for each flag State separately.	
B.1.5_5	The implementing country must publish information on the quantity of annual recorded landings in national ports according to species or species groups caught in the country's marine jurisdictional waters, disaggregated by fishing authorisations or gear types, presented for each flag State separately.	
B.1.5_6	The implementing country must publish information on the quantity of annual recorded transshipments at sea or landings in foreign ports according to species or species groups caught in the country's marine jurisdictional waters, disaggregated by fishing authorisations or gear types, presented for each flag State separately.	
B.1.5_7	The implementing country must publish information on recorded quantities of discards according to species or species groups, disaggregated by fishing authorisations or gear types, presented for each flag State separately, if available. <sup>29</sup>	
B.1.5_8	The implementing country must publish the most recent studies and reports on recorded fishing effort by vessels, disaggregated by fishery or gear type and by flag State, if available.	
B.1.5_9	The implementing country must publish evaluations or audits of the economic, social and food security contribution of the large-scale fishing sector, if available.	

The concept of '*best available*' information, as outlined in Guidance Note #2, must also be addressed for this transparency requirements relating to assessments of catches, information on by-catch/discards, and evaluations of social and economic impacts.

<sup>28</sup> Information on payments to port authorities must be separated from payments for fishing activities.

<sup>29</sup> This must include information on how information on discards is gathered by national authorities.

## 6) Small-Scale Fisheries

The objective of this requirement is to enhance public access to information around the scope as well as economic, social and food & nutrition contributions of the country's small-scale fisheries, a sector which is traditionally overlooked in many countries.

ID	Sub-element	Scoring
B.1.6_1	The implementing country must publish information on the total numbers of small-scale fishing vessels, disaggregated according to categories of fishing or gear types.	
B.1.6_2	The implementing country must publish information on the total number of fishing licenses issued to small-scale fishing vessels, disaggregated according to categories of fishing authorisations.	
B.1.6_3	The implementing country must publish information on the total numbers of fishers engaged in the fishing sector, indicating the gender of fishers and the proportion that are engaged in full-time work, seasonal or part time fishing, occasional fishing or recreational fishing.	
B.1.6_4	The implementing country must publish information on the total payments made from small-scale fisheries related to fishing authorisations, catches and landings, disaggregated according to categories of fishing authorisations or gear types and indicating the recipient of these payments.	
B.1.6_5	The implementing country must publish information on the quantity of catches, disaggregated according to species, categories of fishing authorisations and gear types.	
B.1.6_6	The implementing country must publish information on the total volumes of discards, disaggregated according to species, categories of fishing authorisations and gear types.	
B.1.6_7	The implementing country must publish evaluations or audits of the economic, social and food security contribution of the small-scale fisheries sector, if available.	

The concept of '*best available*' information, as outlined in Guidance Note #2, must also be addressed for this transparency requirement.

## 7) Post-Harvest Sector and Fish Trade

The objective of this requirement is to enhance public access to key information in the post-harvest value chain, in particular the scope of the country's reliance on fish-related import and exports. Fish is the most traded agricultural product in the world (in monetary terms), providing an important source of revenues and foreign exchange. The inflow and outflow of fish from a country also has substantial implications on the availability of food, contributing to national food security. Furthermore, this requirement includes employment-related information of a country's commercial (and informal) fisheries sector (if applicable). This is in particular relevant for efforts to increase the visibility and appreciation of post-harvest activities (e.g. processing and selling of fish), as well as the role of women in the overall fisheries value chain.

ID	Validation indicator	Scoring
B.1.7_1	The implementing country must publish information on the total quantity of fish and fish products produced, disaggregated by species and fish products.	
B.1.7_2	The implementing country must publish information on the total quantity of imports of fish and fish products, disaggregated by species and fish products, indicating the country of their origin.	
B.1.7_3	The implementing country must publish information on the total quantities of exports of fish and fish products, disaggregated by species and fish products, indicating the country of their destination.	
B.1.7_4	The implementing country must publish information on the total number of people employed in commercial fisheries sectors, including the number of men and women working in specific sub-sectors.	
B.1.7_5	The implementing country must publish information on the total number of people employed in informal fisheries sectors, including the number of men and women working in specific sub-sectors.	
B.1.7_6	The implementing country must publish reports or studies on wages in the post-harvest sector, if available.	

The concept of '*best available*' information, as outlined in Guidance Note #2, must also be addressed for this transparency requirement, relating to employment statistics in the informal sector.

## 8) Fisheries Law Enforcement

The objective of this requirement is to enhance public access to information around the scale and impact of non-compliance with national fisheries regulations, such as those associated with *'illegal, unreported and unregulated'* (IUU) fishing, as well as the country's strategies and activities to respond to these challenges, including their ability to enforce compliance and administer adequate criminal justice.

ID	Validation indicator	Scoring
B.1.8_1	The implementing country must publish information on the national activities and strategies used for ensuring compliance of fishing vessels and the post-harvest sector with national legislation.	
B.1.8_2	The implementing country must publish information on the financial and human resources deployed by the government to ensure compliance with national legislation.	
B.1.8_3	The implementing country must publish information on the total numbers of inspections of fishing vessels at sea and in ports.	
B.1.8_4	The implementing country must publish a record of convictions for major offences in the fisheries sector for the last five years, indicating the name of the company or vessel owner, the nature of the offence and the penalty imposed.	

## 9) Labour Standards

The objective of this requirement is to enhance public access to information around national authorities' strategies and activities to ensure that high labour standards are applied to all parts of the country's fisheries sector and that their efforts to enforcing these standards are well documented.

ID	Validation indicator	Scoring
B.1.9_1	The implementing country must 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.	
B.1.9_2	The implementing country must publish information on the public authorities responsible for monitoring and enforcing laws on labour standards.	
B.1.9_3	The implementing country must publish documents, including policy statements and evaluations regarding a national strategy, if applicable, or related activities that enforce laws on labour standards in the fisheries sector, including total figures on the financial and human resources deployed by the government.	
B.1.9_4	The implementing country must publish information on the role and legal standing of anybody that has a governmental mandate to receive labour-related complaints from workers in the fishing sector and in the post-harvest sector.	
B.1.9_5	The implementing country must publish the total number of offences committed by employers in the fisheries sector that have been resolved by the authorities.	

## 10) Fisheries Subsidies

The objective of this requirement is to enhance public access to information around the extent and purpose of government subsidies offered to a country's fisheries sector. This subject has long been one of the most controversial themes in international debates on responsible fisheries management and is often seen as the source of a range of problems, such as overfishing, illegal fishing and unfair benefit-sharing.

ID	Validation indicator	Scoring
B.1.10_1	The government must publish information on the type, values and recipients of government financial transfers or subsidies to the fisheries sector.	
B.1.10_2	The government must publish information on the average annual value of any fuel subsidies per unit of fuel in nominal and percentage terms.	

## 11) Official Development Assistance

The objective of this requirement is to increase public access to information regarding official development assistance (ODA), which can represent an important source of funds and support for a country's fisheries sector. In particular, it is relevant to provide information on the value, purpose and outcomes of public sector development projects.

ID	Validation indicator	Scoring
B.1.11_1	The government must publish information on public sector projects related to fisheries and marine conservation, funded by bilateral, multilateral and private donors, including information on the projects' value, purpose and outputs.	
B.1.11_2	The government must publish corresponding project evaluations, if applicable.	

## 12) Beneficial Ownership

The objective of this requirement is to enhance public access to information around the existing legal and procedural framework facilitating public knowledge of who ultimately owns and controls the companies operating in the country's fisheries sector.

ID	Sub-element	Scoring
B.1.12_1	The government must publish the legal basis for beneficial ownership transparency in the country.	
B.1.12_2	The government must publish the country's legal definition of beneficial ownership.	
B.1.12_3	The government must publish information on the availability of a public register of beneficial owners.	
B.1.12_4	The government must publish the rules and procedures for incorporating beneficial ownership in filings by companies to corporate regulators, stock exchanges or agencies regulating the access to fisheries.	
B.1.12_5	The government must publish the current status and discussions around beneficial ownership transparency in fisheries.	

## II. Procedural requirements for FiTI Report (section B.2 of the FiTI Standard)

Guidance Note #2 'Compiling FiTI Reports' explains what Report Compilers and FiTI National Multi-Stakeholder Groups must observe so that annual FiTI Reports comply with the **procedural requirements of section B.2** of the FiTI Standard. Guidance Note #2 is therefore also relevant for validations.<sup>30</sup>



As stated in chapter 2 of this Guidance Note, this area of the assessment is comprised of **four validation requirements**. Each of these requirements is further broken down into several validation indicators, the level upon which the assessment is performed.

### 1) Reporting Requirements<sup>31</sup>

ID	Validation indicator	Scoring
B.2.1_1	The National MSG must produce a FiTI Report annually.	
B.2.1_2	For each transparency requirement, FiTI Reports must provide a succinct summary of the main findings according to the FiTI Report's reporting period (B.2.2).	e.g. 'Meaningful progress' [2]
B.2.1_3	For each transparency requirement, FiTI Reports must include a reference on where detailed information can be found in the public domain, if applicable.	
B.2.1_4	For each transparency requirement, FiTI Reports must provide an explanation of significant deviations from previous reporting periods, if applicable.	
B.2.1_5	For each transparency requirement, FiTI Reports must include recommendations for improvements on how to strengthen the availability of accessible, complete and up-to-date information in the public domain, if applicable.	
		[Calculated, average score]

<sup>30</sup> This document will thus not reiterate these requirements but refer to Guidance Note #2 as the formal source of guidance when assessing them during validation.

<sup>31</sup> Certain requirements that the FiTI Standard lists under section B.2.1 have already been included in the previous section, e.g. best available information. Therefore, only the remaining relevant aspects need to be validated.

## 2) Reporting Deadlines and Periods

ID	Validation indicator	Scoring
B.2.2_1	The country's 1 <sup>st</sup> FiTI Report must be published within the subsequent year of becoming a FiTI Candidate country.	
B.2.2_2	The country's 1 <sup>st</sup> FiTI Report must contain information on transparency requirements 1–6, set forth in section B.1 of the FiTI Standard.	
B.2.2_3	The country's 1 <sup>st</sup> FiTI Report must contain information from the complete calendar year when the country became a FiTI Candidate country.	
B.2.2_4	Following the 1 <sup>st</sup> FiTI Report, subsequent FiTI Reports must be published on an annual basis, comprising information from the complete calendar year preceding the year addressed in the last FiTI Report.	
B.2.2_5	Every second FiTI Report must include information on transparency requirements 7–12 set forth in section B.1 of the FiTI Standard, and this information must be disaggregated by calendar years.	

## 3) Reporting Process<sup>32</sup>

ID	Validation indicator	Scoring
B.2.3_1	The country's FiTI Reports must be compiled by an independent, credible, trustworthy and technically competent Report Compiler.	
B.2.3_2	The engagement of the country's Report Compilers must be based on Terms of Reference, which must include minimum procedures for FiTI Reports, as endorsed by the FiTI International Board. <sup>33</sup>	
B.2.3_3	The appointment of the country's Report Compiler must be endorsed by the National MSG.	
B.2.3_4	The National MSG and the Report Compiler must work jointly to ensure that the entire FiTI reporting process is perceived as open and inclusive.	
B.2.3_5	The Report Compiler must consult with relevant national and international organisations to ensure that the assessment on the transparency requirements is perceived as credible and trustworthy, and that all appropriate sources of information are considered.	
B.2.3_6	The Report Compiler must seek to resolve the discrepancies between published government information and information from other stakeholders, if applicable. <sup>34</sup>	
B.2.3_7	The Report Compiler must consolidate the findings in a preliminary FiTI Report and submit it to the National MSG for review.	
B.2.3_8	The National MSG must review the preliminary findings of the Report Compiler and provide comments. <sup>35</sup>	
B.2.3_9	The National MSG must formally approve the FiTI Reports and publish them afterwards.	
B.2.3_10	The National MSG must consult with the FiTI International Secretariat prior to publishing its first FiTI Report to review completeness against the FiTI reporting requirements.	

32 Certain requirements that the FiTI Standard lists under section B.2.3 have already been included in the previous section, e.g. whether the Report Compiler undertook a thorough review of information provided by public authorities in the public domain for each transparency requirement, in order to assess if the information is accessible, complete and represents the best available information. Therefore, only the remaining relevant aspects need to be validated.

33 The FiTI Standard states that Terms of Reference may be adapted to include additional transparency requirements beyond those established in the FiTI Standard, if this is agreed upon by the National MSG.

34 This may also include information that is provided on government websites vs. information that is provided in a FiTI Report.

35 The FiTI Standard encourages the National MSG to consult with others outside of the National MSG in undertaking this review. However, this is not a mandatory requirement and therefore, falls outside of the scope of validation.

4) Report Dissemination and Public Debate<sup>36</sup>

ID	Validation indicator	Scoring
B.2.4_1	FiTI Reports must be comprehensible and written in a clear and accessible style. <sup>37</sup>	
B.2.4_2	FiTI Reports must be widely distributed among key audiences, including government, parliamentarians, companies, civil society groups, academia, the media, and international stakeholders. <sup>38</sup>	
B.2.4_3	The National MSG must 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. <sup>39</sup>	
B.2.4_4	FiTI Reports must be published online under an open license.	
B.2.4_5	The National MSG must make users aware that information can be reused without prior consent.	

36 Certain requirements that the FiTI Standard lists under section B.2.4 have already been included in the previous section, e.g. that information which is not published by public authorities in the public domain must be provided in FiTI Reports (e.g. as an annex). Therefore, only the remaining relevant aspects need to be validated.

37 The FiTI Standard encourages that FiTI Reports are translated into appropriate language. However, this is not a mandatory requirement and therefore falls outside of the validation scoring.

38 The FiTI Standard encourages outreach events, whether organised by government, civil society or business, to spread awareness on and facilitate dialogue around the FiTI across the entire country. However, this is not a mandatory requirement and therefore falls outside of the validation scoring.

39 The FiTI Standard encourages National MSGs to contribute the lessons learnt and recommendations from FiTI Reports to policy dialogues and broader conversations about national reform efforts. However, this is not a mandatory requirement and therefore falls outside of the validation scoring.



### III. Requirements for national implementation framework (section B.3 of the FiTI Standard)

As stated in chapter 2 of this Guidance Note, this area of the assessment is comprised of **five validation requirements**. Each of these requirements is further broken down into several validation indicators, the level upon which the assessment is performed.

#### 1) Enabling Environment for Stakeholder Participation

The FiTI Standard underlines the intrinsic multi-stakeholder nature of the FiTI and places stakeholder participation, facilitated by a necessary enabling environment, as an underlying paradigm at the heart of the initiative.

Given the importance of stakeholder participation to the FiTI, validation must give special attention to any restrictions on the participation of a FiTI stakeholder group or its representatives. Section D.1.2 of the FiTI Standard specifically requires validation to identify any **breach of principles and spirit of the initiative (section E.2.2)**.<sup>40</sup>

ID	Validation indicator	Scoring
B.3.1_1	The government must maintain an enabling environment for business and civil society participation as specified in requirement A.2.	e.g. 'Meaningful progress' [2]  [Calculated, average score]

In accordance with section E.2.2 of the FiTI Standard, the term:

- **stakeholder** (as cited in section A.2) refers to representatives from the three stakeholder groups (government, business and civil society) and in particular civil society and small-scale fisheries representatives who are substantively involved in the FiTI implementation, including but not limited to members of the National MSG;
- **engagement** includes activities related to preparing, inter alia, National MSG meetings; stakeholder side-meetings about FiTI, including interactions with National MSG representatives; producing FiTI Reports; producing materials or conducting analysis on FiTI Reports; expressing views related to FiTI activities; and expressing views related to the governance of marine fisheries.

Ultimately, validation must assess whether legal or practical restrictions related to the broader enabling environment have restricted stakeholder engagement in the FiTI during the validation period under review.<sup>41</sup>

<sup>40</sup> This section specifically mentions the importance of compliance with sections B.3.1 and B.3.3. It underlines that 'any restriction(s) imposed that hinder their participation are considered to constitute a fundamental breach of the initiative's principles and requirements.' This can lead to serious consequences for a FiTI implementing country, including suspension and delisting.

<sup>41</sup> In accordance with section A.2 of the FiTI Standard, this refers in particular to whether relevant stakeholders, including but not limited to members of the National MSG, are able to *engage in public debate* related to the FiTI; *express their opinions* about the FiTI without restraint, coercion or reprisal; *operate freely* in relation to the FiTI; *communicate and cooperate with each other* regarding the FiTI; *engage fully, actively and effectively* in the design, implementation, monitoring and evaluation of the FiTI; and *speak freely* on fisheries governance issues.

As a starting point, the *Baseline Assessment Report* prepared by the FiTI International Secretariat should provide a contextual overview of the broader enabling environment for civil society participation in the country (as well as within its fisheries sector). Such an overview can draw on internationally recognised indicators and assessments such as those produced by Civicus, the International Center for not-for-profit Law (ICNL), United Nations bodies, Freedom House, OECD, regional organisations, etc.

Furthermore, validation should assess whether the government, businesses and civil society are fully, actively and effectively engaged in the FiTI process. Evidence may include attendance of and input during National MSG meetings, submission of data required for the FiTI reporting process, engagement to deal with obstacles such as legal barriers to disclosure or procurement issues, provision of funding for the FiTI process, outreach to stakeholders beyond the members of the National MSG, use of FiTI data and other information to promote public debate.

Also, where laws, regulations or administrative rules have constituted an obstacle to implementation, or where an enabling legal environment exists but actual practice differs, validation should document the circumstances of the case and any efforts to address the issue, including the removal of potential obstacles or action to address any genuine obstacles that have arisen. Validation should quote the views of stakeholders on whether any obstacles to civil society and business participation have been removed.

## 2) Governance and Support

In various sections, the FiTI Standard puts the onus on government to initiate and maintain the FiTI, and to ensure an enabling environment for its implementation. The indicators below assess whether government has sufficiently set up the leadership and administrative structures for the FiTI and sufficiently mandated and resourced them.

ID	Validation indicator	Scoring
B.3.2_1	The government must maintain a FiTI Lead Ministry and a FiTI National Lead as specified in requirement A.3.	
B.3.2_2	Changes to the FiTI Lead Ministry or the FiTI National Lead must be made public, if applicable.	
B.3.2_3	The National MSG must maintain a properly authorised and resourced FiTI National Secretariat as specified in requirement A.5.	

### 3) Multi-Stakeholder Oversight

The initial explanation given at the beginning of this section on the need for an enabling environment for stakeholder participation also applies entirely to this requirement. The importance of active multi-stakeholder oversight of the FiTI process in an implementing country is highlighted through the fact this requirement is given special attention and weighting within the FiTI Standard and as part of the validation process.

ID	Validation indicator	Scoring
B.3.3_1	The government must maintain a National MSG as specified in requirement A.4. <sup>42</sup>	
B.3.3_2	Representatives from government, business and organised civil society must be appropriately qualified and fully, actively and effectively engaged in the FiTI. <sup>43</sup>	
B.3.3_3	Representatives from organised civil society must be operationally, and in policy terms, independent from government and/or business. <sup>44</sup>	
B.3.3_4	Changes to the National MSG or to its Terms of Reference must be made public, if applicable. <sup>45</sup>	

As stated earlier, validation does not cover activities during the sign-up steps a country must fulfil before applying to become a FiTI Candidate country.

42 The validation process should assess whether the decision-making rules agreed by the National MSG are being followed including by consulting documentation and stakeholder views on how National MSG decisions have been taken and whether all stakeholders are involved in decision-making. There is no requirement in the FiTI Standard that stakeholder groups are equally represented numerically.

43 In making this assessment, the following aspects should be considered:

- the attendance of and input during National MSG meetings;
- submission of data and feedback during the FiTI reporting process (this includes any evidence where stakeholders have provided input for the FiTI process, but such input was not sufficiently discussed or disregarded without sufficient explanations);
- commitments to resolving bottlenecks such as legal barriers to disclosure;
- provision of funding or in-kind support for the FiTI process; or
- outreach to stakeholders that are not members of the MSG.

44 In making this assessment, the following aspects should be considered:

- Evidence of any civil society constituency discussions or agreed constituency policies that are seen to ensure policy and operational independence of e.g. members of parliament, other political parties holding differing views from the government, or companies within the fisheries value chain.
- Evidence that any potential conflict of interests or issues affecting civil society MSG members' independence have been transparently disclosed.
- Details about the articles of association, objectives, work programmes and funding sources of civil society organisations represented on the MSG.

45 In making this assessment, the following aspects should be considered:

- the reasons for the change of members;
- the process by which each stakeholder group nominated new representatives, documenting efforts that civil society and companies appointed their own representatives by reaching out to a diverse range of stakeholders; and
- any suggestion of coercion or attempts to include members that will not challenge the status quo.

#### 4) Annual Workplan

The FiTI Standard anchors the Annual Workplan not only as an important working tool for FiTI implementation, but also as a verifiable means to agree and measure progress and corrective actions in situations of exceptional circumstances (section C.1) or non-compliance (section E).

ID	Validation indicator	Scoring
B.3.4_1	The National MSG must provide an updated Workplan for each upcoming reporting period. <sup>46</sup>	
B.3.4_2	Each Workplan must provide a summary of FiTI activities undertaken in the previous reporting period, including an assessment of the level of progress in achieving the objectives set out in the previous Workplan(s).	
B.3.4_3	Each Workplan must outline objectives, constraints, activities and outputs in accordance with requirement A.6. <sup>47</sup>	
B.3.4_4	Each Workplan must be approved by the National MSG two months prior to the upcoming reporting period.	

#### 5) Impact Report

The FiTI Standard attributes importance to measuring the impact of the initiative. The introduction to section D underlines that *‘validation also assesses the impact of the FiTI in the country, reflects stakeholder opinions, and lists recommendations for progressive improvement.’*

ID	Validation indicator	Scoring
B.3.5_1	The National MSG must publish an Impact Report every three years, preferably aligned with upcoming validations.	
B.3.5_2	The Impact Report must provide a narrative account of efforts to strengthen the outcomes and impact of FiTI implementation on fisheries governance. This narrative account must provide information on the dissemination efforts of FiTI Reports, primary information that has been published in the FiTI Report, as well as other activities conducted by the National MSG, if applicable, as outlined in section B.3.5 of the FiTI Standard. <sup>48</sup>	

46 The FiTI Standard encourages the National MSG to consider more regular updates and revisions for the Workplan as a useful management tool. However, this is not a mandatory requirement and therefore, falls outside of the validation scoring.

47 This includes information about uncompleted objectives of previous Workplan(s), if applicable; activities planned for the upcoming reporting period; recommendations identified by the National MSG in previous FiTI Report(s), if applicable; and recommendations from validations, if applicable.

48 The FiTI Standard encourages that the Impact Report reflects input from stakeholders outside of the National MSG. However, this is not a mandatory requirement and therefore falls outside of the validation scoring.

## Annex III: Validation reports

The *Baseline Assessment Report*, prepared by the FiTI International Secretariat, is the first and most comprehensive assessment conducted during the overall validation process. The report should not exceed 80–100 pages, including annexes. The report does not need to be approved by the FiTI International Board before submission to the Independent Validator.

The Independent Validator in turn writes a *Validation Report* which is based on the Secretariat's Baseline Assessment Report and must not exceed 30 pages. Its draft is shared with the National MSG and once the National MSG's comments are taken into account, its final version is submitted and presented to the FiTI International Board.

Lastly, the FiTI International Board publishes its final, binding decision of a country's compliance with the FiTI Standard in a *Compliance Statement*. This statement should not exceed 8–10 pages.

All reports will be made publicly available on the website of the FiTI ([www.fiti.global](http://www.fiti.global)).

The minimum content and structure for each report is outlined below.

## Structure of Baseline Assessment Report

1. Executive Summary
  - 1.1. Key findings
  - 1.2. Validation Scorecard (individual requirements only)
  - 1.3. Recommendations
  - 1.4. Additional aspects for the consideration of the Independent Validator
2. Key parameters and scope of validation
3. Overview of the FiTI implementation in [country]<sup>49</sup>
4. Assessment of individual ‘transparency requirements’
5. Assessment of individual ‘procedural requirements for FiTI Reports’
6. Assessment of individual requirements for the ‘National Implementation Framework’
7. Appraisal of progressive improvements
8. Other considerations

## Validation Report

1. Executive Summary
2. Verification of the assessment of individual requirements
3. Assessment of breaches of principles and spirit of the FiTI
4. Key outcomes of stakeholder consultations
5. Recommendation for the overall compliance designation of [country]
6. Efforts that go beyond FiTI requirements
7. Suggested corrective actions to strengthen [country’s] compliance with the FiTI Standard
8. Suggested recommendations to strengthen the impact of transparency on sustainable marine fisheries in [country]
9. Areas of particular attention for the FiTI International Board

Annex I: Validation Scorecard<sup>50</sup>

## Compliance Statement

1. The FiTI International Board’s decision
2. Background of validation process
3. Validation Scorecard
4. Corrective actions

49 Including background information on the country’s fisheries sector as well as the FiTI process, National Multi-Stakeholder Group, milestones to date, scope and development of FiTI reporting.

50 Including indications of whether implementation of the FiTI in the country is improving or deteriorating, if applicable.

# Annex IV: Terms of Reference for Independent Validator

Clear and comprehensive Terms of Reference (ToR) that are standardised across all FiTI implementing countries provide a robust foundation safeguarding the legitimacy of the validation process and establish one set of commonly agreed rules, procedures and responsibilities.

For each validation, the FiTI International Board must appoint an Independent Validator (or team of validators), tasked with producing a Validation Report during phase two of the validation process. Selecting and appointing an Independent Validator must be based on open tendering procedures.

## 1) Objective of the FiTI validation process

The objective of validation is to assess [country]'s compliance with the mandatory requirements of the FiTI Standard. Validation also aims to help promote dialogue and learning at the country level and safeguards the integrity of the FiTI by holding all FiTI implementing countries to the same global standard.

## 2) Provisions of validation

The validation process must be carried out in accordance with the FiTI Standard as well as all relevant Guidance Notes, and will include such activities and procedures as the FiTI International Board and the Independent Validator jointly consider necessary for the completion of their responsibilities under the given circumstances.

The Validation Report of the Independent Validator must be based on the Baseline Assessment Report of the FiTI International Secretariat.

### 3) Reporting deadline and period

The timeframe for this validation has been determined by the FiTI International Board as running from <Month> <Year> to <Month> <Year>.

The reporting process should not exceed four months in duration and must follow this high-level timeframe:

Activity	Timeframe
Commencement of 2 <sup>nd</sup> phase of validation process	
Kick-off call between Independent Validator and FiTI International Secretariat	1 week after start
Provision of 'Stakeholder consultation & research plan'	2 weeks after start
Desk research and interviews with key stakeholders	6 weeks after start
Draft of Validation Report	10 weeks after start
Review of draft Validation Report by National MSG	12 weeks after start
Finalisation of Validation Report	15 weeks after start
Presentation and submission of Validation Report to FiTI International Board	16 weeks after start

The FiTI International Board and the Independent Validator shall work jointly to adhere to this timeframe. In case of delays for which the Independent Validator is not responsible, the schedule shall be adjusted accordingly, considering the official validation deadlines of the FiTI Standard and the FiTI Guidance Note #3 'Validating countries'.



#### 4) Role and responsibilities of the Independent Validator

The Independent Validator, reporting to the FiTI International Board via the Chair or a dedicated Validation Committee, will review the validation in [country] in accordance with the FiTI Standard and the FiTI Guidance Note #3 'Validating countries'. The Independent Validator is tasked with the following activities:

- Prepare an initial '*Stakeholder Consultation & Research Plan*' that covers the key aspects of gathering information for the validation process, including:
  - the list of interviews to be conducted (e.g. members of [country]'s National MSG, the Report Compiler(s), the FiTI International Secretariat, and other key informants, including those that are not directly participating in the National MSG);
  - stakeholder consultation parameters (e.g. individual or group interviews, topic outline, and questions); and
  - the list of documents to be reviewed (e.g. FiTI-related documentation<sup>51</sup>, third party reports, studies or research on relevant policy or thematic areas);
- Conduct *desktop research* and *stakeholder consultations* (based on the previously determined research plan) with the objectives to:
  - Verify the technical baseline assessment of each individual requirement as well as the country's progress performance (if applicable), as conducted by the FiTI International Secretariat;
  - Identify opportunities to further improve the operational effectiveness as well as the impact of the national FiTI implementation for sustainable fisheries management in the country;
  - Provide a recommendation for the overall compliance designation, in accordance with the designation categories stated in section D.1.1 of the FiTI Standard, for the consideration of the FiTI International Board.<sup>52</sup>
- Prepare a *draft Validation Report* summarising the validator's findings, evidence, stakeholder views, references and recommendations, in accordance with the FiTI Guidance Note #3 'Validating countries').
- Invite [country]'s National MSG to comment on the draft report;
- Update and finalise the Validation Report, based on the feedback of [country]'s National MSG; and
- Present and submit the final Validation Report to the FiTI International Board.

51 For example, the country's annual Workplan(s), communication plans, the National MSG's Terms of Reference, minutes from MSG meetings, and the relevant FiTI Reports.

52 The final determination of [country]'s overall level of compliance in accordance with section D.1.2. of the FiTI Standard will be made by the FiTI International Board. This will be published in a 'Compliance Statement'.

### 5) Role and responsibilities of the FiTI International Board

The FiTI International Board, through the FiTI International Secretariat, will provide all the necessary documentation needed to undertake the reviews and will facilitate contacts with national and international stakeholders, such as the FiTI National Lead, previous Report Compiler(s), the FiTI National Secretariat, members of the National MSG, as well as other relevant stakeholders.

At any point in time, the Independent Validator can request direct contact with the FiTI International Board, either via the Chair or a dedicated Validation Committee.

### 6) Deliverables

- Stakeholder Consultation & Research Plan (no more than 5–7 pages), in English
- Validation Report (no more than 30 pages), in English

The Independent Validator is also invited to make recommendations to improve the FiTI's validation procedures for consideration by the FiTI International Board.

### 7) Qualifications of the Independent Validator

The activities listed in article 4 must be undertaken by an Independent Validator (or team of Validators) demonstrating professional conduct and the requisite skills and competencies. It is a requirement that the Independent Validator is perceived by the FiTI International Board and [country]'s stakeholders from government, the business sector and civil society as independent, credible, trustworthy and technically competent.

- Expertise in governance issues related to [country]'s marine fisheries sector;
- Excellent knowledge of the FiTI Standard as well as the FiTI initiative as a whole;
- Demonstrated ability to facilitate stakeholder dialogues, research, interviews, and conduct institutional analysis across non-profit, public, and private sectors, and to ensure that stakeholders are able to freely express their views and that requests for confidentiality are respected;
- Good writing skills, with a history of policy-relevant research and publication;
- Willingness to communicate findings in a non-partisan, objective fashion;
- Very good level of spoken and written English;
- [Add additional information about any other skills and competencies required, such as other language skills].

Individuals or firms that have acted as a Report Compiler for [country] are ineligible to act as an Independent Validator. In addition, firms and individuals shall not be eligible to act as Independent Validators for consecutive terms.

The Independent Validator cannot be a member of the FiTI National MSG of [country].

Sub-contracting is not allowed for the tasks of the Independent Validator, unless approved by the FiTI International Board.

### **8) Confidentiality**

Where the Independent Validator is given access to potentially sensitive information, whose details might not be public either through FiTI Reports or Validation Reports, the Independent Validator 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.

### **9) Branding & intellectual property**

The Independent Validator's name(s) shall be prominently displayed on the front of the Validation Report. Where the Independent Validator is associated with or is an institution, the institution's name and logo shall also be displayed prominently.

The FiTI remains the ultimate owner of all reports and documents produced by the Independent Validator as part of this validation process. All published reports will be published under a Creative Commons Attribution-ShareAlike license in order to encourage reuse of the data.

### **10) Code of Conduct**

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

Particularly, in order to ensure the quality and independence of the validation, Independent Validators must disclose any actual or potential conflicts of interest, together with commentary on how any such conflict can be addressed in a proactive way.

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