



Ensuring Improved Governance in Fisheries Management in Southeast Asian Countries

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Based on the Plan of Action and guided by the Resolution on Sustainable Fisheries for Food Security for the ASEAN Region adopted during the November 2001 ASEAN-SEAFDEC Millennium Conference on Fish for the People, SEAFDEC had been implementing projects in the ASEAN countries that specifically aimed to “promote the establishment and implementation of comprehensive policies for innovative fisheries management and local consensus building on such fisheries management measures through consultative process with the target stakeholders”. After almost ten years of implementation of the relevant projects and activities, SEAFDEC and the ASEAN would organize the ASEAN-SEAFDEC Conference on Sustainable Fisheries for Food Security Towards 2020 “Fish for the People 2020: Adaptation to a Changing Environment” in June 2011, which will include discussions on the issues that impede the countries’ efforts to attain sustainability in fisheries development. Considering that one of the themes identified for the technical discussions during the June 2011 Conference is on Enhancing Governance in Fisheries Management and as part of the preparatory works for the June 2011 Conference, SEAFDEC convened the Regional Technical Consultation on Sustainable Fisheries Management from 12 to 15 October 2010 in Samut Prakan, Thailand to discuss the issues under such theme. This article therefore touches upon the process and the inputs used for reviewing the issues and the recommendations made by the ASEAN countries in mitigating the issues that hinder sustainable fisheries development in the Southeast Asian region.

Efforts had been made by the Southeast Asian countries towards improving governance in fisheries with the main objective of mitigating the continuing degradation of the region’s fishery resources through sustainable fisheries management. In spite of such efforts however, there are still many factors that obstruct the sustainable development of the region’s small-scale fisheries sector, such as the large number of small-scale fishers, persistent poverty in the fisheries communities, and weak law enforcement. Moreover, although it has always been recognized that government intervention is necessary in fisheries because the fishery resources are common resources, the users still

seemed to be irresponsible in exploiting such resources (Kato, 2008). Specifically in the small-scale fisheries sector, there is no mechanism to manage such fisheries that scatter along the coastal areas, and any additional management-related tasks would therefore be too much for the centrally structured fisheries administrations to carry out. It is in this aspect that governments need to delegate management of small-scale fisheries to the local resource users (SEAFDEC, 2003). However, in order to attain this objective, the countries need to exert more efforts especially in terms of empowering the local fishers in fishery resources management.

Enhancing Governance in Fisheries Management

There has been an urgent consensus to address the deteriorating state of the region's fishery resources and fisheries-related issues that emerged during the past decade for the sustainable development of fisheries and for food security. As generally recognized, weak governance has been the main underlying cause of overfishing in the waters of the Southeast Asian region. Promoting strengthened fishery governance which encompasses institutional arrangements for the sustainable exploitation of the fishery resources should be able to determine solutions to such concerns and create opportunities for enhancing social welfare. Good governance requires the establishment, in a transparent and participatory manner, of the most appropriate balance between small-scale and commercial fisheries sectors and maximization of income and long-term sustainability. One of the expected outcomes of good governance would be the harmonized position of the countries in the region that could be used during negotiations, implementation, and control of the fisheries agreements, ensuring that the interests of domestic industries are adequately protected.

In paving the way for enhancing governance in the region's fisheries sector, management could be implemented from the context of an ecosystems approach, as clearly articulated in the Code of Conduct for Responsible Fisheries (CCRF)

adopted in 1995 as well as in the regionalized CCRF (SEAFDEC, 2003) that included internationally accepted set of principles and guidelines for governance and best practices in fisheries development and management. In addition, there have been other instruments that include the International Plans of Action (IPOAs) on management of fishing capacity, conservation and management of sharks, reducing the incidental catch of seabirds, and illegal, unreported, and unregulated (IUU) fishing and could be used as guide in enhancing governance in fisheries management.

Moreover, the region's numerous fishing units that use different types of fishing gear and adopt different scales of operations but target the same fish stocks, have been competing for a share of the catch. Since overfishing of one species by the commercial sub-sector might threaten the yield of other species in the food chain, thus, the sustainability of capture fisheries should be addressed in a holistic approach, by recognizing the need to share resources among the different scales of fishing operations. In order to further enhance the effectiveness of the governance in fisheries management, there is a need to manage fishing effort consistent with the sustainable exploitation of the resources. Since one of the key features for effective fisheries management is through the implementation of Monitoring, Control and Surveillance (MCS) program, such approach could pose greater challenge as more than 90% in the region's fishing industry comprises small-

Box 1. Rules, structures and enabling environments

Questions	Analysis of the responses from the ASEAN countries
1. Conduct of regular meetings involving governmental and non-governmental organizations to discuss fisheries.	1. Meetings are regularly conducted with interested parties, and that the concerned parties could access to the reports of such meetings.
2. Establishment of mechanisms to identify, prevent, quantify and eliminate excess fishing capacity.	2. Some mechanisms have been established but these could still be partly effective.
3. Transparency in the assessment and decision making on management measures.	3. Assessment and decision making on management measures are transparent.
4. Dissemination of measures on conservation and management and their rationale.	4. The rationale and purpose of conservation and management measures are well explained to users.
5. Discussion on excess fleet capacity and promotion of responsible fishing.	5. Equity distribution, loss of biodiversity, pollution issues, and the use of environmentally-safe fishing gear are only partly addressed.
6. Fostering of cooperation among all interested parties in information gathering, research, management, fisheries development.	6. Attempts have been made to forge cooperation among all parties in information gathering, research as well as in fisheries development and management.
7. Compilation of fisheries data by management authorities and making these available to interested parties.	7. Compiled fisheries data are made available to interested parties in timely manner.
8. Fisheries management that aim to minimize conflict between small-scale and commercial fisheries.	8. Management system is in place that minimizes the conflict between small-scale and commercial fisheries.
9. Measures to prevent access to resources by those not authorized to fish.	9. There are measures to prevent access to the resources by those unauthorized with legal and administrative framework and sanctions in case of violations to laws and regulations which still partly effective.

scale fisheries. Thus, for the successful implementation of the MCS program, innovative arrangements are necessary by involving the local fishers in the planning and implementation of such MCS program.

Furthermore, since sharing of responsibility between fishers and the government is particularly important in the Southeast Asian region, where large numbers of fishers use multiple and unselective gears to target multiple species, co-management systems which require significant extension, education, and awareness of all stakeholders as well as government and technical assistance activities, should be promoted to empower the communities and stakeholders to participate in the governance of sustainable fisheries. Considering also the increasing number of instruments and regulations aimed at ensuring sustainable development and management of fisheries at global level, it is also necessary for the countries in this region to make a common stand in

complying with such requirements. Therefore, countries should enhance their governance in order to increase the level of compliance to the global instruments and agreements.

In consideration of the aforementioned issues and concerns, the sub-themes that would be discussed during the 2011 Conference under the theme on Enhancing Governance in Fisheries Management, have been identified to include: (1) Can small-scale (SSF) and commercial (CF) fisheries co-exist?; (2) Management of fishing capacity; (3) Co-management; and (4) Application of global instruments and regional agreements. In order to obtain the insights of the ASEAN countries in addressing the aforementioned concerns, a questionnaire survey was conducted in the ASEAN countries in early 2010 and the results have been compiled, analyzed and summarized as follows:

Box 2. Willingness to be involved and to accept responsibility in managing fisheries	
Questions	Analysis of the responses from the ASEAN countries
1. Level of interest of fishers/communities in the management of fisheries. Moderate to high interest of fishers/communities in the management of the fishery resources.	1. Moderate to high interest of fishers/communities in the management of the fishery resources.
2. Response and collaboration of fishers/communities during consultations on fisheries management.	2. Moderate to high level of response and willingness to collaborate among interested parties during the consultations on fisheries management.
3. Cooperation of fishers/communities in gathering information for fisheries management.	3. Moderate to high level of cooperation among fishers/communities in compiling information for fisheries management.

Box 3. Factors that could enhance the co-existence of small-scale and commercial fisheries	
Questions	Analysis of the responses from the ASEAN countries
1. Mechanism to resolve conflicts and fisheries legislations for regulating the conflicts between small-scale and commercial fisheries.	1. The following factors are necessary to enhance the co-existence of small-scale and commercial fisheries: mechanism to resolve conflicts; legislation to regulate conflicts; and mechanism for consultation and participation in the development of laws and regulations related to fisheries.

Box 4. Involvement of stakeholders/resource users in managing fishing capacity	
Questions	Analysis of the responses from the ASEAN countries
1. Parties having legitimate interest in the use and management of fishery resources.	1. Moderate to high collaboration with the authorities in the management of fishery resources.
2. Cooperation by all interested parties in information gathering, research, management and fisheries development.	2. Moderate to high cooperation of interested parties in information compilation, research, and fisheries development and management.
3. Consultation and involvement of non-fishery organizations in fishery conservation.	3. Low to high rate of consultation among non-fishery organizations in the formulation and implementation of fishery conservation measures.

Box 5. Factors that support the participation and sharing of responsibilities by resource users	
Questions	Analysis of the responses from the ASEAN countries
1. Mechanisms to encourage participation and sharing of responsibilities.	1. Regular meetings of relevant governmental and non-governmental organizations to discuss fisheries are the most important factor, followed by conflict resolution.
2. Other factors to support participation by resource users.	2. Other aspects such as effective MCS and mechanism to avoid the existent of excess fishing capacity are only partly the important factors that could support the participation and sharing of responsibilities by resource users.

Can small-scale (SSF) and commercial fisheries (CF) co-exist?

Based on the questionnaire used for the survey, seven ASEAN countries provided information on three major

aspects relevant to the co-existence of small-scale and commercial fisheries, such as (1) Rules, structures and enabling environments in their respective countries that govern management of marine resources for the benefit of

Box 6. Enhancement of the participation of stakeholders in promoting governance

Questions	Analysis of the responses from the ASEAN countries
1. Ways that could enhance key stakeholders' participation in promoting governance in managing fishing capacity.	1. These include: promoting alternative management options; preventing the practice of illegal fishing; establishing mechanism to reduce excess fishing capacity; reviewing the performance of existing fishing gear and practices; phasing out or replacing irresponsible fishing practices; prevent access to the resource by unauthorized; promoting transparency in assessment and decision-making on management measures; effective explanation and dissemination of conservation and management measures; ensuring that scientific community has trust and respect of the fishing communities.

Box 7. Degree of co-management

Questions	Analysis of the responses from the ASEAN countries
1. Policies that support co-management.	1. Government policies partly or fully support co-management.
2. Enabling legislations in support of co-management initiatives.	2. Member Countries have enabled legislations in support of co-management except Brunei Darussalam.
3. Communities' involvement in fisheries management.	3. Except in Brunei Darussalam, communities are involved in fisheries management including in planning and development of projects and activities on fisheries management and resources conservation.

Box 8. Indigenous capacity and knowledge, and the willingness of governments to share power with communities

Questions	Analysis of the responses from the ASEAN countries
1. Capacity and knowledge of communities in fishery resources management.	1. Most communities have moderate knowledge on fishery resources management although in the Philippines, the communities have high degree of knowledge.
2. Willingness of management authorities to share power with communities.	2. Management authorities in Thailand are highly willing to share power while in other countries authorities are moderately willing to share power except in Malaysia, the authorities are less willing to share the power with communities. As for Brunei Darussalam, the authorities are not willing to share power with the communities.
3. Strength of communities in terms of capacity and knowledge in fishery resources management.	3. The level of the diversity of the strength of fisheries communities in co-management planning had been low to high.

Box 9. Factors and conditions for successful self-governance and co-management

Questions	Analysis of the responses from the ASEAN countries
1. Capability (administratively and financially) of community fisher associations or organizations in implementing co-management.	1. Fisher associations and organizations in the region are partially capable (administratively and financially) in implementing co-management activities.
2. Participation of fisheries management authorities in co-management related capacity-building and training activities within local communities.	2. Fisheries management authorities participate in capacity-building and training activities in local communities.
3. Clear definition of boundaries between adjacent jurisdictions.	3. Boundaries between adjacent jurisdictions and mechanisms to facilitate cooperation between authorities in the planning, development, conservation and management of fishery resources are clearly defined.
4. Support of non-governmental organizations in co-management process.	4. Partial support from non-governmental organizations in co-management process.
5. Diversity (ethnic, cultural, social, economic and environmental) in fisheries communities.	5. Clearly diversity in terms of ethnic, culture, social and economic, in the fishery communities.
6. Incentives (economic and social) provided to individuals engaged in co-management.	6. Partial incentive provided to those engaged in co-management and partial application of property rights approach in co-management.

both small-scale and commercial fisheries; (2) Willingness of the fishers/communities to be involved with and accept the responsibilities in managing the fisheries; and (3) Factors that could enhance co-existence of small-scale and commercial fisheries. Under the abovementioned aspects, the responses obtained from the countries had been analyzed and the results are shown in **Box 1**, **Box 2** and **Box 3**, respectively.

Management of fishing capacity

From the questionnaire used in the survey, seven ASEAN countries provided information on three major aspects relevant to management of fishing capacity, such as (1) Involvement of stakeholders/resource users in managing fishing capacity; (2) Factors that support the participation and sharing of responsibilities by resource users; and (3) Enhancement of the participation of stakeholders in promoting governance. After obtaining the responses from the countries, the results were analyzed as shown in **Box 4**, **Box 5** and **Box 6**, respectively.

Box 10. Factors and conditions that enhance co-management	
Questions	Analysis of the responses from the ASEAN countries
1. Power sharing between authority and community.	1. Fisher associations and organizations in the region agreed that power sharing between authority and community and participation of all stakeholders could enhance co-management.
2. Clear definition of boundaries between adjacent jurisdictions.	2. Boundaries between adjacent jurisdictions and mechanisms to facilitate cooperation between authorities in the planning, development, conservation and management of fishery resources are clearly defined.
3. Support of non-governmental organizations in co-management process.	3. Full support from non-governmental organizations and strengths of different parties are taken into account in co-management process.
4. Diversity (ethnic, cultural, social, economic and environmental) in fisheries communities.	4. Clear diversity in terms of ethnic, culture, social and economic in the fishery communities.
5. Incentives (economic and social) provided to individuals engaged in co-management.	5. Partial incentive provided to those engaged in co-management and partial application of property rights approach in co-management.

Box 11. Level of awareness of international and regional instruments and agreements	
Questions	Analysis of the responses from the ASEAN countries
1. Awareness of international and regional instruments and agreements.	1. Partial to fully aware of all regional and international instruments and agreements. Some countries were not aware on: Environmental Compliance Certification; Kyoto Declaration and Action (International Conference on the Sustainable Contribution of Fishing to Food Security); WTO Fisheries Subsidies; 1955 UN Fish Stock Agreement.

Box 12. Level of compliance to international and regional instruments and agreements	
Questions	Analysis of the responses from the ASEAN countries
1. Compliance to international and regional instruments and agreements (signatory/ratification).	1. Limited or full compliance to the instruments and agreements, either as signatory or for ratification.
2. Reason for level of compliance.	2. Limited compliance could be due to limited capability to comply.

Box 13. Factors that hinder compliance to international and regional instruments and agreements	
Questions	Analysis of the responses from the ASEAN countries
1. Factors that highly hinder compliance.	1. Factors that seriously hinder compliance: budget/financial allocation, manpower, expertise, natural structure of fisheries, lack of enforcement and MCS.
2. Factors that moderately hinder compliance.	2. Factors that least or moderately hinder compliance: bureaucracy, government policies, political intervention, status of fishers livelihood, fisheries infrastructures, ecosystem degradation, poor coordination among government agencies, voluntary nature of compliance (not compulsory).

Box 14. Factors that enhance governance to improve compliance to international and regional instruments and agreements

Questions	Analysis of the responses from the ASEAN countries
1. Factors enhancing governance.	<p>1. Factors that enhance governance to improve compliance:</p> <ul style="list-style-type: none"> • National policies and fisheries management plan; • Strengthening of legal instruments and enforcement; • Increase manpower in fisheries related organizations; • Reduced bureaucracy among government agencies; • Capacity building via training program especially on international fisheries issues; • Active participation in regional and international fora for better understanding on international fisheries issues; • Greater involvement of stakeholders in formulating global and regional instruments and agreements; • Simplified global and regional instruments and agreements to suit local situation; • Technical support and expertise from developed countries to developing countries; and • Enactment of appropriate national laws according to the global and regional instruments and agreements.

Co-management in fisheries

Seven ASEAN countries provided information on four major aspects relevant to co-management, such as (1) Degree of support to co-management; (2) Indigenous capacity and knowledge, and the willingness of governments to share power with communities; (3) Factors and conditions for successful governance and co-management; and (4) Factors and conditions that enhance co-management. Under the abovementioned aspects, the responses obtained from the countries had been analyzed as shown in **Box 7**, **Box 8**, **Box 9** and **Box 10**, respectively.

Application of global instruments and regional agreements

Seven ASEAN countries provided information on four major aspects relevant to co-management, such as (1) Level of awareness to international and regional instruments and agreements; (2) Level of compliance to international and regional instruments and agreements; (3) Factors that hinder compliance to international and regional instruments and agreements; and (4) Factors that enhance governance to improve compliance to international and regional instruments and agreements. The responses obtained from the countries had been analyzed and the results are shown in **Box 11**, **Box 12**, **Box 13** and **Box 14**, respectively.

Recommendations of the RTC on Sustainable Fisheries Management (12-15 October 2010, Samut Prakan, Thailand)

Using the outcomes of the survey as basis for the discussion on the theme on **Enhancing Governance in Fisheries Management** during the October 2010 Regional Technical Consultation, the following recommendations from the Member Countries were compiled to be used as inputs in the relevant technical panels of the June 2011 Conference. The recommendations on the sub-themes on (1) Can Small-

Box 15. Recommendations of the October 2010 RTC on Can Small-scale (SSF) and Commercial (CF) fisheries co-exist?

- SSF and CF can co-exist as these have always existed in all the Member Countries. However both fisheries should be properly managed.
- The definition of SSF and CF should be adapted to each Member Country's situations and the area of operations clearly demarcated.
- The legal and administrative framework pertaining to access and harvest of the resource and sanctions for violations should be strengthened with the participation of the stakeholders.
- Member Countries should promote leadership among the fishers to resolve conflicts between SSF and CF.
- Member Countries should improve information collection and dissemination of such information to fishers, and to assist them in its utilization.
- The experiences and lessons learnt in conflict resolution should be documented which could be used as basis for better management of conflicts between SSF and CF.
- Member Countries should try to determine the actual socioeconomic contributions of SSF and CF for better and transparent decision making.
- Member Countries should improve the awareness of fishers and other stakeholders including local governments, on the need to manage the fishery resources.



scale (SSF) and Commercial fisheries (CF) co-exist?, (2) Management of Fishing Capacity; (3) Co-management in fisheries; and (4) Application of Global Instruments and Regional Agreements, are presented in **Box 15**, **Box 16**, **Box 17** and **Box 18**, respectively.

Box 16. Recommendations of the October 2010 RTC on Management of Fishing Capacity

- Member Countries should manage fishing capacity through licensing and registration of fishers, fishing gears and vessels; introduce alternative livelihoods and adopt responsible fishing technologies.
- Member Countries should adopt rights-based fisheries management.
- Information/scientific data on fishing capacity and stocks should be used as basis for capacity management, thus Member Countries should strengthen their efforts in data gathering and relevant research activities.
- The capacity of relevant authorities and communities to resolve conflicts in a collaborative manner should be enhanced.
- Member Countries should establish and/or improve effective MCS activities to reduce excess fishing capacity and eliminate IUU fishing.
- Member Countries should enhance stakeholders' participation in the development of management options.

Box 17. Recommendations of the October 2010 RTC on Co-Management in Fisheries

- Member Countries should promote co-management by delegating rights to local communities to manage the resources, in accordance with proper laws and regulations.
- Member Countries should develop legal provisions and promote enabling environment to enhance the implementation of effective co-management.
- National policies should incorporate the co-management approach to get much wider impacts.
- Member Countries should actively involve non-governmental organizations in the implementation of co-management.

Box 18. Recommendations of the October 2010 RTC on Application of Global Instruments and Regional Agreements

- National legislations should take into consideration the legally binding international instruments.
- Member Countries should assess the applicability of global/regional instruments/agreements and develop applicable ways in which they may be adapted to suit regional/national situation.
- Member Countries should promote the awareness and understanding of international and regional instruments and agreements, through information and dissemination campaigns.
- Member Countries should consult the stakeholders prior to negotiations of global and regional instruments and agreements.
- Member Countries should provide adequate budget/financial resources, human resource capacity, improve coordination among government agencies and to enhance the exchange of expertise to ensure compliance with international and regional instruments and agreements.

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