

**Report of the Sub-Regional Meeting on the Gulf of Thailand
in Follow up to “the RPOA-IUU MCS Meeting in Bali”,**

Bangkok, Thailand, 28-29 March 2008



Southeast Asian Fisheries of Development Center

The Secretariat

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6. As stated in Bali, SEAFDEC organized the meeting with an aim to work on the MCS matrix and to agree on MCS needs/gaps and actions for the Gulf of Thailand. Furthermore, taking the opportunity of the Gulf of Thailand countries gathered, the meeting should provide room to discuss specific points from Cambodia, Malaysia, Thailand and Vietnam concerning the Gulf of Thailand in general terms and to discuss and formulate recommendations for future collaboration and coordination among countries and organizations in the Gulf of Thailand. In follow up it should be explored how and in what context the SEAFDEC-Sida program and other initiatives can facilitate a strengthening of the coordination and collaboration in the Gulf of Thailand.

7. It was emphasized that the meeting should be informal allowing time for discussion, not only on the MCS matrix, on a range of issues raised by the participants. The flow of discussion did not strictly follow the sequence of the Agenda. For the sake of better clarity in the reporting specific points raised will be organized in the following order: i) introduction by FAO/RAP and UNEP/GEF South China Sea; ii) work on the matrix of the Gulf of Thailand; specific points on RPOA-IUU and other matters; iii) recommendations and follow up actions; iv) closing of the meeting.

III. INTRODUCTION BY FAO/RAP AND UNEP/GEF SOUTH CHINA SEA

APFIC/FAO/RAP

8. Mr. David Lymer, a resource person from FAO/RAP delivered a presentation on FAO/APFIC activities and initiatives related to MCS-IUU. He also presented a review of international agreements, binding and non-binding, that are of relevance to the organisation and implementation of actions related to the RPOA in support of combating IUU, such as the promotion of MCS, improved vessel registration and applications of Port State Measures. His power point presentation appears in **Annex 4**.

9. A question from Thailand asked for clarification on the present status of Port State Measures as non-binding while there was a future expectation on becoming binding. Short explanation being that the present “model scheme” is non-binding and based on that a new/revised version will be develop and finalised during a meeting in June. This revised version will be put forward at the COFI Meeting in 2009 to seek the COFI approval to become binding after being ratified by a sufficient amount of countries.

UNEP/GEF/South China Sea Project

10. Mr. Pirochana Saikliang, a resource person and focal point to the UNEP/GEF/SCS for Thailand, provided some information on the project. There has been good cooperation between UNEP/GEF/SCS and SEAFDEC to work together in close cooperation with countries around the Gulf of Thailand. Emerging out of a number of habitat demonstration sites the fisheries management project have been working on how to integrate fisheries management aspects by introducing the concept of refugia. As a link to the IUU comments were made that in all/most of the demonstration sites one of the major problems were IUU fishing and destructive fishing. Presently a range of refugia sites are identified in the Gulf of Thailand.

In the eastern part there is a range of smaller sites. In the western part a fairly large refugia site have been identified outside of Chumporn and Prachuab Kiri Khan (important spawning for Pla Tu).

11. Mr. Christopher Paterson, a resource person from UNEP/GEF/SCS, informed the meeting that UNEP/GEF South China Sea Project is currently implementing a range of activities in strengthening the regional cooperation on the marine and coastal environment of the South China Sea through components on mangroves, coral, seagrass, wetlands and fisheries as well as on land-based sources of pollution. He pointed out that it was difficult to see the alignment on the habitat management to the fisheries component hence the promotion of the initiative to establish refugia in the Gulf of Thailand and the South China Sea. He pointed out that regarding, is one the key issue for SCS project is difficult.

12. He continued to give an overview on the Strategic Action Program on Regional-Cooperation as provided in the meeting (Strategic plan). In addition to working groups linked to the different components the UNEP/GEF/SCS have also established an Economic Task Force and a Legal Task Force. Special reference was made to the document “Review of the legal aspects of environmental management in the South China Sea and Gulf of Thailand”. This document, produced by the Legal Task Force, could be a good source of reference to the RPOA-IUU. A comment was made in that legal review did not include fisheries law and it was emphasised that a review on fisheries laws would complement the legal review.

13. The UNEP/GEF/SCS has been actively promoting bilateral and regional cooperation among countries in the Gulf of Thailand and the South China Sea. The meeting was informed that an agreement between Cambodia (Kampot) and Viet Nam (Kien Giang) on cooperation in the context of environmental and natural resources management in trans-boundary waters was to be signed on the 28 March 2008. A similar agreement is being developed between Thailand (Trat) and Cambodia (Koh Kong). It was suggested to look into those agreements to see how best to build upon them, not only for the bi-lateral cooperation but for the Gulf of Thailand as a whole.

14. Following the experiences during the present phase of the UNEP/GEF/SCS Project with regards to the introduction of refugia in the region – and the relatively small amount of funds available to available to the fisheries component and the work with countries around the Gulf of Thailand on refugia a project to focus on refugia have been developed. The project could provide important indicators on the effectiveness in combating IUU fishing. The project will be funded by biodiversity project of the Global Environmental Facility (GEF).

IV. WORK ON THE MATRIX OF THE GULF OF THAILAND

15. All participants provided inputs during discussion on the “sub-regional” issues that were developed during the meeting in Bali while working on the matrix of Gulf of Thailand. The results of this work appear in **Annex 5**. By consensus the meeting decided to go point by point and discuss each of sub-regional issues identified in Bali. The meeting also recognised that the first number of issues were of special relevance to the Gulf of Thailand. Subsequently, it was decided to start from the top of the matrix and work our way down.

16. The value of having this, the first meeting, for the Gulf of Thailand was underlined by the amount of discussions that were generated on each of the issue points – including discussions on aspects on the RPOA of more general nature (some of these points are reflected in next section).

17. After a lengthy discussion the meeting decided to report back to the RPOA-IUU and the Cooperative Committee only on the sub-regional issues that the meeting had time to discuss. Including the other sub-regional issues would not reflect the outcome of the meeting as they were not discussed by the participants.

V. SPECIFIC POINTS ON RPOA-IUU AND OTHER MATTERS

18. **The Southern “boundary” of the Gulf of Thailand:** The delegate from Malaysia expressed a need to clearly define the geographical coordinates of the Gulf of Thailand and where it borders to rest of the South China Sea or how it borders to area in Southeast South China Sea, defined during the Bali meeting as being of “interest to Malaysia, Brunei, Indonesia and the Philippines. It was suggested that the delimitation of the Gulf of Thailand could be brought up as a priority and settled during the Coordinating Committee Meeting in Philippines.

19. **Settlement of maritime and EEZ boundaries in the Gulf of Thailand:** In the meeting, delegate from Thailand requested on clarification regarding on the maritime boundary in the ASEAN especially on Gulf of Thailand and asked for a clarification on the works and programs that can assist to clarify maritime limitation in the region. The concern is on the limitation of certain countries especially on maritime boundaries that is still unclear or confusion regarding enforcement management. For the UNEP/GEF project, there is no boundary yet in the implementation. For the project, only control on the fisheries and habitat especially on coral, sea grass and wetland. Currently the project concentrates on Refugia Sites.

20. **Port State Measures:** The meeting did not go into detail on this, taking note of the upcoming FAO/APFIC/SEAFDEC meeting in Bangkok, 31 March to 3 April 2008, but it was clear by expressions from participants that there are uncertainties and different views on the scope and implications. However, strongly emphasised was the need to have good Port Monitoring. A special aspect on the implications were raised by Cambodia as in the case of Cambodia they do not really have any fishing ports and Cambodia only have landing sites. Their fishing vessels are also small compared to other ASEAN countries.

21. **Catches landed in neighbouring harbours:** A specific feature for the Gulf of Thailand, that were mentioned already in the Bali meeting, is the way that some vessels after fishing in own waters are landing their catch in neighbouring harbours. During the meeting this was highlighted again and the delegate from Malaysia mentioned that it was an issue but that they were struggling on what to do about it. It would be important to find ways to monitor landings by “non-national” vessels.

22. **Fisheries acts being prepared:** The delegate from Thailand provided information on the drafting of a new Fisheries Act for Thailand. This act would create a legal framework in Thailand for MCS. The draft includes provisions that make it possible to charge fishermen fishing illegally in waters outside of Thailand.

The drafting process includes Department of Fisheries, fishermen, Navy, Marine Police to get the feedback and practical approach on the draft. New fisheries laws have recently been adopted in Vietnam (2005) and Cambodia (2006). The meeting brought was of the opinion that it would be helpful in the process of develop understanding between the Gulf of Thailand on what countries according to their respective laws to organise a meeting among legal advisors and/or those monitoring how laws are implemented.

23. **Institutional cooperation and vessel registration:** Monitoring – Control – and Surveillance is made up of many different actions to be taken and it involves responsibilities of a whole range of institutions, such as Department of Fisheries, Harbour/Maritime Department, Marine Police, Navy, etc, and it was emphasised that to establish good coordination is not easy. The picture is the same in all countries but the institutional set up would be different and it was stated that an easy to read matrix on institutional responsibilities would be welcomed. Reference was specially made to the fact that the vessels (the flag) as such were registered by other institutions than the Department of Fisheries and a follow up on this was recommended.

24. **MCS Network:** Based on a suggestion by the delegate of Thailand the meeting discussed the setting up of a MCS Network. The general thrust of the discussion was on how well developed each of the national MCS systems need to be to provide the basis for a regional (sub-regional) MCS Network. Along the line of Thailand, the countries were in general in favour of moving in the direction of regional MCS Network. In the process due recognition should be made to the differences and levels of institutional capacity between countries and the need to set up national framework and MCS system (in-country coordination, etc). The proposal was also supported by Malaysia on the basis that MCS functions can be used to improve data collection within/ between the regions. An added point on the development of a regional MCS Network at this stage was that it would allow an “Asian model” to emerge suitable to the requirements of the region.

25. **Gulf of Thailand Committee:** The meeting was of the opinion that for the time being it is not feasible to have a permanent committee for consultation among countries around the Gulf. However the existing RPOA-IUU framework can be used as a basis from which to develop a Gulf of Thailand mechanism. Participants stated that it would be good to have a common approach and mechanism. In the process it was suggested that the systems in each of the countries in the Gulf of Thailand should be assessed as the functions at national and local level need to be strengthened. The MCS and its function should be clarified clearly in order to let the policy maker understand the real issues. It was also highlighted in the meeting that regarding MCS, the efficiency of each country is different as is the elements and profile of IUU fishing.

26. **Bi- and tri-lateral high level dialogue:** To provide a platform for real action, in the region and between countries, the meeting meant that there was a need reach high level political decision makers to build up some political will for action on IUU fishing. The meeting strongly suggested that bi-lateral or tri-lateral meetings should be organised at high political level to generate understanding at that level on actions needed – to be followed up with decisions in each of the countries.

VI. RECOMMENDATIONS AND FOLLOW UP ACTIONS

27. The meeting came up with a number of recommendations and follow up actions. In the list below the stated recommendations is combined with a suggested action and, if indicated, who or what organisation or project that are recommended to take a lead:

- After receiving comments to the report, submit the report and MCS matrix to the RPOA-IUU. SEAFDEC will send the report and MCS matrix to the RPOA-IUU before the Coordinating Committee Meeting in the end of April.
- Work out delineation of the Gulf of Thailand and the rest of the South China Sea. To be worked out, or work initiated, during the Coordinating Committee Meeting.
- *Promote bi-lateral and tri-lateral dialogue* to reach agreement of maritime boundaries in the Gulf of Thailand and support ongoing processes. SEAFDEC-Sida Project will try to find out what processes that are presently ongoing. To organize a high level bi- or tri-lateral dialogue meeting, SEAFDEC will follow up during SEAFDEC Council and the Coordinating Committee while each of the countries can explore the prospects.
- *Follow up on fishery laws and legal matters* and organise a meeting with people responsible for legal arrangements from the four Gulf of Thailand countries and in the process review relevant legal frameworks. SEAFDEC-Sida project will follow up with Thailand.
- Develop a “matrix” on Monitoring, Control and Surveillance – respectively – indicating institutional responsibility for key elements (adding legal framework indicating the responsibility). SEAFDEC-Sida Project has started to work on this - target end of June, 2008
- The process to establish a MCS Network for the Gulf of Thailand, first step is to refer back to the RPOA-IUU and the Coordinating Committee on the recommendation. Furthermore, improving the understanding on MCS and awareness-raising among involved institutions, Action to be taken as suitable by various projects and programs
- Organise an expert consultation on vessel registration, in June/July 2008. SEAFDEC-Sida Project is working on a prospectus.
- Follow up with UNEP/GEF/SCS on the application of recent trans-boundary agreements to cooperation of fisheries issues. SEAFDEC-Sida will follow up with UNEP/GEF/SCS and Cambodia, Vietnam and Thailand, respectively.
- Find ways to monitor landings by “non-national” vessels. SEAFDEC will explore some way to work on this.

VII. CLOSING OF THE MEETING

18. Dr. Magnus Torell expressed his appreciation to all participants and resource persons for their participation and contribution, which enable the meeting to come up with fruitful outcomes and recommendations and declared that the meeting had come to its end.

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OPENING ADDRESS
by Dr. Siri Ekmaharaj
SEAFDEC Secretary-General

Representatives from the SEAFDEC Member Countries, Ladies and Gentlemen, a very pleasant Good Morning!

On behalf of SEAFDEC, and Sida project, please allow me to welcome you all to Bangkok and to this meeting.

As RPOA-IUU states aim to meet “the actions cover conservation of fisheries resources and their environment, managing fishing capacity, and combating illegal, unreported and unregulated fishing in the areas of the South China Sea, Sulu-Sulawesi Seas and the Arafura-Timor Sea”. According to the MCS meeting in Bali, held in 4-6 March 2008, was requested to provide the action oriented matrix on sub-regional issues by identifying needs and actions. In that meeting, some sub-regional exercises had been done, however, had not yet in South China Sea or Gulf of Thailand. In following up that meeting, therefore, today it is a good pleasure of our countries and SEAFDEC in organizing the meeting. I would encourage all participants sit together and actively provide valuable input to complete the action oriented matrix of Gulf of Thailand. Also, it is a good opportunity for us to formulate the future cooperation and figure out the any requirement for the Gulf of Thailand.

With this note, I wish to thank all of you for coming to this meeting. I now declare this first Consultation on FOVOP open. Thank you.

AGENDA

- Agenda 1:** Opening the meeting with welcome address
- Agenda 2:** Introduction and Adoption of Agenda and Arrangement of the meeting
- 2.1 Background of the meeting
 - 2.2 Review on a summary of the MCS meeting in Bali, 4-6 March 2008
 - 2.3 Resource person
- Agenda 3:** Brainstorm and discussion
- 3.1 Completion on the matrix of the Gulf of Thailand
 - 3.2 Discussion on the general points on the RPOA- IUU in the Gulf of Thailand
 - 3.3 Discussion on the specific points from Cambodia, Malaysia, Thailand and Vietnam
 - 3.4 Formulation the future plan for the coordination among countries
 - 3.5 Follow up actions and links to SEAFDEC and the SEAFDEC-Sida collaborative program
- Agenda 4:** Wrap up and recommendations
- Agenda 5:** Closing the meeting

FAO/RAP PRESENTATION



FAO Regional Office for
Asia and the Pacific

The RPOA and:

1. APFIC's role
2. FAO Initiatives
3. International agreements
4. Action needed



FAO Regional Office for
Asia and the Pacific

1. APFIC role

- Not an implementation agency,
- FAO does undertake projects.
- Create awareness and perspective on regional issues
- Monitor progress on international and regional initiatives.
- To address specific issues,



Improved monitoring of implementation of RPOA/CCRF

- Regional Consultative Forum Meeting (*Manado, August*) where member countries have been asked to give presentations on the matter.
- Particularly: *the status of implementation of APFIC recommendations, the implementation of the RPOA.*
- *APFIC will continue to facilitating the emergence of regional agreements and arrangements*



APFIC has addressed in this biennium:

APFIC Regional consultative workshop on Managing fishing capacity and IUU in Asia, Phuket, Thailand, 13-15 June 2007:

developed a CALL FOR ACTION to:

- *Strongly endorse RPOA*
- *Develop and implement NPOA*
- *Committed partnership amongst countries*
- *Improve registers of fishing vessels (Census)*
- *Establish control measures*
 - *Build on existing vessel monitoring system (VMS) and develop regional MCS network*



FAO Regional Office for
Asia and the Pacific

2. FAO initiatives

- Port state measures training workshop
- GCP /RAS/199/SWE Strengthening Capacity in Fisheries Information-Gathering for Management
- STF- FishCode project (Thailand)
- Development of an NPOA for fishing capacity in VietNam is planned.



FAO Regional Office for
Asia and the Pacific

3. Existing regional and international norms and agreements

Agreements related to the RPOA in support of combating IUU, promoting MCS and Vessel registration

- *Binding International Agreements*
- *Global voluntary/non-binding agreements*
- *Regional voluntary/non-binding agreements*



Binding International Agreements

United Nations Convention on the Law of the Sea
(UNCLOS)

Still some countries to ratify

United Nations Fish Stocks Agreement (UNFSA),

States may/should enter RFMO's (e.g. IOTC and WCPFC)

Food and Agriculture Organization (FAO)

'Compliance Agreement'

Reporting and information exchange is still weak in the region - IUU/MCS network may be considered similar to the global monitoring network.



Global voluntary/non-binding agreements

Code of Conduct for Responsible Fisheries (FAO & SEAFDEC)

Defines norms for responsible fisheries

FAO International Plans of action for the management of Fishing Capacity

How many countries have NPOA's for fishing capacity.

FAO International Plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing

How many countries have NPOA's for fishing capacity.

FAO 'Model Scheme on Port State Measures to Combat IUU Fishing'

- FAO/APFIC/SEAFDEC Regional Workshop on Port State Measure 31-4 April, Bangkok
- Port State Measure, Technical Consultation to draft a legally-binding instrument, June Rome



Regional voluntary/non-binding agreements

Regional Plan of Action (RPOA: 2007)

The RPOA is a voluntary instrument and takes its core principles from the above mentioned and already established international fisheries instruments for promoting responsible fishing practices.

APEC Bali Plan of Action (2005)

To ensure the sustainable management of the marine environment and its resources and to strengthen regional fisheries management organizations.



4. Practical actions to actually make RPOA happen!

- Commit to starting the NPOA IUU
- Commit to starting the NPOA Capacity
- Ratify UNCLOS (takes time)
- Establish vessel registers or improve existing system
- Agree to an IUU information exchange network
- Further training and particularly raise awareness on implementation on Port state measures

THE MATRIX

Working Group 1: South China Sea (Gulf of Thailand)

Sub-regional issues	Needs/Gaps		
	National	Sub-Regional	Regional
General needs		Need to understand: <ul style="list-style-type: none"> - Vessels (flags, country of origin, ownership); - Catches; - Trans-boundary landing and/or Trans-shipment activities by port and/or types of vessels; - Destinations of catches; - Operational nature and extent of all fishing activity. 	
Poor past management resulting in depleted/over-fished stocks.	Lack of management and lack of monitoring, lack of control and lack of surveillance (responsibilities divided among different institutions)		
Depleted/over-fished local fish stocks leading to (trans-boundary) migration of fishing effort to other areas within or into other sub-regions			

Multiple-species fisheries	Focus more on the effort rather than the species	Sub-regional arrangements on the control of fishing effort (boats and people)	
<p>Unreported and misreported catches from licensed vessels.</p> <p>Unreported catches from unauthorised/illegal fishing vessels (mainly from within the sub-region).</p>	<p>Flag and coastal States to develop and establish observer schemes.</p> <p>States to develop and establish monitoring mechanisms at landing sites and ports.</p> <p>Develop observer programmes to verify reported catches.</p> <p>Flag/neighbouring State monitoring and reporting of catches</p> <p>Monitoring of catches by (licensing) coastal States within their EEZ</p>	<p>Lack of institutional contact and information sharing. Need cooperative relationships and MCS networks amongst sub-regional countries.</p> <p>Need cooperation on catch monitoring between flag States and coastal States.</p>	
Unregulated landing by vessels in/from neighbouring countries	Look for ways of monitoring local landing by “non-national” vessels		

<p>“Fraudulent” registration activities.</p> <p>“Fraudulent” licensing schemes</p>	<p>Lack of adequate licensing and registration data on vessels.</p> <p>Follow up on institutional responsibilities for registration and licensing, respectively</p> <p>Indicate levels by states to provide “flags” for vessels to fish beyond their own EEZ?</p> <p>Indicate levels of flag State licensing of vessels fishing beyond their own EEZ?</p>		
<p>Unauthorised transfer, and copy, of licenses between fishing vessels.</p>	<p>Establish licensing procedures that enable verification of license against vessel to address fraudulent use (i.e FAO vessel marking & ID).</p>		
<p>Large migration of fish-workers and unknown procedures for recruitment and transfers of crews .</p>	<p>Lack of information on migratory crews/fish-workers involved in fishing – and means of recruitment.</p>		
<p>Limited capacity within relevant government agencies to effectively implement Monitoring, and Control and Surveillance.</p>	<p>Explore integrating and coordinating national surveillance assets across agencies for monitoring, control and surveillance (i.e Navy, Customs, Air Force, Police, Fisheries).</p>	<p>Explore cooperative sub-regional MCS mechanisms that allow for integrating and coordinating surveillance assets building on the monitoring and control efforts.</p>	

Stakeholder (i.e industry) engagement in MCS and general fisheries management.	<p>Lack of industry engagement in MCS implementation.</p> <p>Develop cooperative programs with stakeholders to support stakeholder monitoring and reporting of suspicious activities.</p> <p>Explore cooperation with industry associations and NGOs</p>		
Impacts on shared/migratory fish stocks across region, including that of incidental catch of endangered species	Further develop sub-regional initiatives to manage fisheries, including shared/migratory fish stocks and in the process engage with relevant regional and global organizations.		<p>Poor regional cooperation on migratory fisheries, fishing boats and fish workers.</p> <p>Lack of (possibility to promote) engagement by members in relevant organisations.</p>
Unauthorized/unregulated fishing.	Develop data collection mechanisms.	Build cooperative mechanisms to share information on unregulated fishing (particularly in regard to shared/migratory fisheries and issues with capacity migration from depleted fisheries).	Explore harmonization of management measures applying to shared and migratory fisheries.
Ongoing processes for defining maritime boundaries.		Discussions/negotiations ongoing and some agreements reached.	