REPORT OF THE MEETING ON THE DEVELOPMENT OF A SUB-REGIONAL COOPERATION ON MONITORING, CONTROL AND SURVEILLANCE IN FISHERIES IN THE NORTHERN ANDAMAN SEA

Bangkok, Thailand

24-25 July 2018







THE SECRETARIAT SOUTHEAST ASIAN FISHERIES DEVELOPMENT CENTER

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24-25 July 2018, Bangkok, Thailand

I. INTRODUCTION

- 1. The first Meeting on the **Development of a Sub-regional Cooperation on Monitoring, Control and Surveillance in Fisheries in the Northern Andaman Sea** was organized by the SEAFDEC-Sweden Project on 24-25 July 2018 in Bangkok, Thailand. The Meeting was attended by National Technical Persons (NTPs) from relevant authorities from Myanmar and Thailand; SEAFDEC Secretary-General (SG); SEAFDEC/Secretariat, SEAFDEC/TD, SEAFDEC/MFRDMD and Regional Fisheries Policy Network RFPN) Members. The list of participants appears in **Annex 1**.
- 2. The Meeting was convened as a continuation of the Meeting held on November 2017 on the Third Sub-regional Consultative Workshop of the Northern Andaman Sea/Myeik Archipelago in Bangkok. Thailand and Myanmar agreed that SEAFDEC would formulate a Work Plan for establishing a coordinating MCS body in connection with the existing cooperation initiatives, which will closely link the coordination body for Monitoring, Control and to existing cooperation on Surveillance, an integrated MCS can be initiated that could start a plan or platform to handle cross-border issues on fisheries.

II. OPENING OF THE MEETING

3. *Dr. Kom Silapajarn*, SEAFDEC Secretary-General welcomed all participants in the Meeting. He highlighted the Meeting as followed-up to the Third Sub-regional Consultative Workshop of the Northern Andaman Sea in November 2017. Thailand and Myanmar requested SEAFDEC to formulate a workplan and roadmap for MCS cooperation and organized this Meeting for the initiative that increase fish production and profits on fisheries, facilitate fish trade, improved scientific assessments leading to support national efforts towards cooperation on combating IUU fishing and on fisheries management. He emphasized the national consultations undertaken to identify the priorities areas for cooperation that covered mainly on monitoring and control. The Opening Remarks appears as **Annex 2**.

III. BACKGROUND AND OBECTIVES OF THE MEETING

4. *Dr. Bamroongsak Chatananthawej*, Andaman Sea and Mekong River Basin Sub-region Coordinator, briefly explained the background, objectives, agenda and expected outputs and outcome of the Meeting. The background, prospectus and agenda appears in **Annex 3** and **Annex 4**.

IV. GENERAL PERSPECTIVE ON MONITORING, CONTROL AND SURVEILLANCE

- 5. Dr. Jacob Hagberg, International Fishery Policy Expert, presented the MCS concept in general and the initiatives of the process to establish sub-regional coordination platform between national MCS groups done by SEAFDEC. A roadmap was developed to ensure that there were the same understanding and perceptions of MCS among the participants. He highlighted the basic process of MCS with the Food and Agriculture Organization (FAO) definition on M, C and S as reference. He as well discussed on relationship between MCS and IUU fishing and the benefits of MCS cooperation including its importance in terms of economy and sustainable fisheries management. His presentation appears in **Annex 5**.
- 6. The Meeting discussed on the Memorandum of Understanding (MOU) between Thailand and Myanmar of broad areas of cooperation where both countries previously agreed and noted that some areas in the MOU needs enhancement in terms of collaboration with other national agencies. The need for a sub-regional cooperation on transboundary and migratory fish stock can be managed and

protected where the movement and activities of commercial fishing vessels and the trade on fish catch must be given priority consideration.

V. PRESENTATION ON THE RESULT OF THE NATIONAL CONSULTATION/ THE INFORMATION/DATA NEEDS AND COORDINATION NEEDS IN THE NORTHERN ANDAMAN SEA FOCUSING IN MONITORING, CONTROL AND SURVEILLANCE

• Myanmar

- 7. *Ms. Nilar Kywe*, DOF Myanmar, presented the existing situation of MCS network in Myanmar, highlighted some activities in cooperation between Myanmar and Thailand, which focused mainly on MCS network in Myanmar. The Department of Fisheries (DOF) is the main agency responsible for MCS and other 7 agencies under One Stop Service (OSS). There are 14 checkpoints in the coastal areas, however, other areas, has no office for Department of Maritime Police Force and Department of Trade, thus the regional department and organization involved in the MCS activities will be depended on the area or location. However all agencies involved have its own specific responsibilities, the shared information among local agencies is existing. The presentation appears in **Annex 6**.
- 8. The Meeting was reported that a lot of constraints and issues towards the commitment and implementation of MCS in Myanmar to be straightened out. Myanmar had signed to the Anchor Convention 72(a) and 72(b); the Immigration Bureau had signed to the International Labour Organization (ILO) agreement and DOF, to implement the Port State Measures (PSM) agreement.
- 9. As to the international and sub-regional agreements, it was reported that Myanmar must update and enhance the human resources and capacity development activities to be prepared to the legal frame work on the fulfilment of these international and sub-regional agreements. The country needs the action plan and coordination among the concerned agencies, but there was barriers on the process of permission and approval, and need time for higher level to take action on MCS activities.
- 10. On the Memorandum of Understanding (MOU) between the two countries, Myanmar is now conducting the information sharing with Thailand related to the 3rd sub regional consultative workshop in Northern Andaman Sea. Myanmar proposed to share the information for the applicable laws, regulations and institutional responsibilities with regards to M, C and S. Myanmar wants to share areas with Thailand on the protocols and regulations for managing fishing capacity, vessels registration and vessels licenses, and also control and record landing. Myanmar would like to prepare and to share the information such as the items of protocol/regulation for landing across border of small-scale fishing vessels (and larger vessels). Protocols to agree on catch documents (ACDS and eACDS) and requirements for traceability, the requirements for carrier vessels, the documentation, certification and landing fees and Special Institutional responsibilities (fees, taxes, customs, *etc.*) also are needed.
- 11. Myanmar has more issues and constraints for Ranong province in Thailand and Tanintharyi regions in Myanmar. The major barrier is language of local officers and also the process needs lot of time to response, lack of data information, low knowledge on local rules and regulations, as well as international instruments and regional agreements, specific towards fisheries management plan focused on MCS. On the future plan for MCS, the legal framework must be formulated focusing on MCS where some specific laws and regulation should be improved and implemented in terms of sharing information between Myanmar and Thailand. The establishment of electronic database and communication system would be developed. The collaboration among Non-governmental Organization (NGO), International Non-Governmental Organization (INGO) such as the Danish International Development Agency (DANIDA) and Norway project could play vital roles to assists; strengthen the collaboration and coordination mechanisms for MCS to implement sustainable coastal resources in Myanmar.

• Thailand

- 12. *Ms. Nipa Kulanutjaree*, DOF Thailand, presented results accomplished during national consultation of MCS for the Northern Andaman Sea. Thailand agreed on sharing data and information with Myanmar separating M, C, and S. On Monitoring. Thailand wants to share the number of fishing vessel by each type of fishing gear, statistical catch data by species and by type of fishing gear, including its biological aspects such as lifespan of fish, size maturity and the fishing grounds with Myanmar. It was also previously agreed on data and information sharing on the Meeting of transboundary species. On the Control aspect, Thailand cooperates to share the regulation on the issue of fishing license, fishing vessel registration, number of ports, and laws and policies about MCS while on Surveillance, Thailand could cooperate to share the foreign fishing and transshipment vessel inspection on PSM.
- 13. For Monitoring, Thailand requested some relevant information from Myanmar, such as the number of fishing vessel by gear, catch data by species involving some transboundary species such as anchovies, blue swimming crab, red frog crab and long tail tuna including fish biology, fishing ground of each fishing gear. For Control, Thailand requested Myanmar to share on the regulation of fishing license issuance for domestic and foreign vessels, fishing vessels registration process, vessel inspection process, number of ports, laws and policies on MCS, infringement information, and market state information. In part of Surveillance, Thailand would like to know information on VMS and AIS systems as well as Thai fishing vessels were arrested in Myanmar.
- 14. Thailand replied an inquiry on fishing vessels inspection that DOF takes charge on the control of fishing vessel and issuance of the fishing licence but vessel must be registered to Marine Department. Thailand sets up system of Port in-Port out Center (PIPO) with several agencies involved in fishing inspection at port before fishing will be operated, landing inspection and determination by VMS system. In addition, Thailand Maritime Enforcement Coordinating Center (THAI-MECC) takes charge of the mission on combating IUU fishing. Presently, Thailand has strictly control measures related to Port State Measures Agreement (PSMA).
- 15. In addition, Thailand categorizes fishing vessels to small-scale fishing vessel (less than 10 GRT) and commercial fishing vessel (more than 10 GRT) which is more than 10,000 fishing licenses to fish in Thai waters. There are 11 fishing carrier vessels transhipment between Thailand and Maldives (for tunas) and Thailand and Sarawak of Malaysia (multi-species fishes) to bring frozen tuna and raw materials to Thailand. The presentation appears in **Annex 7**.
- 16. The Meeting noted and emphasized that SEAFDEC will help both countries on fisheries resources management towards closer coordination and cooperation to find common grounds and way forward to both countries benefit in terms of reducing IUU fishing.

VI. IDENTIFICATION OF COMMONALITIES OF COUNTRY PRIORITY ISSUES

- 17. *Dr. Kom*, Chairperson expressed to the Meeting that SEAFDEC would combine the issues discussed on information sharing from matrix provided by SEAFDEC. The Template Matrix of Monitoring, Control and Surveillance presented by *Ms. Pattaratjit Kaewnuratchadasorn*, was separated into 5 categories in each M, C, and S namely, (1) What are national Institutions/Agencies responsible; (2) Type of Information that would beneficial to obtain from border country; (3) Type of Information to be shared with border country; (4) Type of issues to be discussed with border country and (5) What are the issues/areas of cooperation between two countries. This matrix was to provide for the countries to identify what information from the neighbouring countries that would be useful on M, C and S within the different competence areas of the involved authorities. Detailed categories matrix appears in **Annex 8**.
- 18. The Meeting focused on discussion and explanation by countries on the current national fisheries management related coordinated body structure. Myanmar has one stop service (OSS), there

are all agencies involving integrated institutional agencies on monitoring and control of business and trade. Thailand has Thai-MECC, likewise OSS of Myanmar, composed of 6 main agencies: Royal Thai Navy, Department of Fisheries, Custom Department, Marine Department, Marine Police, Department of Marine and Coastal Resources (DMCR), Ministry of Labour as national single window. On marine fisheries activities, Myanmar has a committee under Vice President, while Thailand the Department of Fisheries is focusing on PSMA implementation and combating IUU fishing. Myanmar suggests to focus at border trade between Tanintharyi region and Thailand on the general cooperation of two countries, and to improve of data and information on transboundary species.

VII. DISCUSSION ON COUNTRIES PERCEPTION AND DIRECTION ON A FUTURE SUB-REGIONAL MCS COMMITTEE

- 19. The Meeting was informed to discuss the usefulness and scope of developing a sub-regional MCS coordination group and seek a principal agreement whether they want to develop a sub-regional coordination or not. Myanmar and Thailand usually have bilateral/multilateral Meeting existed between related authorities such as Thai-Myanmar Regional Border Committee (RBC) Enforcement (Navy for Thailand and Myanmar) (TBC, JBC), Thai Maritime Coordinating Center Area 3 (Thai-MECC 3) for Andaman Sea; MOU on Fisheries Cooperation between DOF Thailand and Myanmar; Myanmar-OSS (Control and Surveillance); Information Fusion Center for Asia (maritime activities concerned which locates in Singapore), and Myanmar Maritime Police Force at Mekong River Region.
- 20. The Meeting observed and noted that there were some information generated during the discussion by both countries in regarding to surveillance and security. However, less data related to fisheries management where a supposed platform could be formulated for development of collaboration and cooperation. The presently existing MOU served as the legal instrument binding the two countries. The discussion on countries direction on a future sub-regional MCS Committee between Myanmar and Thailand was not agreed and it was recognized that the MCS was one of the responsibilities concerned of Joint Working Group (JWG) on MOU. The Meeting agreed to submit the MCS coordination to JWG at the next Meeting in August 2018 in Myanmar.

VIII. DISCUSSION ON WORKING MECHANISM/TERMS OF REFERENCE FOR FUTURE COOPERATION

- 21. *Ms. Pattaratjit Kaewnuratchadasorn*, SEAFDEC-Sweden Project Manager, discussed and explained the existing bilateral and multilateral cooperation between Myanmar and Thailand, where 7 cooperation had been identified.
 - Thai-Myanmar Regional Border Committee (RBC) Enforcement (Navy between Thailand and Myanmar (TBC, JBC) national body;
 - Thai Myanmar Border Fisheries Coordination Center (Thai Navy);
 - Thai Maritime Enforcement Coordinating Center Area 3 (Thai-MECC 3): Andaman Sea:
 - MOU on Fisheries Cooperation between DOF Thailand and Myanmar;
 - Myanmar –OSS (Control and Surveillance);
 - Information Fusion Center (Maritime concerns in Singapore) for Asia; and
 - Maritime Police Force at Mekong River Region
- 22. The Meeting noted there is lack of cooperation in the aspects of fisheries management. The Thai-MECC is coordinated body on which DOF Thailand is one of the agencies involved. Myanmar can communicate with Thai-MECC Area 3 for marine enforcement. For Thailand, DOF conducts on fisheries monitoring and control while Thai-MECC is concerned with the surveillance. The DOF also can invite other agency to participate as the working group.
- 23. The Meeting observed and concluded that the several bilateral/multilateral cooperation bodies have already existed between Thailand and Myanmar such as Navy, Police, and Department of Fisheries. Hence, both

countries agreed on strengthen existing cooperation mechanism between the countries instead of creating a new MCS coordination body.

IX. CONCLUSION AND WAY FORWARD

24. In the finalization of the Meeting, Thailand and Myanmar agreed to develop a common understanding for future cooperation in combating illegal, unreported and unregulated (IUU) fishing through establishing a MCS body. The both countries agreed to collaborate with responsible agencies to secure the mandate and approach to set up the sub-regional MCS network in connection to existing cooperation initiatives. As of involvement, the several bilateral/multilateral cooperation bodies already exist between Thailand and Myanmar such as Navy, Police, and Department of Fisheries. Hence, both countries agreed on strengthen existing cooperation mechanism between the countries instead of creating a new MCS coordination body.

25. Concluding remarks were as follows:

- The Meeting has identified list of topics (Matrix) should be considered by the Joint Working Group (JWG) on MOU between DOF Thailand and Myanmar, (the next Meeting will be hosted by Myanmar in August 2018).
- One of priority concern is sharing PSM procedures, rule and regulations between the countries for all stakeholders.
- The Meeting proposes to further strengthen existing cooperation between the countries instead of creating a new MCS coordination body.
- The Meeting took note that several bilateral cooperation bodies already exists between Thailand and Myanmar for example Navy, Police, and Department of Fisheries.
- The Meeting proposes these cooperation bodies and especially the MOU JWG, to consider participation of representatives from other key authorities in the Meetings.
- The Meeting proposes these cooperation bodies and especially the MOU JWG to consider that all key authorities can propose the agenda points.

X. CLOSING THE MEETING

26. *Dr. Kom Silapajarn*, the Chairperson of the Meeting, thanked all participants for the fruitful workshop and requested everyone to call the attention of higher authority for support on the initiatives and declared the Meeting closed.

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Annex 1

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OPENING REMARKS

By Dr. Kom Silapajarn, SEAFDEC Secretary-General

Distinguished participants from Myanmar and Thailand, Distinguished experts, and SEAFDEC officials,

Good morning to all of you!

Firstly, I would like to express my warm welcome to all of you for participating in the first Meeting on the Development of a Sub-regional Cooperation on Monitoring, Control and Surveillance in Fisheries in the Northern Andaman Sea

At the *Third Sub-regional Consultative Workshop of the Northern Andaman* Sea in November 2017, Myanmar and Thailand requested SEAFDEC to develop a roadmap for initiating MCS cooperation in the Northern Andaman Sea and this meeting is following up on this request.

The MCS cooperation was proposed by the countries because it was identified that it will reduce government financial costs and improves production and profits from the fisheries. For example it can facilitate trade through improved product traceability, implement sustainable harvest strategies by coordinating national measures as well as improve scientific assessments and improve and reduce costs for surveillance. All these would support national efforts to reduce IUU. An important condition for such a cooperation to be successful is that all relevant authorities involved in fisheries management take part in the cooperation both nationally and sub-regionally.

As a first step in the roadmap to develop MCS cooperation, you have held national consultations in Myanmar and Thailand, to identify the priority areas for cooperation in all areas of fisheries management and we look forward to hear the results from these consultations. After this we will discuss common areas of interest and how such cooperation can be developed.

It is important to acknowledge that the Department of Fisheries for Myanmar and Thailand have signed an MOU on cooperation that cover mainly monitoring and control and we should consider the possibility to build on existing good initiatives like this rather that create new platforms.

Finally, I would like to thank the participating national technical focal point from Myanmar and Thailand and the SEAFDEC staffs for all the hard work that has been done and that will contribute to this meeting. I would also like to thank Sweden for funding this process.

I wish you a successful meeting and look forward to interesting and constructive discussions.

Thank you.

BACKGROUND AND OBECTIVES OF THE MEETING

By Dr. Bamroongsak Chatananthawej









Meeting on the Development of a Sub-regional Cooperation on Monitoring. Control, and Surveillance in Fisheries in the Northern Andaman Sea 24-25 July 2018 Bangkok, Thailand

Background:

- This current Meeting is held as the first Meeting on the Development of a ub-regional Cooperation on Monitoring, Control, and Surveillance in Fisheries in the Northern Andaman Sea during 24-25 July 2018 Bangkok, Thailand which was sponsored by SEAFDEC-Sweden Project
- With reference to "The Third Sub-regional Consultative Workshop of the Northern Andaman Sea/Myeik Archipelago", 16-17 November 2017 was held with reference to the MOU between Myanmar and Thailand. The purpose of this MoU is to strengthen and promote technology and information transfer, trade, training, scientific and technical cooperation and law enforcement in the field of fisheries between the Parties.
- Myanmar and Thailand requested SEAFDEC to develop a work plan for establishing a coordinating MCS body in connection to existing cooperation initiatives. That meeting concluded that there were many possible benefits from such coordination for the countries





Meeting on the Development of a Sub-regional Cooperation on Monitoring, Control, and Surveillance in Fisheries in the Northern Andaman Sea 24-25 July 2018 Bangkok, Thailand

Process for developing and establishing Sub-regional MCS Coordination Body in Northern Andaman Sea

developed a Workplan which there are three steps in process to establish a

- Step One National consultations. The first step is to identify the national needs and priorities on cooperation with neighbouring countries through national consultations among agencies involved in existing national Monitoring, Control and Surveillance related coordination groups.
 - Step Two Sub-regional meetings. Based on the national priorities identified at the national consultations, appointed participants from key national agencies meet at a sub-regional meeting to compare national priorities and develop a workplan for the establishment of the MCS coordination body.
- Step Three Establishment of networks. Establishment of the sub-regional MCS-coordination body based on the agreed modalities. Bilateral meeting will be organized for the inception of joint Myanmar and Thailand Fisheries Management Plan for trans-boundary stocks and the establishment of the MCS Committee



JULY

JULY





Meeting on the Development of a Sub-regional Cooperation on Monitoring, Control, and Surveillance in Fisheries in the Northern Andaman Sea 24-25 July 2018 Bangkok, Thailand

Objectives

The Ambition of this Meeting will seek the countries priorities on sharing information and needs for coordination on sub-regional aspects of the fisheries in the Northern Andaman Sea.

The objectives of this Meeting are

- 1. To identify shared national priority areas for data sharing and coordination in fisheries in the sub-region;
- 2. To agree on whether countries want to continue the development of an MCS cooperation in the Northern Andaman Sea sub-region; and
- 3. To conclude a draft mechanism for future cooperation in the Northern Andaman Sea sub-region





Meeting on the Development of a Sub-regional Cooperation on Monitoring, Control, and Surveillance in Fisheries in the Northern Andaman Sea 24-25 July 2018 Bangkok, Thailand

EXPECTED OUTPUTS

- List of shared national priority areas for data sharing and coordination in fisheries in the sub-region
- A draft work plan for establishing a MCS cooperation in the Northern Andaman Sea sub-region
- A draft mechanism for future cooperation (to be confirmed by countries by correspondence).

EXPECTED OUTCOMES

- Establishment of MCS systems/networks in in the Northern Andaman Sea sub-region.
- Effective and efficient collaboration and coordination across the relevant agencies on MCS









Meeting on the Development of a Sub-regional Cooperation on Monitoring, Control, and Surveillance in Fisheries in the Northern Andaman Sea 24-25 July 2018 Bangkok, Thailand

Meeting Agenda

24 July 2018

- Agenda 1: Opening of the Meeting
- Agenda 2: Introduction on background, objectives and adoption of the agenda
- Agenda 3: Understanding on General Perspective on Monitoring, Control and Surveillance (MCS)
- Agenda 4: Country Presentation on the Available national MCS Systems and Results from the National Consultation
- Agenda 5: Identification of commonalities of country priority issues
 - 25 July 2018
- Agenda 6: Discussion on Countries's perception and Direction on a Future Sub-regional MCS Committee
- Agenda 7: Discussion working mechanisms/terms of reference for future cooperation
- Agenda 8: Conclusion and Way forward
- Agenda 9: Closing of the Meeting

PROSPECTUS

I. INTRODUCTION

Today investments are being made to develop fishing boats, fishing gear, to increase catching capability and, thus the exploitation rate of the resources. As long as the harvesting level has not been exceeding the maximum sustainable yield, the increasing of fishing effort has been in proportion to the amounts of existing resources (fish). However, when the maximum sustainable yield is exceeded, the profits of fishing decrease as overall landing of fish per hour declines. Thus, open access to fish resources lead to unlimited fishing effort and a high risk of over fishing and reduced catches and profits. The development of a well-regulated fishery is the solution to this and has to be based on a regulated use of national resources. The regional characteristics of the fishery such as transboundary stocks, trade and movement of fishing vessels make it necessary to extend national regulation to a regional perspective through sub-regional coordination.

In November 2017, the SEAFDEC-Sweden facilitated the discussion between Thailand and Myanmar as part of the Northern Andaman Sea, the Third Sub-regional Consultative Workshop of the Northern Andaman Sea/Myeik Archipelago in Bangkok. Countries requested SEAFDEC to develop a workplan for establishing a coordinating MCS body between Myanmar and Thailand in connection to existing cooperation initiatives. The meeting concluded that there were many possible benefits from such coordination for the countries (see below and also Concept paper for more details).

An effective sub-regional coordination could facilitate trade through improved product traceability, coordinate national measures to secure fish resources as well as improve scientific assessments and simplify surveillance. All these would support national efforts to reduce IUU. A sub-regional coordination would also show ambitions by South East Asian countries to respond to criticism from importing countries in Europe and North America and certify the legal status of traded fisheries products (see also Concept paper for more details). A condition for such a cooperation to be successful is that all relevant authorities involved in aspects of the fisheries management take part in the cooperation both nationally and internationally/regionally.

SEAFDEC-Sweden developed a three step process to establish a sub-regional MCS body:

Step One – National consultations. The first step is to identify the national needs and priorities on cooperation with neighbouring countries through national consultations among agencies involved in existing national Monitoring, Control and Surveillance related coordination groups.

Step two - Sub-regional meetings. Based on the national priorities identified at the national consultations, appointed participants from key national agencies meet at a sub-regional meeting to compare national priorities and develop a workplan for the establishment of the MCS coordination body.

Step three – Establishment of networks. Establishment of the sub-regional MCS-coordination body based on the agreed modalities.

This meeting is meant to constitute Step two above so before this meeting is held, Member countries are expected to have conducted their national consultation in Step one. The representatives of the countries participating at the meeting are expected to have a very clear understanding of the result of the national consultation and know exactly what the priorities are of all national authorities

in regard to neighbor countries. These priorities include the need for data (Monitoring) on for example crews and catch information for fish products, the need for information on existing management rules (Control) to secure the sustainability of trans boundary resources and the need for information exchange on vessels licenses and movements and enforcement procedures (Surveillance).

Monitoring, Control and Surveillance

The term MCS (Monitoring, Control and Surveillance) is often misinterpreted as only referring to enforcement. However, MCS refer to all aspects of fisheries management. The FAO definition of MCS is:

Monitoring (M) includes the collection, measurement, and analysis of fishing and related activities – but not limited to catch, species composition, fishing effort, bycatch, discard, areas of operation, etc.; this type of information provide primary data to use for decision making.

Control (C) involves specific terms and conditions under which resources can be harvested. These specifications are normally contained in national fisheries legislation and other arrangements that might be nationally, sub-regionally, or regionally agreed. The legislation provides the basis for which fisheries arrangements, via MCS, are implemented.

Surveillance (S) involves checking and supervision of fishing and related activities to ensure that national legislation and terms, conditions of access, and management measures are observed.

Thus Monitoring is the collection of data, Control covers the legal management system including management of resources and Surveillance is the enforcement.

This also means that the authorities and ministries that need to be involved in the MCS cooperation should include those responsible for all of the above activities. Those could include for example Port Authorities, Department of Fisheries, Customs and Trade, Enforcement Authorities, Immigration and Labour.

International agreements

The need to develop national fisheries management that includes all aspects of Monitoring, Control and Surveillance are clearly stressed in the UN Fish Stock Agreement under UNCLOS. Here it is also made clear that regional cooperation is necessary to properly implement the agreement. Existing regional initiatives like the development and implementation of the RPOA-IUU and the RPOA-Fishing Capacity are both expressions of the commitment by the countries in the region to improve management of fishing capacity and to combat illegal fishing. Both RPOA's are supportive of developing sub-regional initiatives such as cooperation on Monitoring, Control and Surveillance. However the active cooperation is still lacking in the region and thus development of sub-regional MCS cooperation will show commitment by the South East Asian countries to implement these international agreements.

Legal mandate and competence at the National level

Countries and their national legal systems are the only existing legal bodies with a mandate to manage fisheries in national waters. In addition there are the international agreements, first and foremost UNCLOS with its obligations for flag-states and extended national jurisdiction. A subregional MCS coordination body is not going to change this. Instead a sub-regional MCS coordination should be based on agreements between countries on issues where countries identify that there are mutual benefits. Any legal aspects of those agreements would still be a national competence and mandate. Thus the agreements cannot be legally binding in themselves but built on mutual trust and recognition of the fact that there are mutual benefits. But if countries so wish, agreements can of course be made legally binding through implementation in their own national legislation.

Benefits

Northern Andaman is one of the sub-regions in the Regional Plan of Action (RPOA) Capacity. This sub-region belongs to Myanmar and Thailand and has an intense fishery. In this area several groups of transboundary fish are exploited such as mackerel, anchovy and neritic tuna. Thus the fish resources move between the countries and the spawning areas of one country contribute to the total fishery for both countries. Likewise, in the border area the fishery activities sometimes move between the countries and the countries therefore have a need to inform on landings, national rules and enforcement procedures.

An effective sub-regional coordination can facilitate trade through improving product traceability, national measures as well as improving scientific assessments and effective surveillance. Countries supporting each other's efforts on patrolling, collecting and sharing landing data to improve scientific assessments and improve fisheries products data and traceability will be more efficient and share costs. An improved cooperation can also develop fast and efficient mechanisms to solve cross border issues in many areas related to fisheries.

In addition, requirements by international certifications, trade regulations and warnings (yellow and red cards) are being issued on countries trading in fisheries products. Requirements to respond to this have a regional and transboundary dimension. Concerted efforts to cooperate on regional fisheries aspects would show ambitions by Gulf of Thailand and Andaman Sea countries to move towards sustainability and to respond to criticism received by importing countries thereby facilitate trade and improve revenues and tax incomes. As mentioned above, a mechanism to ensure the cooperation could work well among the countries, each country should show up the attitude "to understand and then to be understood" their capacity and regulation. For any possible actual and potential constraint occurred in the cooperation and coordination, some closed communication and discussion in a specific forum should be conducted.

II. RATIONALE

The Ambition of this Meeting will seek the countries priorities on sharing information and needs for coordination on sub-regional aspects of the fisheries in the Northern Andaman Sea. The national priorities should be based on national consultations held before this meeting between all relevant national authorities involved in the fisheries management. Country representatives are requested to send a short list of the main priorities identified at the national consultation to the meeting organisers a week before the meeting starts. The meeting should also decide if the countries want to develop a MCS coordination body and if so discuss an outline for the format and working mechanisms of such a body.

The representatives of the countries participating at the meeting are expected to have a very clear understanding of the result of the national consultation and know what the priorities are of the national authorities in regard to information sharing and coordination with neighbor countries.

III. OBJECTIVES OF THE MEETING

- 1. To identify shared national priority areas for data sharing and coordination in fisheries in the sub-region;
- 2. To agree on whether countries want to continue the development of an MCS cooperation in the Northern Andaman Sea sub-region; and
- 3. To conclude a draft mechanism for future cooperation in the Northern Andaman Sea sub-region

IV. EXPECTED OUTPUTS

- List of shared national priority areas for data sharing and coordination in fisheries in the sub-region
- A draft workplan for establishing a MCS cooperation in the Northern Andaman Sea subregion
- A draft mechanism for future cooperation (to be confirmed by countries by correspondence)

V. EXPECTED OUTCOMES

- Establishment of MCS systems/networks in the Northern Andaman Sea sub-region
- Effective and efficient collaboration and Coordination across the relevant agencies on MCS

VI. EXPECTED PARTICIPANTS OF THE MEETING

The expected participants are the officials from the central government and provincial levels responsible for monitoring and control on fisheries and habitat management in the area of the Northern Andaman. SEAFDEC will provide secretariat and facilitate discussion for participants.

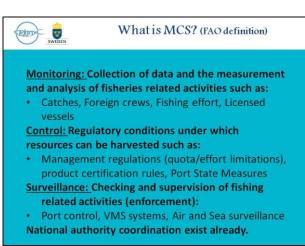
- 1. Resource persons from relevant initiatives (2 persons)
- 2. Five National Technical Persons from each country who should be representing different national authorities involved in different aspects of fisheries (such as Port Authorities, Department of Fisheries, Customs and Trade, Enforcement Authorities, Immigration and Labour) (10 persons)
- 3. Representatives from regional and local organization such as FAO/RAP, RPOA-IUU Sec, FMO, DANIDA-Myanmar (3-5 persons)
- 4. Representative from SEAFDEC Secretariat, TD and MFRDMD (12-15 persons)
- 5. Regional Fisheries Policy Network Members (6 persons)

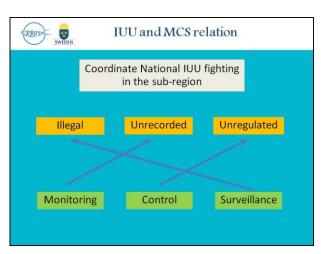
Total participants will be around 35-40 persons.

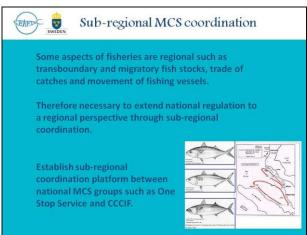
GENERAL PERSPECTIVE ON MONITORING, CONTROL AND SURVEILLANCE By Dr. Jacob Hagberg



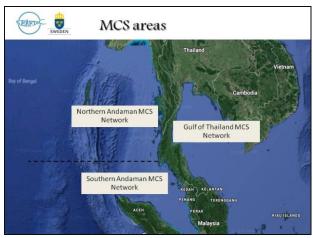


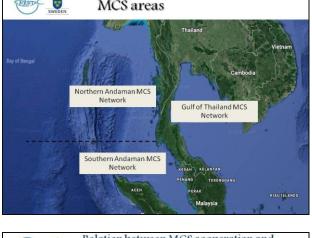


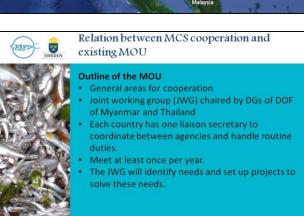


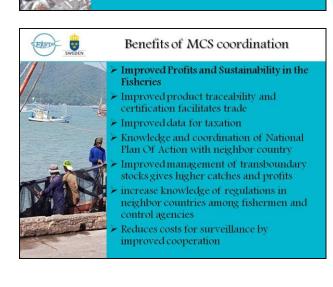


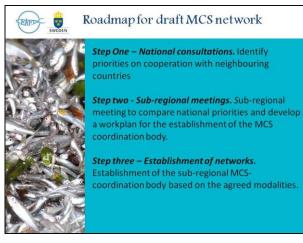


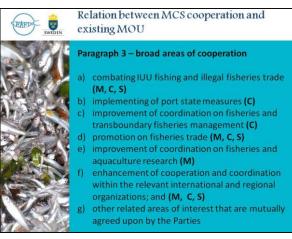














Questions to be discussed during the meeting Result of National consultations? What are the commonalities – issues that both countries want to cooperate Does the existing MOU cover the identifies areas – if not how would you like to solve this?

What authorities need to be involved can this be handled through the present MOU?

Can the present MOU handle the MCS cooperation or is there a need for additional cooperation platforms?



Legal aspects— No national power removed

Countries and their national legal systems are the only existing legal bodies with a mandate to manage fisheries in national waters.

Thus sub-regional agreements cannot be legally binding in themselves but built on mutual trust and recognition of the fact that there are mutual benefits.

Possibly start to develop agreements to share data that are mutually useful and simplify national management work. (scientific, trade verification data or similar)



EARD SWEDEN

National consultation

Monitoring (U): Port Authorities, Department of Fisheries, Customs and Trade, Enforcement Authorities, Immigration

Identify data or information from neighbour countries that would be beneficial for Indonesian authorities. (Coordination of scientific data formats, effort data, data on foreign crews, vessel license /registration data, fisheries product data for export/import, development of protocols for information exchange)



National consultation

Control (U): Port Authorities, Department of Fisheries, Customs and Trade, Enforcement Authorities, Immigration

From a sub-regional perspective identify issues on procedures as well as areas for securing sustainable resource use where coordination would be beneficial for Indonesia. (Information sharing on implementation of RPOA-Capacity, Coordination of actions in NPOAs, information exchange on rules for product certification and export/import permits, rules and procedures for import/export of vessels, PSM information exchange, implementation of obligations to international agreements(NPOA)).



National consultation

Surveillance (I): Port Authorities, Department of Fisheries, Enforcement Authorities, Immigration and Labour

Identify needs for development of cooperation mechanisms and areas for improved communication to reduce costs and improve enforcement. (Sharing of information on gear and catch restrictions, developing communication protocols when information is needed from technical authorities, developing protocols for crews on arrested vessels, warning systems on suspected approaching vessels).

MYANMAR: PRESENTATION ON THE RESULT OF THE NATIONAL CONSULTATION THE INFORMATION/DATA NEEDS AND COORDINATION NEEDS IN THE NORTHERN ANDAMAN SEA FOCUSING IN MONITORING, CONTROL AND SURVEILLANCE

By Ms. Nilar Kywe

Meeting on the Development of Sub-regional Cooperation on Monitoring , Control and Surveillance in Fisheries in the Northern Andaman Sea Myanmar Participants

MCS Network in Myanmar Concerned Departments/Organizations Myanmar Maritime Police Force Myanmar Port Authority Custom Department Department of Immigration Department of Trade Department of General Administration Department of Marine Administration

Information sharing among local agencies

- Customs Dept. (species and weight)
- Dept. of Immigration (Crew list and nationality)
- NAVY and Maritime Police List of licenced fishing vessel and prohibited fishing vesselpunished fishing vessels
- Myanmar Port Authority (Port Clearance)
- Department of Trade(Import/ Export permit)
- Dept. of Marine Administration (Vessel Registration and L.S.A)

Constraints

 More commitments on International and regional agreement for each department /organization

Need of -

- Human resource and capacity development
- Legal frame work
- Action plan
- Coordination among the concerned agencies
- Procedures for permission

Information Sharing between Thailand and Myanmar

- o Third Sub-regional Consultative Workshop of the
 - Northern Andaman Sea/Myeik Archipelago
 - applicable laws, regulations and institutional responsibilities with regards to M, C and S-Protocols/ regulations for managing fishing capacity
 - (registration, licenses, etc.)
 - Protocols/regulations for managing, control and record landings.

Need for Information Sharing between Thailand and Myanmar

- Protocol/regulation for landing across border by of small-scale fishing vessels (and larger vessels)
- Protocol to agree on catch documents (ACDS and eACDS) and requirements for traceability
- > Requirements for carrier vessels
- > (documentation, certification and landing fees)
- Special Institutional responsibilities (collect fees,taxes, customs, etc.)

Constraints

For Myanmar Side,

- o language barrier of local office
- o Long time process for response
- o no attention on the data and information
- o little knowledge on local rules and regulations
- international instruments and regional agreement
- o fisheries management plan

Ongoing process

- o Gap analysis of Draft Marine Fisheries Law
- SOP for each agency for coordination of MCS
- MCS procedures
- establishment of MCS unit
- preparation for Installation of VMS
- Implementation of NPOA-IUU with the technical and financial assistance of INGO
- Implementation of MOU between Thailand and Myanmar
- Implementation of international and regional agreement by concerned agencies

Future Plan for MCS

- To develop legal frameworks for MCS
- o To translate the Laws and regulations
- To establish the electronic database and communication
- To strengthen the coordination of agencies for MCS

Thank you for your attention

THAILAND: PRESENTATION ON THE RESULT OF THE NATIONAL CONSULTATION/THE INFORMATION/DATA NEEDS AND COORDINATION NEEDS IN THE NORTHERN ANDAMAN SEA FOCUSING IN MONITORING, CONTROL AND SURVEILLANCE

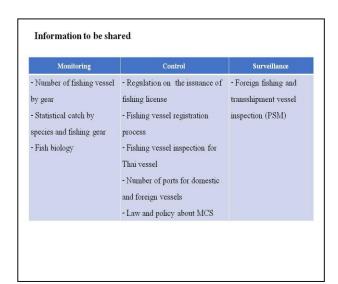
By Ms. Nipa Kulanutjaree

Meeting on the Development of a Sub-regional
Cooperation on Monitoring, Control,
and Surveillance (MCS) in Fisheries
in the Northern Andaman Sea

24-25 July 2018

Bangkok, Thailand

Information to be requested - Number of fishing vessel - Regulation on the issuance of - VMS and AIS system fishing license for Myanmar - Thai fishing vessels by gear - Catch by species vessel and foreign vessel arrested in Myanmar - (emphasize short - Fishing vessel registration nackerel, anchovy, blue process swimming crab, red frog - Vessel inspection process for crab and longtail tuna) Thai and foreign vessel - Fish biology - Number of ports for domestic - Fishing ground of each and foreign vessels fishing gear - Law and policy about MCS - Infringement information - Market state information





MATRIX OF MONITORING, CONTROL AND SURVEILLANCE

NORTHERN ANDAMAN SEA (THAILAND-MYANMAR)

	Moni	toring	Control (rule, regulation)		Surveillance	
	Monitoring: Colle		Control: Regulatory conditions under which resources		Surveillance: Checking and supervision of	
	the measurement				fishing related activities (enforcement):	
	fisheries related a			ns (quota/effort limitations),		systems, Air and Sea
	 Catches, Foreig 		product certification ru	les, Port State Measures	surveillance	
	effort, Licensed	vessels				
	3.5		7.5	Lan. A.		
	Myanmar	Thailand	Myanmar	Thailand	Myanmar	Thailand
1. What are national	- Department	- Department of	- Department of	- DOF	- Navy	- THAI MECC
Institutions/Agenc	of Fisheries	Fisheries	Fisheries	-Marine Department	- Maritime Police	composed of
ies responsible?	(catch)	(catch, effort,	- Department of	-Custom Department	Force	6 main agencies (6):
	- Marine	import-	Marine	-Immigration Department	- OSS	Navy,
	Department	export)	Administration	-Department of Marine and		DOF
	(vessel	- M. of Labour	- Myanmar Port	Coastal Resources		Custom
	registration)	- Marine	Authority	- M. of Labour		MD
		Department	- Custom Department			Marine police
		(vessel	- Department of			DMCR
		registration)	Immigration			- M. of Labor
			- Department of Trade			
			(import-export issue			
			license)			
			- Department of			
			General			
			Administration			
			7 Killinistration			
	Moni	Monitoring Control		Control		eillance
	Myanmar	Thailand	Myanmar	Thailand	Myanmar	Thailand
2. Type of	- Names of	- Number of	- Tax and rules of Port	- Regulation on the	- Tax and rules of	- VMS and AIS system
Information that	Vessel which	fishing vessel by	Clearance,	issuance of fishing license	Port Clearance,	(MM- not in place)
would beneficial to	inspected by	gear (MM okay)	- Contact method to	for Myanmar vessel and	- Contact person of	- Thai fishing vessels

obtain from border	PSMA group	- Catch by	Agencies concerned	foreign vessel	each agencies such	arrested in Myanmar
country	(TH agree	species	such as port	- Fishing vessel	as Port Authority,	-
	already)	(transboundary	authority, MD, DOF,	registration process	Customs	
	- Catch landed	short mackerels,	Navy, etc. person of	- Vessel inspection process	- Rules and	
	(species and	tunas)	each agencies such as	for Thai and foreign vessel	regulations of	
	weight)	- Regulation on	Port Authority,	- Number of ports for	border trade	
	Mackerels,	the issuance of	Customs	domestic and foreign	- Rules and	
	Neritic tunas.	fishing license	(i.e. Enforcement	vessels	regulation of MCS	
	- 23 species in	for Myanmar	coordinate with Thai	- Law and policy about	, VMS	
	Yangon	vessel and	MECC)	MCS	- Rules for the	
	landing sites	foreign vessel	- Rules and regulations	- Infringement information	issuance of CC	
		- Fishing vessel	of border trade			
		registration	(traders to be			
		process	informed rule and			
		- Vessel	regulation of			
		inspection	Thailand)			
		process for Thai	- Rules and regulation			
		and foreign	of MCS, VMS			
		vessel	- Rules for the			
		- Number of	issuance of CC			
		ports for	- Cooperation on			
		domestic and	eACDS or Catch			
		foreign vessels	Documentation			
		- Law and policy	scheme			
		about MCS	- Existing mechanism			
		- Infringement	Thai-Myanmar			
		information	coordinating border			
		- Market state	Policy: DOF			
		information	Enforcement:			
		mackerel,	- actual data import and			
		anchovy, blue	export from Custom			
		swimming crab,	Dept. (TH fisheries			
		red frog crab and	national single window)			
		longtail tuna)				
		- Fish biology				
		- Fishing ground				
		of each fishing				
		gear				

	Moni	toring	Co	trol Surve		eillance
	Myanmar	Thailand	Myanmar	Thailand	Myanmar	Thailand
3. Type of Information to be shared with border country	- List of licensed vessel of Myanmar (carrier vessels) - Statistical catch by species and fishing gear (when it is available) - Fish biology (when it is available) - Share the methodolog y on the data collection of important species -	- Number of fishing vessel by gear - Statistical catch by species and fishing gear - Fish biology - Share the methodology on the data collection of important species	- Myanmar Marine Fisheries Law and related rules and regulations as per discussion between Thailand and Myanmar (**MCS- in progress of establishment)	- Regulation on the issuance of fishing license - Fishing vessel registration process - Fishing vessel inspection for Thai vessel - Number of ports for domestic and foreign vessels - Law and policy about MCS	- Myanmar Marine Fisheries Law and related rules and regulations as per discussion between Thailand and Myanmar	 Foreign fishing and transshipment vessel inspection (PSM) carrier vessels, fishing vessels Sharing experience on implementation of PSM (Procedures to inspect foreign vessels both countries) Export-Import method between two countries
		toring		ntrol	Surveilland	
4 Tymo of insuranta	Myanmar	Thailand	Myanmar	Thailand	Myanmar - PSMA	Thailand
Type of issues to be discussed with border country			PSMA implementationCombating IUU fishing		implementation - Combating IUU fishing	
		toring		ntrol Thailand	Surveillance Myanmar Thailand	
5. What are the issues/areas of cooperation between two countries	Myanmar - Improvement of information on species		Myanmar - Border Trade between Tanintharyi region, Myanmar and Thailand	1 nanand	Myanmar - Border Trade between Tanintharyi region, Myanmar and Thailand	1 напапо

Existing cooperation/mechanism at bilateral/multilateral between Thailand and Myanmar

- 1. Thai-Myanmar Regional Border Committee (RBC) Enforcement (Navy between Thailand and Myanmar) (TBC, JBC) National body
- 2. Thai Myanmar Border Fisheries Coordination Center (Thai Navy)
- 3. Thai Maritime Enforcement Coordinating Center Area 3 (Thai-MECC 3): Andaman Sea
- 4. MOU on Fisheries Cooperation between DOF Thailand and Myanmar
- 5. Myanmar-OSS (control and surveillance)
- 6. Information Fusion Center (maritime concerns, which is located in Singapore) for Asia
- 7. Maritime Police Force at Mekong River Region

Conclusions

- 1. The Meeting has identified list of topics (Matrix) should be considered by the Joint Working Group (JWG) on MOU between DOF Thailand and Myanmar, (the next meeting will be hosted by Myanmar in August 2018)
- 2. One of priority concern is sharing PSM procedures, rule and regulations between the countries for all stakeholders.
- 3. The Meeting proposes to further strengthen existing cooperation between the countries instead of creating a new MCS coordination body.
- 4. The Meeting took note that several bilateral cooperation bodies already exists between Thailand and Myanmar for example Navy, Police, and Department of Fisheries.
- 5. The Meeting proposes these cooperation bodies and especially the MOU JWG, to consider participation of representatives from other key authorities in the meetings.
- 6. The Meeting proposes these cooperation bodies and especially the MOU JWG to consider that all key authorities can propose the agenda points.