

Addressing Trans-boundary Issues and Consolidating Bilateral Arrangements to Combat IUU Fishing

Worawit Wanchana, Magnus Torell, Somboon Siriraksophon, and Virgilia T. Sulit

In Southeast Asia, illegal and destructive fishing activities are recognized as among the most crucial problems that threaten the sustainability of the region's fisheries affecting the livelihoods of millions of people dependent on the fishery resources. In addressing such concern, SEAFDEC has been promoting regional activities to improve management of fisheries including fishing capacity, which are envisioned to be achieved through the establishment of sub-regional fisheries management mechanism considering the specific profiles and challenges of the sub-regions in Southeast Asia. This effort had been sustained by SEAFDEC with support from the Government of Sweden through the SEAFDEC-Sida Project which ran from 2006 to 2012, and the next phase under the SEAFDEC-Sweden Project from 2013 to 2017. Over the years, SEAFDEC has facilitated bilateral dialogues through such sub-regional approach to discuss and look for effective ways to improve management of fisheries for the sustainability of the fishery resources in each sub-region. Focus was given on the importance of trans-boundary coastal/marine species, and integration of fisheries and habitats managements as well as control of illegal and destructive fishing activities. Since 2008, a series of technical meetings had been convened on effective fisheries management for the Gulf of Thailand Sub-region, and bilateral dialogues had been forged between Thailand-Cambodia and Cambodia-Viet Nam and Malaysia-Thailand, as well as Myanmar-Thailand and Indonesia-Malaysia-Thailand for the Andaman Sea sub-region. From such dialogues, it has become obvious that bilateral and sub-regional dialogues and arrangements facilitate the development and implementation of fisheries programs and activities including those that address the issues on IUU fishing. The agreements between neighboring countries through bilateral/sub-regional cooperative arrangements have been so-designed so as to improve fisheries management, specifically on the sustainable utilization of trans-boundary fishery resources.

For the effective management of fisheries in the Southeast Asian region, it is necessary to take into consideration the features of the region's fisheries, *i.e.* the migratory nature of tropical marine fish stocks; as generally practiced, fishing licenses are provided to foreign fishing vessels; the unregulated nature of domestic fisheries resulting to a great extent in IUU fishing; high concentration of small-scale fisheries that continues to provide significant contribution to the national economies; and high mobility of fishing crew (Ekmaharaj, *et al.* (2009)). Generally, the sub-regional areas of Southeast Asia had been identified (Ekmaharaj, *et al.* (2009)), namely: Gulf of Thailand (shared by Cambodia, Malaysia, Thailand, and Viet Nam); Andaman Sea (shared by India,

Indonesia, Malaysia, Myanmar and Thailand but India is not a member of the ASEAN); Eastern and Southern South China Sea and Sulu-Sulawesi Sea (bordered by Brunei Darussalam, Indonesia, Malaysia, Philippines, and Viet Nam); Timor-Arafura Sea (bordered by Australia, Indonesia, Papua New Guinea, and Timor Leste but Australia and Papua New Guinea are not members of the ASEAN); Northern South China Sea and the Gulf of Tonkin (shared by China, Philippines and Viet Nam but China is not a member of the ASEAN); and the Lower Mekong Basin (shared by Cambodia, Lao PDR, Thailand, and Viet Nam). For the efforts being undertaken by SEAFDEC, concentration has been made on four modified sub-regions, *i.e.* Gulf of Thailand (GOT), Andaman Sea, Sulu-Sulawesi Sea (SSS), and Lower Mekong Basin (LMB) taking into consideration the common elements that could be worked out for sub-regional fisheries management including the need to combat IUU fishing for the sustainability of fisheries in the Southeast Asian region.

Collaborative Arrangements between SEAFDEC and the Government of Sweden

For the first phase of the collaboration, SEAFDEC entered into an agreement with the Swedish International Development Cooperation Agency (Sida) for the development of sustainable fisheries in Southeast Asia focusing on human resource development for fisheries management. At the initial stage, the collaboration was aimed at promoting and supporting the implementation of the FAO Code of Conduct for Responsible Fisheries that had been regionalized by SEAFDEC in coordination with the ASEAN Member States (AMSs). This was carried out through a process-oriented approach that paved the way for forging regional cooperation for the promotion of improved fisheries management and management of fishing capacity (Wanchana, 2007). Specifically, the Project also exerted efforts to manage the fishing potentials of the region for food security through sub-regional cooperation initially focusing on the Gulf of Thailand and the Andaman Sea (Leng, 2013). Through the series of consultations, the sub-regional coordination for sustainable fisheries management had been strengthened to include the establishment of regional and sub-regional monitoring, control and surveillance (MCS) networks for combating IUU fishing (Yleña and Velasco, 2012).

Upon completion of the SEAFDEC-Sida Project, SEAFDEC again entered into an agreement with the Government of Sweden to extend the project activities beyond fisheries and putting certain emphasis on biodiversity and habitat

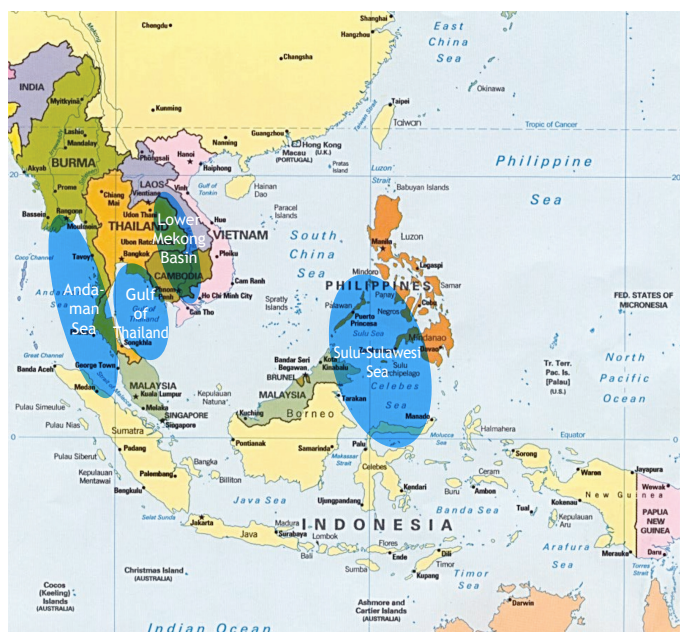


Fig. 1. Map of Southeast Asia showing the four sub-regions focused in the SEAFDEC-Sweden Project

management as well as incorporating social and governance aspects. Thus, building upon the outcomes of the SEAFDEC-Sida Collaborative Project, the SEAFDEC-Sweden Project (2013-2017) includes the other two sub-regions, *i.e.* Sulu-Sulawesi Sea and Lower Mekong Basin (Fig. 1) with the

poor coastal and inland communities in Southeast Asia as the main stakeholders. The approach is to establish collaborative arrangements on fisheries and habitat management for the Gulf of Thailand and Andaman Sea and support the processes for the cooperation among countries in the Sulu-Sulawesi Sea and the Lower Mekong Basin.

Bilateral and sub-regional dialogues among countries in Southeast Asia

Bilateral and sub-regional dialogues had been useful for developing key indicators for assessment of the activities implemented that support the efforts towards improved management of fisheries and habitats including combating IUU fishing. Such bilateral and sub-regional dialogues had been arranged to strengthen collaborative and cooperative arrangements within and among countries through relevant agencies as main proponents, *e.g.* agencies responsible for fisheries, enforcement, environment, etc. Proponents of the bilateral and sub-regional dialogues are crucially important for sharing of information especially with respect to capacity building requirements, development of effective means of addressing problems on illegal and destructive fishing as well as strengthening the system of monitoring transfer/landing of fisheries products across borders. Moreover, regional and sub-regional cooperation has been enhanced by strengthening institutional responsibility within countries and among neighboring countries.

Box 1. Bilateral dialogues convened in the Southeast Asian region through SEAFDEC and Sweden arrangements

Gulf of Thailand Sub-region

In order to address critical issues related to fishing capacity including combating illegal and destructive fishing, the integration of fisheries and habitat management and promotion of sub-regional cooperation, SEAFDEC organized a series of the sub-region meetings involving the Gulf of Thailand Sub-region (GoT) since 2008. Under the GoT arrangement, the common objectives are to review baseline information, discuss and come up with recommendations on matters relevant to fisheries and habitat management in the GoT as defined by the 2008 RPOA-IUU Meeting in Bali and by the UNEP/GEF/SCS project on fisheries *refugia*. The participating countries have agreed to move towards a process of improving cooperation on fisheries/habitat management, development of MCS network, and sharing of information on vessel registration and fishing licensing. Specific attention has to be given to cooperation on port monitoring to address the common practice of landing fishes across national boundaries in the perspective of fisheries management in the GoT.

A consensus was reached on the importance of creating sub-regional cooperation among countries in the GoT in the aspect of integrating fisheries and habitat management, and of managing fishing capacity, *i.e.* reducing over-capacity and combating illegal and destructive fishing. Working towards sustainability, attempts have been made by fisheries and environmental agencies to improve fisheries and habitat management. An important step undertaken towards this direction is controlling the active fishing effort, both commercial-scale and small-scale, and reducing IUU fishing, especially destructive fishing. The very nature of the region's fisheries where there is migration of fish stocks and mobility of people and vessels involved in fishing, implies that there is a need for regional, sub-regional and/or bilateral dialogues on measures to improve fisheries management and safeguard important habitats.

The participating countries in the GoT have highlighted on the importance of initiating the development of MCS Network by initially focusing on the "Monitoring" component through sharing of information on fishing vessels and licenses as well as conducting surveys and monitoring of fishes landed at ports and landing sites - recognizing the difficulties of such tasks due to insufficient man-power and financial resources, and the political will of key stakeholders, *i.e.* government sector, fisheries and the private sector. GoT participating countries also recognized the need to raise awareness and understanding on the important roles and functions of ports and landing places while recognizing the large numbers of institutions involved in managing the activities related to ports and landing sites. These sites should be recognized as the point of "entry" (and control) of goods being transported by sea and for landing of resources harvested at sea, and being on the "threshold" of the sea and land. Thus, it had been suggested that support should be provided to facilitate cooperation and strengthen the role of concerned authorities, *e.g.* customs office, immigration office, and fishing port authorities. Furthermore, port monitoring, inspections onboard fishing vessel, and collection of data/information were also highlighted by the GoT countries. Landings of catch in neighboring ports also require special consideration in the process of validation of the legal status of the landed catches, especially with regards to artisanal fisheries as stipulated in the FAO Port State Measures Agreement. The existence of a whole range of local level initiatives aiming to monitor and policing illegal fishing activities suggested that it would be useful to collect information on local initiatives, both traditional and project-based, in order to formulate and promote best/good practices that work at a given local area, to the countries in the sub-region.

Box 1. Bilateral dialogues convened in the Southeast Asian region through SEAFDEC and Sweden arrangements (Cont'd)

Between Cambodia and Viet Nam

Dialogues between Cambodia and Viet Nam have been convened to promote cooperation for working towards development and implementation of sustainable and responsible fisheries management, habitat conservation, and utilization of marine living resources. To underline the importance of cooperation, the two countries signed in 2011 the Memorandum of Understanding (MOU) between the Fisheries Administration (FiA) of the Ministry of Agriculture, Forestry and Fisheries of the Kingdom of Cambodia and the Directorate of Fisheries (DFISH) of the Ministry of Agriculture and Rural Development of the Social Republic of Viet Nam, for Bilateral Cooperation in Fisheries Sector. Under such MOU, several actions have been carried out to strengthen the cooperation between Cambodia and Viet Nam. The fishery authorities of the two countries have continued their dialogues by conducting bi-annual meetings to review the implementation of activities under the MOU. Since collaboration with other relevant agencies in fishery resources and habitat management still needs to be strengthened, the two countries developed a collaborative arrangement which provides directions for continued cooperation and have expressed their willingness to activate and strengthen collaboration in order to enhance common approaches for trans-boundary fishery resources management. Under the framework of the 2011 MOU, such arrangement was signed by the two countries in 2014 which specifically focused on supporting the fisheries sector through the implementation of joint actions in the areas of common interest in and around Kien Giang Province of Viet Nam and Kampot of Cambodia. The three main components of such arrangement are: (i) legal framework; (ii) management measures on trans-boundary species; and (iii) marine capture fisheries and combating illegal and destructive fishing practices.

During the First Technical Meeting of the Joint Working Team for Fisheries Management between Cambodia and Viet Nam organized in Viet Nam in May 2014, focus was made on the implementation of joint activities on legal matters, namely: (i) review of existing laws and regulations of the two countries relevant to fisheries and habitat management; and (ii) exploring the ways of improving trans-boundary fishery resources management. To facilitate implementation of such activities, the two countries agreed to appoint their respective members for joint working teams for each priority area. Subsequently, the Technical Workshop of the Joint Committee for Fisheries Management between Cambodia and Viet Nam organized through the SEAFDEC-Sweden Project in 2014, developed the Terms of Reference for the Joint Committee and the Working Groups for Fisheries Management between Cambodia and Viet Nam for the promotion of the cooperation within their respective areas of common concern.

Between Cambodia and Thailand

Dialogues between Cambodia and Thailand have been convened since 2008, where information and updates on measures implemented for the management of fishing capacity and efforts to reduce illegal and destructive fishing (including efforts to combat IUU fishing) have been shared. During the “sub-regional technical meetings on effective fisheries management between Cambodia and Thailand,” information on regulations, procedures and requirements for registration of fishing vessels in both countries, systems and processes to issue fishing licenses, the license to fish (in case of Cambodia) for foreign fishing vessels, systems and procedures for landing and recording of catches by foreign fishing vessels or by domestic vessels with catches from neighboring countries, have been shared.

During the recent meeting between Cambodia and Thailand in 2015, the joint efforts to reduce illegal and destructive fishing gears/practices (combat IUU fishing) were discussed. The issues included poor control of fishing/carrier vessels, unclear catch reporting, conflict between small- and commercial-scale fishers, and insufficient communication and coordination between Cambodia and Thailand. A number of activities have been proposed for implementation under the bilateral arrangement between Cambodia and Thailand both at national and bilateral levels with clarification on the responsible agencies and timeframe for implementation. The 2015 Meeting also highlighted on the need to gather information on the actual situation such as status of fisheries and habitats, degree of the conflicts between small- and commercial-scale fishers, and socio-economic of small-scale fishers. This is due to the fact that the livelihoods and social well-being of small-scale fishers are often affected by illegal fishing activities mainly by commercial-scale fishers. The 2015 Meeting acknowledged the efforts of the SEAFDEC-Sweden Project in providing support for the establishment of arrangements on the improvement of fisheries management between Cambodia and Thailand with the ultimate objective of mitigating the impacts of illegal and destructive fishing practices in the GoT.

Between Malaysia and Thailand

The dialogues between Malaysia and Thailand were discussed during the Fourth Meeting of the GoT Sub-region in 2013. During such Meeting, it was suggested that roundtable discussion between sets of two neighboring countries in the GoT should be conducted to discuss the issues revolving around the effective management of fishing capacity and reducing illegal and destructive fishing activities in the GoT. Subsequently, the “Sub-regional Technical Meeting on Effective Fisheries Management between Malaysia and Thailand” was organized in 2014, to identify possible working areas that could be established between these countries for the promotion of effective management of fishing capacity, combating IUU fishing and management of trans-boundary stocks in the GoT waters that cover both Malaysia and Thailand in the GoTas well as in the Andaman Sea.

The 2014 Meeting between Malaysia and Thailand identified three major issues with regards to IUU fishing, e.g. dual flagging/registration/deregistration, landing of catches in the neighboring countries' ports, and encroachment by foreign (and national) fishing vessels in the coastal waters. It was then agreed that an MOU between Malaysia and Thailand should be developed as a priority long-term activity. This would become the official mechanism for strengthening future cooperation between both countries. Furthermore, a Joint Working Group should also be defined in the MOU. The 2014 Meeting also agreed that a proper mechanism for data recording should be established for monitoring the landing of catches in the neighboring countries' port. In addition, fishing vessels under the IUU lists should be denied to enter into fishing ports of the participating countries in the GoT and Andaman Sea Sub-region. In this connection, both countries agreed to nominate focal points to coordinate the data exchange and establishing of a network for such purpose.

Between Cambodia and Lao PDR

Concerns on the importance of inland fisheries, especially in the Mekong River Basin particularly in Cambodia and Lao PDR have promoted the development of dialogues between Cambodia and Lao PDR for achieving their parallel objectives in fisheries management and development in accordance with the 1995 Mekong River Commission Agreement. The two countries signed the MOU by the FiA of the Kingdom of Cambodia and the Department of Livestock and Fisheries of the Ministry of Agriculture and Forestry of Lao PDR in July 2010. The 5-year MOU was aimed at encouraging direct communication and cooperation between their respective staff; promoting cooperation within areas of common concern that are mutually agreed upon including activities intended to exchange information related to fisheries management, research and development; identifying and implementing strategies and schemes for joint management of shared trans-boundary fisheries resources, aquaculture development and prevention of fish disease and spread of aquatic diseases, joint meeting and workshop; and together looking for third parties to support human resource development in the fisheries sector of both countries.

With support from the SEAFDEC-Sweden project, the Joint Fisheries Management between Cambodia and Lao PDR would be implemented based on the provisions of the MOU signed in 2010. Currently, the two countries agreed to review the laws, regulations, and policy statements, as well as existing data and information with regards to the management of trans-boundary species, conservation areas and important habitats, information collection on capture fisheries including measures to combat illegal and destructive fishing and trade of aquatic species/products. Under such bilateral arrangement, the Terms of Reference (TOR) of the "Joint Committee and the Working Group for Fisheries Management in Trans-boundary Areas between Cambodia and Lao PDR" was developed to promote cooperation within areas of common concern that are mutually agreed upon, especially on the issues mentioned above. Meanwhile, issues on combating IUU fishing would be discussed after the results of the review/data collection are already analyzed and reported.

Through the SEAFDEC-Sida Project and the subsequent SEAFDEC-Sweden Project, a number of bilateral and sub-regional dialogues had already been convened in the region. **Box 1** shows the summary of such dialogues including the outputs and achievements in terms of fisheries management improvement including the trans-boundary issues and development of relevant measures to combat IUU fishing.

Common Areas for Bi-lateral Cooperation to Combat Illegal and Destructive Fishing Activities

Based on the series of bilateral and sub-regional initiatives, a number of priority issues could be addressed leading to the development of measures to address illegal and destructive fishing practices. The common areas and topics for the bi-lateral cooperation include the following:

- Joint framework and work plan of activities
- Effective management of fishing capacity (fishing vessels and fishers)
- Agreement on a joint approach to manage/integrate fisheries and habitat management
- Management system for trans-boundary species resources
- Human and institutional capacity program
- Fishing ports monitoring program
- Catch document and traceability system
- Bi-lateral mechanism to share experience from traditional knowledge local capacity/communities for improvement of fisheries/habitat management
- Building up of working relations for institutions and entities responsible for management of fishing ports and landing sites, including records of catches landed by foreign vessels
- Improving vessels registration and fishing licensing systems
- Efficient MCS system for effective control of fishing capacity and to combat IUU fishing, destructive fishing, and encroachment by larger fishing vessels to coastal waters

- Awareness raising program for fishers and concerned authorities to minimize IUU and destructive fishing activities

Local Institutional Capacity Building

Among the most notable aspects of the SEAFDEC-Sweden Project is on building up of the capacity of local organizations to enable them to pursue at the local level, the improvement of livelihoods in rural communities, promotion of poverty alleviation measures, and the restoration of important fishery resources and habitats. It is envisioned that such approaches would dovetail to luring the fishers away from illegal and destructive fishing practices.

For such purpose, the SEAFDEC-Sweden Project established sub-agreements with local organizations/institutions with specific activities (**Box 2**), the lessons of which could be learned by the other Southeast Asian countries through information exchange and dissemination. The establishment of such linkages would also support the sustainability of the Project, especially at the local communities.



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Box 2. Sub-agreements established by the SEAFDEC-Sweden Project for implementation of activities at local level

| Local institutions/ organizations | Activities |
|--|---|
| Learning Institute of Cambodia | Strengthening Community Fisheries Management and Livelihoods Diversification in Cambodia |
| Asian Coastal Resources Institute Foundation (Corin-Asia) Cambodia | Strengthening relevant local institutions' capacity to enable them to address natural resources degradation and climate change vulnerability of target coastal communities Improvement of local people's capacity to effectively cope with the challenges of climate change and other changes brought about by development through enhanced family livelihoods, sustainable use of natural resources and understanding of risks Strengthening of the existing approaches at the local level developed through the Wetlands Alliance Programme (WAP) for sustainable resource management of target coastal communities |
| Corin-Asia Myanmar | Building the capacity of local government agencies and local authorities towards sustainable management of fishery resources and important coastal habitat to protect coastal resources |
| Prince of Songkla University, Hat Yai, Thailand | Study on local ecological knowledge and benefit sharing approaches for small-island fishery/ tourism management in Lipe Island, Andaman Sea, Thailand |

Way Forward

The Plan of Action (POA) on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020 adopted by Senior Officials from Fisheries Agencies of the ASEAN-SEAFDEC Member Countries in June 2011, encouraged the AMSs to: “establish and strengthen regional and sub-regional coordination on fisheries management and efforts to combat IUU fishing including the development of regional/sub-regional Monitoring, Control and Surveillance (MCS) networks” (POA No. 22); and “facilitate consultative dialogue among fisheries legal officers to share, at the sub-regional/

regional level, perspectives of the respective legal and regulatory framework in terms of developing MCS-networks and to implement efforts to combating IUU fishing” (POA No. 23). These provisions have guided SEAFDEC and the AMSs to sustain efforts towards strengthening regional cooperation by giving more focus on improving the management of fisheries, maintaining and conserving critical habitats, as well as building up the well-being of coastal communities.

Thus, with added emphasis in combating illegal and destructive fishing, the SEAFDEC-Sweden Project would continue to build up the capacity of the AMSs in many areas, especially in improving and strengthening systems for the management of fishing capacity, *i.e.* monitoring, recording and control, as well as enhancing the social well-being of fisherfolks who had been undermined by illegal and destructive fishing practices. The Promotion of Sub-regional Cooperation in Southeast Asia and Strengthening Regional and Sub-regional Programs would be continued to strengthen cooperation between neighboring countries to join hand-in-hand in addressing issues and concerns in fisheries management and ultimately for the neighboring countries to work together in combating illegal (IUU) and destructive fishing in their areas of jurisdictions and eventually in the whole Southeast Asian region.

The Project would also continue to work with national and local institutions and organizations to provide them with more focus and capacity to address issues at the local levels, especially in managing important habitats for fisheries and regulating fishing capacity, while taking due considerations of socio-cultural aspects. This is expected to facilitate and support local capacity building in fisheries management, including the capacity to more effectively engage the local communities of the AMSs.



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About the Authors

Dr. Worawit Wanchana is the Assistant Policy and Program Coordinator of SEAFDEC based at SEAFDEC Secretariat Office in Bangkok, Thailand.

Dr. Magnus Torell is the Special Adviser to SEAFDEC based at SEAFDEC Secretariat Office in Bangkok, Thailand.

Dr. Somboon Siriraksophon is the Policy and Program Coordinator of SEAFDEC based at SEAFDEC Secretariat Office in Bangkok, Thailand.

Ms. Virgilia T. Sulit is the Managing Editor of *Fish for the People* and based at SEAFDEC Secretariat Office in Bangkok, Thailand.

