

**Report of the Expert Consultation on Managing Fishing Capacity to
Combat IUU Fishing in Southeast Asia
Bangkok, Thailand**

15-17 September 2010



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REPORT OF THE EXPERT CONSULTANT ON MANAGING FISHING CAPACITY TO COMBAT IUU FISHING IN SOUTHEAST ASIA

15-17 September 2010, Bangkok, Thailand

I. INTRODUCTION

1. The Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia was organized in Bangkok, Thailand from 15 to 17 September 2010. The Consultation was mainly aimed at following up on the recommendations by ASEAN and SEAFDEC member countries on the need to look beyond international agreements and conventions relevant to combating IUU fishing and to identify elements for sustainable fisheries management and controlling fishing efforts to combat IUU fishing in the Southeast Asian region. The Consultation was one of the activities of the ongoing SEAFDEC-Sida Project on “Activities related to Climate Change and Adaptation in ASEAN region with special focus in the Andaman Sea”.

2. The Consultation was attended by participants from the ASEAN countries, namely: Brunei Darussalam, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam as well as from non-ASEAN countries, namely: Australia and Timor-Leste. The Consultation was also attended by participants from regional and international organizations, namely: the FAO Regional Office for Asia and the Pacific (FAO/RAP) who also represented the Asia-Pacific Fisheries Commission (APFIC); the International Maritime Organization (IMO); the Secretariat of the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated (IUU) Fishing in the Region; and the Swedish Board of Fisheries (SBF). The SEAFDEC Secretary-General and Deputy Secretary-General as well as officers from the SEAFDEC Secretariat and the Training Department, and the members of the SEAFDEC Regional Fisheries Policy Network (RFPN) also attended the Consultation. The List of Participants appears as **Annex 1**.

II. OPENING OF THE CONSULTATION

3. The SEAFDEC Secretary-General, *Dr. Chumnarn Pongsri* welcomed the participants to the Consultation, and expressed his appreciation to the participants for coming to the Consultation which envisaged to develop and seek cooperation among regional experts to arrive at a consensus for the improvement of fisheries management in the region and eventually eliminate IUU fishing. While reiterating the efforts of SEAFDEC in supporting various processes to improve fisheries management in Southeast Asia, including the management of fishing capacity and efforts to combat IUU fishing, he encouraged the countries in the region to incorporate the necessary action points into their respective national regulatory systems for the sustainable development of fisheries in the region. He recalled that the SEAFDEC Council had expressed its clear views on the importance of sustainability in fisheries and recommended the need to strengthen the countries’ existing national initiatives in the promotion of sustainable fisheries management and that measures to combat IUU fishing should be collectively established. His Opening Remarks appears as **Annex 2**.

2.1 Background of the Consultation

4. The Background of the Consultation was presented by *Ms. Pattaratjitt Kaewnuratchadasorn* of the SEAFDEC Secretariat. She summarized the various consultations and events at the sub-regional and regional levels that pointed to the need to find ways and means of managing fishing capacity in order to combat IUU fishing in the Southeast Asian region. She also explained the significance of the Consultation in providing guidance for the necessary actions that should be considered under the SEAFDEC-Sida Project. The Prospectus of the Consultation appears as **Annex 3**.

2.2 Adoption of the Agenda

5. The Agenda which appears as **Annex 4** was adopted.

III. Overview of Initiatives to Combat IUU Fishing in the ASEAN and Southeast Asian Region

3.1 Asia-Pacific Fisheries Commission (APFIC)

6. *Dr. Simon Funge-Smith*, FAO/RAP and APFIC provided a brief overview of the initiatives of APFIC including the development of action plans to combat IUU fishing. He stressed on the need to update the respective countries' legislations and initiate the formulation of national plans of action (NPOAs) to combat IUU fishing, considering that most countries are taking rather limited actions in combating IUU fishing by monitoring landings at their respective ports. In this regard, he suggested that the countries could build upon existing well-managed ports to develop as a model for the country and establish protocols relevant to the laws and regulations of each country on how to manage fishing ports in support of efforts to combat IUU fishing. He also proposed the development of a network or working group taking into consideration the various sub-regional initiatives of SEAFDEC in order that sharing of relevant information could be facilitated, with the assistance of the RPOA and the ASEAN mechanisms. He then encouraged the countries to ratify the United Nations Convention on the Law of the Sea (UNCLOS) which is fundamental on the use of the oceans and seas. His presentation appears in **Annex 5**.

7. During the discussion, the need to boost the cooperation among neighboring countries through bilateral and trilateral agreements was reiterated in order to strengthen the implementation and enforcement of legislations related to combating IUU fishing as well as in support of the implementation of relevant international requirements and conventions. As an example, it was cited that in the designated fishing ports, serving as models, IUU fishing boats should be denied entrance and access, not even for refueling, and information on reported IUU fishing vessels should be disseminated to neighboring countries. As regards the development of NPOA on IUU fishing, SEAFDEC was encouraged to take initial actions taking by working with countries and encourage them through cooperation within existing sub-regional initiatives.

3.2 Regional Plan of (RPOA) to Promote Responsible Fishing Practices Including to Combating Illegal, Unreported and Unregulated (IUU) Fishing in the Region

8. *Mr. Budi Halomoan* from the RPOA Secretariat presented a brief background of the RPOA including its objectives and actions relevant to the International Plan of Action (IPOA)

to Promote Responsible Fishing Practices including to Combating Illegal, Unreported and Unregulated (IUU) Fishing. He emphasized that the implementation of the RPOA was well in line with aims and requirements of the Agreement on Port State Measures and those of the EC Catch Documentation and that the RPOA also supports various initiatives in combating IUU at regional and sub-regional levels. He also informed the Consultation of some relevant upcoming events which will be conducted in the region under the RPOA initiative. His presentation appears as **Annex 6**.

9. Regarding the proposed workshop on vessel inspection, the Consultation was informed that the workshop which will be conducted in Vietnam by the RPOA Secretariat could take place in November or December 2010. In this connection, the RPOA Secretariat was requested to update the necessary information about the workshop through the RPOA website for the information of all concerned. Moreover, the representative from Cambodia reiterated that other documents relevant to combating IUU fishing could also be uploaded in the RPOA homepage.

10. In order to address the need for capacity building that would enable the countries to take appropriate actions in combating IUU fishing, the Consultation was informed that the SEAFDEC Training Department has planned to conduct a human resource development program on sustainable fisheries and related countermeasures to reduce IUU fishing. For the implementation of this regional program, the cooperation of the ASEAN and RPOA Secretariat would be sought. SEAFDEC is planning to tap the Government of Japan Trust Fund Program to support the said regional training program.

IV. Common elements and basic requirements for action based on provisions contained in the Agreement on Port State Measures and the EC Catch Documentation – with a purpose to go “beyond” the documents to control fishing effort and combat IUU fisheries

11. Common elements and basic requirements for action based on provisions contained in the Agreement on Port State Measures and the EC Catch Documentation was introduced by *Dr. Magnus Torell*, SEAFDEC Senior Advisor. He emphasized that while the Agreement is globally binding, the EC Catch Documentation is a legal document established for the EU Member Countries. However, given that many countries in the region are exporting fishery products to the European Union countries the regulations need to be responded to as applicable by each country. In general, the provisions in the Agreement could be compared with the regulations in the EC Catch Documentation. The basic message is that countries should not need to look at either the Agreement on Port State Measures or the regulations on EC Catch Documentation but rather focus on their responsibility as a port state, and as a flag state, as indicated in both of the instruments, in support of efforts to combat IUU fishing – which in turn will fulfill the requirements of either of the instruments. An important point is that the key role of the flag state has been strongly emphasized as indicated in the preamble of the Agreement on Port State Measure that is highlighting the **role of the port State** in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources while recognizing that measures to combat illegal, unreported and unregulated fishing should build on the **primary responsibility of flag States**. Furthermore, both of the instruments recognize the need to assist developing countries in building up capacity to carrying out activities that would enable them to comply with recently developed instruments

and to be able to certify or validate the information provided in documents attached to landed fish catches. His presentation appears in **Annex 7**.

12. In the discussion, one of the participants from Thailand indicated that training would be needed for the inspection officers in ports and, furthermore, that the readiness of the countries to implement the Agreement on Port State Measures and other relevant instruments to combat IUU fishing should be assessed taking into consideration the existing laws and regulations of the respective countries and the extent to which these regulations provide a basis for countries to act. In this regard guidance would be needed for countries in the region to relate the scope of their own regulations to needed common approaches to combat IUU fishing in line with the Agreement on Port State Measures and the EC Catch Documentation regulation. A participant from Cambodia followed up by pointing at the difficulties that might occur for some countries to implement the requirements of new instruments since it is not clear to what extent existing national legislations and instruments are sufficiently well structured to support the implementation, Furthermore, if new laws or regulations need to be developed, consideration should be made to the fact that in the region it usually takes some time before new national legislations and instruments could be approved at the central government level.

13. The Consultation noted the need for the countries to focus their respective national policies towards combating IUU fishing and to incorporate more stringent measures into national laws, regulations and rules as needed depending on existing national structures and the fishery of the country to more effectively assume port state – and flag state – responsibilities. This would also allow the countries to meet the requirements of the Agreement on Port State Measures and to promote their exports by responding to the EC regulation. The countries would, through strengthened capacity, be able to monitor and validate compliance with regulations supporting efforts to combat IUU fishing. However, considering the present status of the national policies and procedures, there is a need for capacity building, and strengthening of relevant institutions, to enable the countries to implement the abovementioned measures and requirements. In this regard, the participant from Australia informed the Consultation that it will consider assisting the member countries of the RPOA and perhaps later on, assistance could also be extended to the other countries in the region (note that eight of the ASEAN Countries are members to the RPOA initiative).

V. Updates on international conventions relevant to fishing registration and licenses for fishing (vessel, gear and people) and the institutional implications

14. *Dr. Simon Funge-Smith, FAO/RAP-APFIC* presented the current status of the Agreement on Port State Measures, by informing the Consultation that at present 16 FAO member countries have signed the Agreement. The Agreement will come into force once it is ratified by 25 countries. He reiterated that in order to show national commitments to combat IUU fishing, countries should consider signing the Agreement and subsequently ratify it when legal and institutional functions are in place. He also informed the Consultation that a new initiative had been developed by FAO on the development of the “FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels” which, when established, could track the identity, ownership and operations of fishing vessels (**Annex 8**).

15. He further informed the Consultation that the Global Record initiative could, when further established, also support MCS efforts as it could easily provide information on IUU

fishing vessels that have been “black listed” in the Record. In this regard, he reiterated the need to upgrade and expand national vessel records as all types of vessels could be involved in the movement of fish, whether legal or illegal. Furthermore, the Global Record will have to rely on inputs from the national vessel records. He also informed that the FAO through SEAFDEC could assist the member countries in developing their respective NPOAs for IUU fishing and for capacity management. The implementation of NPOAs could contribute to the development of the Global Record of Fishing Vessels and other initiatives.

16. *Ms. Brenda Pimentel, IMO* gave a summarized update on international conventions relevant to fishing vessel registration and licenses to fish for vessels, gear and people. She explained that the major instruments that deal with safety of fishing vessels are the Torremolinos Protocol of 1993, and the Standards of Training Certification and Watch-keeping for Fishing Vessel Personnel (STCW-F), the ILO/FAO/IMO guidelines for training and certification of fishing vessel personnel. She added that the IMO sub-committee on fishing vessels has proposed model regulations which could be incorporated in the national legislations, which are intended for smaller vessels presently not covered by the IMO conventions. The presentation appears in **Annex 9**.

17. During the discussion, it was explained that to be informed on the vessels not included, or included, in the IMO conventions it is important to look at each of the Conventions. Conventions such as MARPOL is applicable to **ALL** vessels while other Conventions on safety aspects, etc indicates more defined length requirements. However, when incorporating the provisions of IMO (and other) Conventions countries can chose, like Vietnam, to make them applicable also to smaller vessels. Moreover, in order to facilitate the process for the countries to be able to develop their respective NPOAs, the participant from Cambodia suggested that SEAFDEC (together with IMO) should compile the relevant IMO conventions for the information of the countries in the region.

VI. Areas of central importance to manage and control fishing, fishing capacity and fishing efforts (vessels, gear and people) including institutional responsibilities

a. Fishing vessel registration and fishing licenses (vessels, gear and people) and institutional and legal responsibilities – including safety at sea aspects

18. *Mr. Pierre L. Velasco, RFPN Member for the Philippines*, presented a summary of the Information on Vessel Registration and Licensing Procedures for Fishing in Malaysia, Philippines and Vietnam (**Annex 10**), and summarized the initiatives of SEAFDEC with support from the Swedish International Development Cooperation Agency (Sida) with regards to the promotion of fishing vessel registration, and the build-up of a fishing vessel record and inventory. He informed the Consultation that the presentation covered only the three countries considering the “representativeness” of their respective institutional structures in providing good examples or models in terms of fishing vessel registration and fishing licensing.

19. The three examples are **Malaysia** as an example where the mandates for fishing vessel registration and to issues licenses to fish are both with the Department of Fisheries (during earlier meetings the Malaysian system were considered a good model); the **Philippines** where the mandates for fishing vessel registration and to issues licenses to fish lies with different departments/ministries, furthermore Philippines include recognition of good working

conditions as a requirement licenses to fish to vessel owners, Philippines also have well defined rules to be applied within local government units; Vietnam is another where the mandates for fishing vessel registration and to issues licenses to fish lies with one Ministry (Ministry of Agriculture and Rural Development, MARD). Vietnam is interesting in that it has chosen to apply provisions of IMO Conventions also to smaller vessels than those indicated in the Conventions, furthermore Vietnam has a defined responsibility of the local People's Committee (with support of MARD) in registration and licensing at local level.

20. Considering that some countries are more far ahead and advanced in initiating the implementation of processes to register fishing vessels and to issue licenses to fish (vessel, gear and people), one participant from Vietnam suggested that the experiences of such countries could be shared with other countries in support of efforts to update and modify their respective registration and licensing systems. The Consultation indicated that the establishment of “one-stop center” for registration of fishing vessels and licensing would facilitate coordination and implementation of actions to combat IUU fishing. However, given the fact that legal provision in some countries has the mandates divided between different agencies to handle fishing vessel registration and the process to issue licenses to fish it was also suggested that close linkage and cooperation among the agencies concerned should be strengthened. Regarding the registration process, the representative from Cambodia suggested that in the registration form, vessels fishing in inshore waters should be distinguished from vessels fishing further offshore areas (as in Malaysia and some other countries).

21. *Ms. Brenda Pimentel, IMO* presented the basic requirements on safety, pollution protection and requirements to carry the flag of a country (**Annex 11**). She explained that the rationale of fishing registration is to monitor and control flagged vessels as part of the technical and administrative responsibility of the flag state. This is also aimed at strengthening the vessel registry, enhancing the economic, political and social aspirations of the state to maximize economic benefits, and confirming their compliance with international commitments. She suggested that increased advocacy should be made for the fisheries sector specifically in the registration of fishing vessels as means of reducing IUU fishing in the region. This would mean reviewing the existing legislations, institutions and legal structures of the countries and enhance cooperation among the agencies involved in regulating the fisheries-related activities. Moreover, she also reiterated that countries should consider ratifying or committing to ratify and implementing various instruments aiming to combat IUU fishing in the region.

b. Vessel record and inventory

22. *Ms. Piyawan Hussadee, RFPN Member for Thailand* presented the status of the development of fishing record and inventory to improve the management of fishing capacity in the Southeast Asian region, which was initiated by the SEAFDEC-Sida Project (**Annex 12**). In support of a process to develop the regional fishing record and inventory, SEAFDEC has introduced the survey forms for fishing vessel record and inventory (large and small scale) to the countries in the region. Initial feedback from the survey indicated differences in systems for fishing vessel registration and for the issuing of licenses to fish (vessels, gear and people) among countries in the region. These differences have led to a difficulty in coordinating the gathering of information on registration and licenses, especially in countries with divided institutional responsibilities.

23. In the discussion, one of the participants from Thailand suggested that considering the differences in the countries' structures, it would be necessary to "build upon the existing information based on the formats available in each country" as suggested during the presentation. In the process however, there is a need to look into the elements of information provided in existing frameworks with a view to harmonize the formats. Furthermore, there is a need to find a common understanding on definitions and especially on the descriptions of "vessels" taking into consideration the FAO definitions shown in the Agreement on Port State Measures.

24. Subsequently, the Consultation suggested that the countries should submit the information on their respective total aggregated numbers of fishing vessels based on their respective existing format and reporting routines in order that SEAFDEC could shape a general picture of the available vessels in the region. Furthermore the countries were also requested to submit to SEAFDEC and RPOA SEC their existing available formats and for SEAFDEC to try to harmonize the information requested in the formats. The countries were also encouraged to submit their inputs to the FAO Global Record as requested from FAO.

c. Catch Documentations – schemes available to register catches (log books, etc.)

25. *Ms. Pattaratjitt Kaewnuratchadasorn*, SEAFDEC Secretariat provided a brief introduction to models for catch documentation available in the region. In doing so she highlighted that catch documentation is a key to effective fisheries management and for traceability of fishery products. In order to respond to stronger international requirements for catch documentation she encouraged the countries to review, and as necessary to strengthen the requirements for catch documentation in the respective countries' national legislations.

26. *Mr. Bambang Ariadi, Indonesia* presented the model for catch documentation as well as the management system to control fishing effort and capacity in Indonesia. He informed the Consultation that improvement of the logbook system in Indonesia had been carried out especially for longline, handline and other gears. In promotion of improved catch certification systems Indonesia has so far designated 50 fishing ports with authority to validate catch documents and other certifications as necessary. Considering that Indonesia has already signed the Agreement on Port State Measures, he informed the Consultation that efforts had been made to introduce the activities to be carried out under the Agreement to stakeholders. Moreover, in preparation for the ratification of the Agreement, the country has been conducting human resource development for officers who would be involved in the implementation of the Agreement.

27. *Mr. Thi Ha, Myanmar* informed the Consultation that the country is also promoting the management of fishing capacity for marine capture fisheries in order to combat IUU fishing. He added that fishing vessel registration is under the responsibility of the country's Department of Marine Administration (DMA), which also inspects all vessels based on the IMO regulations, while the country's Department of Fisheries takes charge of training for fishing vessel personnel. Many agencies are involved in inspection procedures such as the immigration, ports authority, customs, police force, etc. For catch documentation a product movement document (PMD) is being complied with in connection with fisheries operations. The country's inadequate MCS system has constrained the promotion of a formal catch documentation scheme throughout the country. The constraints are linked to limits in the capacity of the communication systems that presently cannot cover the country's long

coastline, and furthermore there were shortcomings in standards and facilities at ports and landing facilities in many parts of the country. He suggested that the MCS system should be enhanced as this is important for the effective implementation of fisheries management measures in Myanmar.

28. *Dr. Kamonpan Awaiwanont, Thailand* presented the catch documentation scheme adopted in the country. He explained the flow of fish which originates from three main sources, namely: Thai vessels fishing in Thai waters; Thai vessels fishing offshore, and foreign vessels under joint ventures with Thailand landing their catch in the country's ports. Two types of catch certification scheme are being adopted; one for vessels less than 20 GT and another for 20 GT or greater. The schemes are based on the fishing logbooks, marine catch trans-shipping document, and marine catch purchasing document. In addition, he informed the Consultation that for vessels 20 GT or greater, the catch certificate must be issued by the Bangkok or Songkhla Fisheries Inspection Center, but for vessels less than 20 GT, the catch certificate must be issued by the provincial authorities.

29. The presentations, and subsequent discussion, provided important aspects on actions to take and a specific point related to follow up on catch documentation and landings in neighboring ports. Direct suggestion was made to follow up on the presentations by participants from Thailand and Myanmar, respectively, in order to see if some joint arrangement could be developed in the border areas between Thailand and Myanmar. This could be done by SEAFDEC through a sequence of on-site events and sub-regional consultations. It was indicated that similar efforts could be done in other border areas.

d. Port monitoring (including monitoring of landings by vessels from neighboring countries)

30. *Mr. Awwaluddin, RFPN Member for Indonesia* presented the status of Port Monitoring in selected Southeast Asian countries in follow up on an initiative of the SEAFDEC-Sida project to monitor landings from neighboring countries (**Annex 13**). He explained that in order to establish and enhance port monitoring mechanisms, it is necessary to establish good cooperation among all relevant sectors and institutions, as well as among neighboring countries. He added that port monitoring is required to monitor local and foreign vessels to validate and support the increasing requirements for catch traceability and documentations.

31. *Hj Ahmad Saktian Langgang, Malaysia* presented the outcome of the Port Monitoring Techniques Workshop which was held in Penang, Malaysia on 15-17 June 2009 (**Annex 14**). The venue of the workshop was selected considering the presence of two types of ports, one for tuna landing and another for other fish landing. However, no on-site training could be conducted during the workshop as there were no landings by foreign vessels so the participants were able to observe only the landings of catch from local vessels. In general, the workshop recommended that countries should review their existing domestic laws and develop a training program for port inspection and enforcement.

32. During the discussion, one participant from Thailand reiterated the need to develop a mechanism or set of standards for port inspection and port monitoring that would clarify the measures the port states have to take, and how that relates to the measures that the flag states of the region has to take in order to combat IUU fishing. Considering that the lack of training and of skills of personnel has been identified as one of the problems that led to the deficiency in

national capacity to improve the port management capacity including port inspections as needed from time to time the need to develop a relevant training program, building upon the “guidelines for training of port inspectors” that is annexed to the FAO Agreement on Port State Measures, was emphasized in order to improve the capacity of personnel, including port inspectors, working at key fishing ports in the region.

33. Ms. Brenda Pimentel, IMO added that with regards to national capacities in combating IUU fishing, IMO conducted an assessment of the capacities of the ASEAN countries in 1998 and came up with the needs of each country to interpret the international requirements and regulations. At present, the IMO is conducting an audit on how the countries are complying with such regulations. These measures could be pursued to determine the level of capacity of the countries in complying with the various requirements.

e. Certification schemes – to address the range of items that might need to be certified, by whom and how (catches, landings, environmental, social/labour, etc.)

34. *Dr. Simon Funge-Smith, FAO/RAP-APFIC* presented a Summary of Certification Schemes Relevant to Combat IUU Fishing (**Annex 15**). He emphasized the need to implement market-based measures by removing economic incentives for fish been caught illegally, which can be determined through proper catch documentation scheme. Other approaches such as port state measures, eco-labeling, traceability, etc. would allow the tracking of non-IUU fishery products. In this regard, he suggested various actions that could be considered for the future outlook of fisheries in the region. These included the adoption of a generic audit scheme for the implementation existing system food safety requirements; promotion of social certification by educating the stakeholders on how to fish responsibly; using a branding system to promote sustainable fisheries, among others.

35. He also suggested that this is the most opportune time to start all actions to address IUU fishing otherwise the resources would be most degraded affecting the socio-economic well-being of the fisher-folk. He recommended that actions could be prioritized, and that development of NPOAs could serve as a strong tool to address the problems taking into consideration the fact that well-managed fisheries could ensure sustainable fish trade.

VII. Monitor Control and Surveillance – development of MCS Networks (based on existing initiatives in sub-regions of Southeast Asia, linking RPOA, ASEAN, SEAFDEC)

36. *Dr. Aung Naing Oo, RFPN Member for Myanmar*, made a presentation on the process that has been initiated to develop MCS networks in selected sub-regions in Southeast Asia (**Annex 16**). He reported on dialogues that had taken place at bilateral and multi-national levels, calling upon cooperation and coordinated implementation of both flag state and port state responsibilities and needed control measures to be able to monitor, control and record all fishing activities and address IUU fishing. He emphasized on the need to have a common understanding of the definition of M (monitoring) which deals with data collection and analysis; C (control) which involves legislations and administrative ordinances; and S (surveillance) which deals with the law enforcement activities. He added that MCS with its important sub-sets (M, C and S) is an important tool in keeping track of the implementation of fisheries management plans and enforcement (combating IUU). To be effective MCS system,

or network, is developed based on not only the traditional monitoring and enforcement activities but also the development and management of modern data collection techniques in addition to the importance to build upon local organization and traditional knowledge to be effective at community level.

37. During the discussion the RPOA Secretariat informed the Consultation that during the 1st Sub-regional MCS meeting on the Arafura-Timor Seas the participating countries identified the IUU fishing activities of special significance to that sub-region which included illegal fishing and unauthorized trans-shipment of catch. During the 2nd Sub-regional meeting on the Southern and Eastern Area of the South China Sea and the Sulu-Sulawesi Seas the participating countries identified the needs and gaps of the countries to be addressed in order to effectively implement the MCS and to develop the MCS network.

38. One participant from Indonesia reiterated the importance of MCS systems to combat IUU fishing. Specifically with regards to the “S” (surveillance) Indonesia has been working closely with neighboring countries such as Australia and Malaysia to improve surveillance capabilities for IUU fishing activities. Considering that surveillance concerns collective efforts among neighboring countries, the Consultation suggested that the “terms of reference” of a suitable MCS system should be reviewed and that SEAFDEC and RPOA should come up with a synthesis on the common requirements for an MCS system that are taking into consideration the legal and institutional requirements or limitations facing each of the countries. A matrix on the institutional and legal arrangements in each of the countries could be useful in this process – as initiated by SEAFDEC.

39. At different agenda points references were made to the importance to work at sub-regional level and there were some concern that different initiatives (SEAFDEC, RPOA, ASEAN, APFIC, etc) should refer to sub-regions that were similarly defined in terms of countries involved. In order to make the efforts of neighboring countries more effective allowing for common approaches to be developed in cooperation among countries the sub-regional areas should be clearly defined in agreement with countries within the sub-region as well as with an understanding of countries of adjacent sub-regions. This could be one matter to also bring up during the forthcoming RPOA Coordinating Committee Meeting. It could even be considered to establish more “sub-regions” where there are common needs to implement MCS-networks.

VIII. Relevance and scope of a regional approach and regional (and sub-regional) cooperation (initiating discussions among countries definitions, legal implications, etc, including capacity building, information sharing and involvement of legal officers)

40. The Consultation discussed the scope of a regional approach and cooperation and looked at the measures that are most suitable for the region considering the need to move beyond the aforementioned documents and requirements and to find common grounds to combat IUU fishing in the region. All through the consultation the importance of regional approaches have been emphasized with an additional weight being given to the importance to develop agreements at sub-regional level and MCS networks to be built upon to promote common understanding among involved countries. This is further underlined by comments made in earlier sessions that in the region and in sub-regions countries are both “port states”

and “flag states” and both aspects need to be addresses in developing a common understanding – and by doing that countries will be better placed to live up to the new “requirements” to combat IUU fishing.

41. The work, policy expression and commitment by ASEAN, FAO/RAP-APFIC, RPOA (Secretariat), SEAFDEC and other organizations with the involvements of countries in the region are further testimony to the importance given to the regional approach. In the discussion the need for capacity building were raised, all through the Consultation, and SEAFDEC, FAO/RAP-APFIC, RPOA Secretariat and other organizations were asked to consider providing capacity building activities to enhance the capabilities of the countries in promoting sustainable fisheries management and eventually in combating IUU fishing. The specific needs of developing countries with the need for strengthened capacity are also recognized in the two new instruments (FAO and EC respectively), in areas such as port inspection, aiming at combating IUU fishing.

42. Another important aspect that was discussed, starting with a question from a participant from the Philippines that sought clarification on how to deal with artisanal and small-scale fisheries including specific classification needs in order to comply with the new requirements to combat IUU fishing. Reference had already been made earlier in that the Agreement on Port State Measures had specific provisions for artisanal fishing vessels landing across boundaries. A participant from Singapore mentioned that specific classifications would not be relevant for Singapore as there are only few fishing vessels in the country instead he mentioned that the initial challenge for the countries would be on how to interpret any new requirements needed to combat IUU fishing as indicated in the two (FAO and EC) recent instruments.

43. This was followed up by one of the participants from Thailand that reiterated the unique characteristics of fisheries in the region being basically “small-scale and multi-gear” and one of the important challenges is to look at the legal and institutional implications and countries need to review what’s already there in existing regulatory framework and adjust as needed. There are some funds available with the EU that could support studies of the legal structures and implications of enhanced combating of IUU fishing through a strengthened responsibility for the port state. Furthermore, one participant from Vietnam expressed the view that even if the countries try to modify the regulations to fit schemes set up outside of the region they might face constant adjustments making it difficult for the countries to cope with the fast changes and development in “external” regulations. He suggested that the best way for the countries to adapt to new requirements would be to learn from other countries in the region and to build up a structure that fits your own regulatory framework. Sharing of information should be further enhanced while capacity building should be continuously improved.

44. The Consultation agreed, or was of the opinion, that personal and institutional capacity in all aspects especially in terms of improving fisheries management including port monitoring, MCS related matters, etc should be strengthened; information sharing in the region should be further improved especially, among other things, on procedures relevant to the small-scale fisheries in the region to verify the legality of artisanal/small-scale fisheries. The prime priority would not be to try to “classify” artisanal/small-scale fisheries but rather to review of the existing formats used in monitoring fishing activities in the region and coordinate among countries (bilaterally or in sub-regions) to be able to agree on the validation/certification routines, including landings across boundaries, to ensure a transparent and just confirmation that catches and landings are not subject to IUU fishing.

45. The value and opportunities in developing criteria, standards or guidelines applicable to the region taking into account the common characteristics of fisheries in the region while recognizing the specifics of the sub-regions (as indicated by the sub-regional “issue” matrices developed under the RPOA) was recognized to facilitate common approaches to combat IUU fishing. One participant from Cambodia suggested that in the development of guidelines/criteria reference should be made to other existing guidelines/frameworks that could be modified to take into consideration the unique characteristics of fisheries in the region and its sub-regions. In developing criteria for regional and sub-regional action national laws and other relevant structures of the individual countries should be taken into consideration. Furthermore, one participant from Thailand suggested that there is a need to promote a focus on criteria to combat IUU fishing in which case there is a need to establish a regional standard for combating IUU fishing in the region.

46. A participant from SEAFDEC TD informed that they were in progress of preparing for a project, or initiative, that would have a major focus on develop guidelines suitable to processes to combat IUU fishing (with possible support from the Japanese Trust Fund). The Consultation responded positively to this initiative as was reiterated in direct responses and further interventions during the meeting and points referred to during this Consultation should be considered as deemed appropriate during the envisaged consultative process.

47. Furthermore it was suggested that in establishing suitable criteria to promote cooperation among countries in the region to combat IUU more dialogues should be convened at the sub-regional levels, taking into consideration the unique characteristics of fisheries in the region. This would also allow for an improvement of standards in the region corresponding to the international standards such as those indicated in recent instruments (FAO and EU). An ambition stated earlier in the Consultation is that trading among Southeast Asian countries should follow international standards this would also facilitate the promotion of exports and trade with countries outside of the region – including the EU countries. Thus, if there are common standards for the Southeast Asian region, all countries will have to follow those standards once they are adopted in relevant fora. The sub-regional mechanisms of Southeast Asian, that were suggested to be used for dialogue on suitable criteria, could also be used to review the development on cooperative mechanisms, such as the development of MCS networks, applications of port state responsibilities and applications of flag state responsibilities based on recommended criteria and standards.

48. Moreover, the Consultation emphasized that effort to cooperate with common ambitions to “prevent, deter and eliminate” IUU fishing in the region could also prepare the fisheries sector to be a more responsible sector when the ASEAN Community comes to a realization in 2015.

49. One participant from Indonesia suggested that the introduction of a tracking system and means of transferring of data could be introduced as means to combat IUU fishing in the region. Moreover, he suggested that since a satellite system could be expensive, countries could use other means of tracking such as daily-data record as used in Indonesia where all fishing vessels are required to have it onboard. This system records all data of the boat including its position and movement, and upon entering a port, GPRS connections would allow the data to be downloaded. The recoded data can then be verified as to the source of the catch as shown in the logbook.

50. One participant from Cambodia suggested that a clear distinction should be made with regards to marine and inland fisheries, respectively, considering that measures to combat IUU fishing are also needed for inland fisheries. In agreeing to the need to address inland fisheries the chair suggested that a review, or survey, should be made to assess and describe the features of IUU fishing in inland waters.

51. The increasing attention being given to social aspects (in communities and among the migratory work force) and working conditions (on vessels, in post-harvest and processing industry) was touched upon during the Consultation. The requirement in Philippines to guarantee the treatment of crew in accordance with Philippine labor laws before issuing a license to fish has been mentioned earlier. One participant from Malaysia made a specific point on the need to include social certification in the routines of countries in the region considering that there are requirements in a range of international/national instruments (IMO, ILO and the EC) with regards to regulations pertaining to hygiene onboard (HOB) as well as other social/labor aspect. This means, for example, that vessels should have sanitary facilities and while onboard vessel personnel should wear uniforms and pair of boots, which is not usually practiced in most fishing vessels in the region. In addition labor requirements and requirements on the status of migratory workforce is a priority concern for the ASEAN Socio-cultural Community.

IX. Indications and perspectives for the promotion of regional cooperation, drawing upon lead countries of existing regional initiatives and consultative bodies, such as AFCE, RPOA and others

52. The Consultation discussed elements facilitating the promotion of cooperation in the region highlighting the importance of defining objectives (such as combating IUU fishing) and driving factors to build upon in boosting regional and sub-regional cooperation. The Consultation reiterated that efforts should be made to seek coordination among existing, and upcoming, initiatives to avoid unnecessary duplicating by strengthening efforts to achieve targets common to the region. In the process of developing structures for cooperation it is essential to define the point and modes of linkage bearing in mind the different nature of initiatives and projects (such as inter-governmental, project based, voluntary arrangement, sub-regional, regional, bilateral, etc). In processes to strengthen the regional and sub-regional cooperation the Consultation suggested that the inadequate institutional links, at national and regional level should be addressed. In doing that, building upon existing sub-regional initiatives/frameworks could be a starting point by strengthening institutions and institutional cooperation within those frameworks and initiate others in sub-regions where it would be appropriate.

53. Building up of MCS-networks has been indicated at several interventions during the consultation as a central element in regional/sub-regional development to combat IUU fishing. In this connection, one participant from the RPOA Secretariat indicated that matrices identifying key issues requiring attention in building up of MCS-networks have already been developed for the three sub-regions defined under the RPOA. Furthermore, the Consultation was informed that SEAFDEC has started to develop institutional “MCS-matrices” indicating key institutions, reference to national legal provisions, etc for two sub-regions. Both of the RPOA and SEAFDEC initiatives are valuable tools in further developing MCS-networks in sub-regions and should be further developed.

54. The legal and institutional implication in developing MCS-networks and to embark upon regional cooperation, implying increased port state responsibilities as well as a further pressure on flag states in the context of regional cooperation was highlighted during the Consultation. More specifically a participant from Thailand reiterated the importance and value of having a continued process to facilitate consultative dialogue among legal officers to share, at sub-regional/regional basis, perspectives of the respective legal and regulatory framework in terms of developing MCS-networks and to implement efforts to combating IUU fishing. A participant from Malaysia further emphasized the need to involve legal officers in the process to promote regional cooperation considering that the countries have different laws and regulations. However, in this aspect the lawyers should also consider looking at the concerns from various points of view including technical aspects. While agreeing to the aforementioned suggestion, the participant from IMO recalled the difficult processes that the IMO had undergone during the development of the various convention documents and suggested that the countries could look into the IMO experience as reference and as needed seek assistance from IMO to support improved awareness and capacity building.

55. While agreeing that the region lacks capacity building in terms of legal aspects a participant from Thailand suggested that capacity of the legal counsels in the region should be enhanced by involving the legal officers during the processes of various dialogues as well as during the development of the regulations, criteria, standards and/or guidelines. He added that in improving the expertise of the region a program should be developed to promote capacity building of all stakeholders including technical persons, scientists, policy makers, legal officers, inspectors, economists, and the like.

56. A strong suggestion by the Consultation was that close coordination and cooperation should be further enhanced in order to enhance the capacity of the stakeholders within countries and between countries at regional, sub-regional or bilateral levels. In this regard, the Consultation also strongly recommended to mobilize all existing initiatives such as those of the ASEAN Fisheries Consultative Forum (AFCF) and ASEAN-SEAFDEC Fisheries Consultative Group (FCG), the RPOA, FAO/RAP-APFIC, Mekong River Commission (to follow up on IUU in inland fisheries), SEAFDEC, etc in strengthening the regional cooperation to pursue the common ambition to combat IUU fishing. A key challenge to ensure coordination at various levels is the involvement of countries in the region and in moving in that direction it was suggested that relevant lead countries for key clusters in the AFCF work plan should be mobilized. The lead countries would also be responsible to report back on progress to the AFCF.

57. AFCF Key clusters and responsible lead countries that was specifically indicated (by the chair) to be mobilized in the follow up of recommendation include: Indonesia – combat IUU fishing; Malaysia – management of fishing capacity and sustainable fisheries; Thailand – international trade related issues; and Lao PDR – capacity building. In follow up to actions to be taken SEAFDEC will communicate with those lead countries to discuss further steps. The process would include the involvement of the RPOA SEC and other units as suitable.

X. Plenary discussion on concerted efforts to improve monitoring, control and management of fishing capacity (larger and smaller scale) and handling of fish products in support of combating IUU fishing

58. The participant from FAO/RAP-APFIC emphasized the importance of the involvement of representatives from maritime authorities of the countries to a larger extent be involved during technical consultations such as being done in this Consultation. This in consideration of the fact that in many countries with multi-sectoral delineations, registration of fishing vessels often is under the responsibility of the maritime authorities while licenses to fish are provided by fisheries authorities.

59. Earlier on suggestion were made to build upon lead countries for “key clusters” in the AFCF work program and considering that “capacity building” has been identified as one of the most important aspects in order to strengthen the positions of countries in the region to improve fisheries management and to combat IUU fishing this places Lao PDR in a central and important position. The participant from Lao PDR noted the challenges ahead for Lao PDR and requested SEAFDEC, other relevant organizations and participating countries to ensure that Lao PDR is included in the regional dialogue on capacity building to be able to actively monitor such efforts and to be able to report on progress to the AFCF and others. Furthermore, she informed the Consultation that the first fisheries law of the country has just been developed with assistance from FAO and that Lao PDR could share experiences from the process of development. She also emphasized that the country could apply some of the lessons learned from the Consultation.

60. The importance to strengthen regional cooperation and to build up MCS-networks to combat IUU fishing has been emphasized during the Consultation. Furthermore the RPOA Secretariat highlighted the need for regulations and strengthened national laws on trans-shipment. They also reiterated earlier point raised during the Consultation in that there is a need to evaluate/assess the limitations of, and options for national laws to deal with the combating of IUU fishing

61. With a special focus on MCS applications at the local level one participant from Thailand suggested that reference could be made to the experiences generated through the Coastal Habitats and Resources Management (CHARM) project in southern Thailand (supported by the EU). Through human resource development and increased awareness, the capacity of the local communities had been strengthened to do monitoring and surveillance of all fishing activities in their area. Although MCS could be difficult to implement, the involvement of all stakeholders in the process could promote better understanding of the need to implement the MCS. However, it would also be necessary to adjust the envisaged MCS activities to be suitable to the local level for the benefit of all stakeholders in the communities.

62. Moreover, the Consultation while recognizing 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 such local initiatives, both traditional and project based, in order to provide information to the countries in the region on best/good practices that work at a given local area, as well as practices that have not worked at a given local area. The information need to include reference to the basic requirements or reasons to why it is been working and similarly reasons for “failure”. The countries could learn from such lessons and adapt the most appropriate approach as necessary to the specific circumstance in the country/local area. In an effort to share experiences among areas/communities one participant from Thailand informed the Consultation that the experience from the CHARM project is now being transferred to the Thai Andaman Sea communities. The objective is to strengthen the adoption of the MCS system at local level and also to develop the least cost VMS using the

signal used in mobile phones. It is envisaged that this activity which involves low-cost systems of monitoring and surveillance could also improve safety at sea of small-scale fishing boats.

63. The Consultation highly emphasized the need to ensure participation at all levels and it was suggested that participation should be an integrated part in policy-making processes by allowing the stakeholders including (local) fisher-folk to take part in consultative processes leading to drafting of relevant regulations. Furthermore, based on a comment by a participant from SEAFDEC/TD, the need to involve the fishing industry in the development of the relevant regulations was emphasized, considering that the industry and fishers (on larger vessels) and (migratory) fish-workers could fill in on knowledge gaps and provide inputs to strengthen action points on various aspects related to fishing activities – and thereby provide a basis for improved regulatory frameworks. (The involvement of the fishers could be crucial since some of them might be doing IUU fishing and thus could provide views from the different perspective.) The involvement of people involved in fishing (smaller scale/tradition or larger scale; marine or inland) would make applications of regulations and implementation at various levels much easier.

XI. Other matters

64. *Mr. Kenji Matsumoto*, The SEAFDEC Program Manager of the Japanese Trust Fund (JTF) and Deputy Secretary-General presented an overview of the JTF project in SEAFDEC for 2011 and onwards. The project focus is on the “Promotion of Sustainable Fisheries and IUU Fisheries Related Countermeasures in Southeast Asia” which will be implemented by concerned SEAFDEC Departments aimed to improve information gathering systems on IUU fishing activities; promote fishing license, boat registration and port state measures; enhance human resource development for sustainable fisheries; strengthen the SEAFDEC network for sustainable fisheries; improve existing programs on fisheries management; and promote IUU fisheries-related countermeasures.

65. The Consultation expressed the gratitude to the Government of Japan through the JTF program in SEAFDEC for the planned implementation of the aforementioned project as it could help in addressing IUU fishing activities in the region. In this regard, the countries were encouraged to provide assistance and to be actively involved in the project.

XII. Recommendations, summary and follow actions

66. In summary, the Consultation indicated the following recommendations (a more elaborated versions is available in Annex 17):

A. General points

- i) Strengthen cooperation and build upon the lead countries for AFCF “key clusters” under AFCF framework
- ii) Establishment of National Plan of Action (NPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing with involvement of multi-sectoral concerned agencies.

- iii) Prioritization of the issues of the Regional Plan of Action (RPOA) to combat IUU fishing in the region (for the RPOA Secretariat to bring up during Coordinating Committee).
- iv) Establishment of a regional network/hub to facilitate the compilation of information on blacklisted vessels or vessels that are known to practice IUU fishing.
- v) Strengthen information sharing on the initiatives of the countries in combating IUU fishing, especially on classification, procedures, etc. relevant to large scale fishing in the region.
- vi) Strengthen information sharing on the initiatives of the countries in combating IUU fishing, especially on classification, procedures, etc. relevant to smaller scale fishing in the region.
- vii) Development of a common mechanism to improve and combating IUU fishing.
- viii) Establishment of regional (and sub-regional) guidelines/criteria/standards for combating IUU fishing through improvement fisheries management.
- ix) Providing assistance to national institutions in strengthening fisheries management framework with the aim of eliminating IUU fishing.
- x) Strengthening the national capabilities to in formulation of national legislation and include not only policy maker, manager but also legal officers, maritime and industry in the process.
- xi) RPOA and SEAFDEC should provide a clear definition of various vessels, such as fishing vessels, refrigerated transport vessel, supply vessels, transshipment vessels, and reefers.
- xii) Promote utilization of VMS and to develop low cost vessel tracking system suitable for ASEAN countries and incorporate in national legislation.
- xiii) Scaling up/down efforts of M, C and S and as practical include local level initiatives and promotion of community-based MCS.
- xiv) Promotion of measures to combat IUU fishing in inland fisheries.

B. Specific points to the areas of central importance to manage and control fishing, fishing capacity and fishing efforts (vessel, gear and people) including institutional responsibilities.

I. Fishing vessel registration and fishing license (vessel, gear and people) and institutional and legal responsibilities including safety at sea aspects

- i) Fishing vessel registration and fishing license should be clear defined especially to the fishers and relevant stakeholders.
- ii) SEAFDEC should update the fishing vessel registration and fishing license flowchart and institutional responsibilities to cover all the ASEAN member countries.

II. Vessel record and inventory

- i) Countries to submit their respective existing fishing vessel registration and licensing formats to SEAFDEC and RPOA SEC for consolidation and for SEAFDEC to harmonize the format and send back to the SEAFDEC Member Countries for their consideration before the next FAO Technical Consultation on Global Record of Fishing Vessel in November 2010.

- ii) In the development of fishing vessel record and inventory, there should be a multi-sector involvement of concerned agencies such as maritime departments.
- iii) Countries to submit to SEAFDEC their respective total number of fishing vessels by national categories in order to have a complete picture of the status of fishing capacity of the region.

III. *Catch documentation schemes available to register catches (log books, etc.)*

- i) Countries to share good examples of the approaches by agencies and industry to improve catch documentation and to combat IUU fish (thereby complying with the PSM and EC requirements).
- ii) SEAFDEC/TD should develop appropriate training program for trainers on the implementation of the catch documentation scheme.

IV. *Port Monitoring (Including of landings by vessels from neighboring countries)*

- i) Common criteria/guidelines on port monitoring should be set up taking into account the PSM that could be used by the countries in the region to develop systems for port inspection and validation.
- ii) Development of guidelines or standard procedures for port monitoring with the involvement lawyer in the process, building upon the FAO guideline for training of port inspectors.
- iii) Strengthening national capacity building in various aspects of flag state and port state, port inspection, documentation and training for port officers and inspectors.

V. *Certification schemes to address the range of items that might need to be certified, by whom and how (catches, landings, environmental, social/labor, etc.)*

- i) Countries should consider market-based measures as tools to combat IUU fishing such as catch documentation/traceability, port monitoring/inspection and eco-labeling.
- ii) Countries should consider and examine the social and working conditions of all those producing fish and fishery products, subsequently, indicate where social certification might be option to demonstrate the legality of fisheries operations.
- iii) Countries should also consider the promotion of “branding” for products produced in sustainable and equitable way.
- iv) Noting the emerging interest in sustainable sourcing of fish meals and consequence effect on the trade of aquaculture products, which is recommended to consider certification or improve management of these fisheries.

VI. *Monitor, Control and Surveillance-development of MCS Networks (based on existing initiatives in sub-region of Southeast Asia, linking with RPOA, ASEAN and SEAFDEC)*

- i) SEAFDEC should conduct training on MCS using as reference the RPOA-endorsed curriculum or other suitable modules.
- ii) RPOA and SEAFDEC should provide recommendations on the further steps to be taken regarding the implementation of MCS network at the sub-regions.

- iii) Strengthening the cooperation among ASEAN countries at regional, sub-regional to undertake joint surveillance activities as well as with neighboring countries such as Australia, Timor Leste and PNG. Furthermore, India in the Andaman Sea and China in the Northern South China Sea/Gulf of Tonkin.
- iv) Strengthening inter-agencies cooperation at country level.

XIII. Closing of the Meeting

67. The Secretary General of SEAFDEC thanked the participants for their active participation in the Consultation. While the process to combat IUU fishing in the region is continuing, he encouraged the countries to strengthen cooperation in order that such task could be made easier. With that note he declared the Consultation closed. His Closing Remarks appears as **Annex 18**.

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OPENING REMARKS

By Dr. Chumnarn Pongsri
SEAFDEC Secretary-General

The representatives from the Swedish Board of Fisheries, Mr. Joacim Johannesson, the Asia-Pacific Fishery Commission, *Mr. Simon Funge-Smith*; representing the International Maritime Organization, *Ms. Brenda Pimentel*; and from the RPOA Secretariat;

Distinguished guests from the ASEAN-SEAFDEC Member Countries and Australia and Timor Leste;

My Colleagues in SEAFDEC; Ladies and Gentlemen, Good morning!

On behalf of SEAFDEC and the SEAFDEC-Sida project, I am pleased to be here with you and to welcome you all to this Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia.

Over the past few years, SEAFDEC has been actively supporting various processes to address the need for improving fisheries management in Southeast Asia, including the management of fishing capacity and efforts to combat Illegal, Unreported and Unregulated fishing or IUU fishing to ensure sustainable fisheries development in the region. As we all know, the concerns being raised in our region are also being echoed strongly in many global developments. Specifically, the recently adopted globally binding **Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing** as well as the regulations on **IUU Fishing** developed for the EC, contain relevant guiding principles that should be considered in our region. Thus, it has become imperative for the countries in the region to incorporate the necessary action points into their respective national regulatory systems.

During its 42nd Meeting held in Lao PDR in April 2010, the SEAFDEC Council clearly expressed the views on the importance of the sustainability of fisheries in our region and recommended that measures to combat IUU fishing should be collectively established. Towards this end, there is a need for the countries to come up with the optimum combination of measures considered as the most suitable for combating IUU fishing, taking into account the specific requirements of our region. In this context, the recommendations of the SEAFDEC Council could be considered as an opportunity for Member Countries to further strengthen their respective existing national initiatives and contribute to the promotion of the regional efforts towards sustainable fisheries management and in combating IUU fishing.

As you may be already aware of, SEAFDEC together with the Member Countries with support from the Swedish International Development Cooperation Agency or Sida has provided important opportunities for discussions on the management of fishing capacity and in combating IUU fishing at regional, sub-regional and local levels. However, in spite of such efforts, still more work needs to be done to allow the various points of view in achieving sustainable fisheries management and combating IUU fishing, to be heard. This is a task that needs immediate response as the fisheries stocks in our region are at the verge of acute degradation and could be depleted in the very near future. Hence, the main objective of this Expert Consultation is to follow-up on the recommendations and requests by the ASEAN and SEAFDEC Member Countries for us to look not only at the Agreements on Port State Measures and EC Catch Documentation or other international agreements/conventions *per se*, but rather to contemplate “beyond” the documents especially on the elements that are needed to improve fisheries

management, control fishing efforts and combat IUU fishing. At the same time, through this Consultation, the processes which had already been started since 2006, such as those that relate to addressing fishing capacity, vessel registration and vessel records, could also be looked into. Parallel with such efforts and in order to sustain regional cooperation, SEAFDEC will maintain a dialogue with the ASEAN mechanisms such as the ASEAN Secretariat, the ASEAN Fisheries Consultative Forum or AFCF, and the ASEAN Sector Working Group on Fisheries or ASWGFi as well as with the Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region and with FAO/APFIC.

Hence, we consider this occasion as the most appropriate time to develop and seek further cooperation among regional experts to arrive at a consensus for the improvement of fisheries management and combating IUU fishing in our region. In this respect, I wish to encourage all of you to actively express your views and exchange experiences during the discussions in this three-day Consultation. I certainly hope that with your contributions, the Consultation would be able to concretize the recommendations and achieve the envisaged outcomes to enable us to take further steps for the better management of fishing capacity and in combating IUU fishing in our region.

Finally, Ladies and Gentlemen, on behalf of the organizers, I would like to thank all of you for taking valuable time to come here for this Consultation. I also wish that you will have a pleasant stay in Bangkok. With that note, I hereby declare the Expert Consultation open.

Thank you once again and good day.

Annex 3

PROSPECTUS

Background

There is a growing concern among ASEAN-SEAFDEC Member States on the need to combat illegal and IUU fisheries in the Southeast Asian region. During the ASEAN-SEAFDEC Regional Technical Consultation on International Fisheries Related Issues in February 2010 in Bangkok, Thailand, Member Countries started to take a more proactive view on requirements contained among the provisions of the *Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing* as well as the *EC Regulation No 1005/2008 establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*.

Member Countries are having a more pragmatic view of these regulations, be it on Port State Measures or Catch Documentation, and while “agreeing that IUU Fishing adversely affects the ability of countries to manage sustainably their fisheries resources” views are expressed that it could be “considered as an opportunity for Member Countries to further strengthen their existing national initiatives and efforts in sustainable fisheries management and combating IUU fishing”.

The 42nd Meeting of the SEAFDEC Council held in Luang Prabang, Lao PDR in April 2010 expressed similar opinions to the views expressed in the February 2010 Consultation and emphasized that measure to combat IUU fishing is very important while indicating that countries should come up with the optimum combination of measures that are most suitable for the region, considering the specificity of the region.

There is a need for discussions among the countries on definitions, legal implication arising from the implementation of the Agreement on Port State Measures and EC Catch Documentations. SEAFDEC has specifically been requested during the SEAFDEC Council in 2010 to consider organizing a regional workshop involving legal officers of the Member Countries. It was also recommended that the relevance and scope of a regional approach should be considered for the interpretation of legal and practical requirements for the implementation of the Agreement on Port State Measures. SEAFDEC should coordinate with FAO to seek expert inputs as needed (and available).

During the February 2010 Consultation and the Council Meeting in April 2010 the Agreement on Port State Measures and the EC Catch Documentation was presented under separate agenda items but discussions, requests and recommendations reflect a general view that the basic requirements are the same, with a similar aim to deter and combat IUU fisheries. The main difference lies in their structure or legal foundation: The Agreement on Port State Measures is a globally negotiated and legally binding instrument (once it enters into force), while the EC Catch Documentation is an unilaterally developed regulation (and in that sense not legally binding to others). The common element is that they are applicable to “all” fishing vessels and landing places (including trans-shipment vessels).

In addressing illegal and unsustainable fishing practices calls are increasingly being made, as reflected during SEAFDEC Council Meetings in 2009 and 2010, that aspects such as safety at sea (IMO Conventions) and working conditions (ILO Conventions) should be addressed. Predictions of increases in storms, typhoons and hurricanes due to climate change indicate the need to look into safety at sea aspects and related working conditions. During the Council SEAFDEC was recommended to collaborate with FAO and related agencies to provide better understanding

among Member Countries on IMO and ILO Conventions and Guidelines, including relevance to artisanal fisheries operations.

The aim with this event/consultation is to follow up on recommendations and requests by ASEAN and SEAFDEC Member Countries not by looking at the Agreements on Port State Measures and EC Catch Documentation or other international agreements/conventions as such, but rather by looking “beyond” the documents and look at the elements needed to improve fisheries management, to control fishing efforts and to combat IUU fisheries while at the same time continue the process already started in 2006 and onwards to address fishing capacity, vessel registrations and vessel records. In developing this event recommendation and requests provided under different agenda points during Council, and earlier SEAFDEC, FAO, ASEAN and other meetings, have been combined into one set of recommendations and requests on improved monitoring, control and information sharing to deter IUU Fisheries. To promote regional cooperation SEAFDEC will maintain a dialogue with ASEAN mechanisms such as the ASEAN Secretariat, the ASEAN Fisheries Consultative Forum (AFCF) and the ASEAN Sector Working Group on Fisheries, (ASWGF_i) as well as the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region.

Building upon and involving ASEAN in processes to combat illegal fishing is important and key to long term success. The commitment by ASEAN Member Countries is well documented and emphasized at the highest possible level. In November 2007 ASEAN Heads of State signed the Declaration on the **ASEAN Economic Community Blueprint** and the need to “**strengthen efforts to combat illegal fishing**” was clearly stated among indicated priority actions.

Rationale and objectives of the event

SEAFDEC has repeatedly during 2009 and 2010 been requested to organize regional workshops, awareness raising, capacity-building, etc. to address actions needed to better manage fishing in support of combating IUU fisheries. These requests to SEAFDEC are in response to a growing concern among ASEAN-SEAFDEC Member States on the need to combat illegal and IUU fisheries in the Southeast Asian region. Preparing for this event falls well within the scope of earlier work and consultations (regional and sub-regional) organized by SEAFDEC on matters such as management of fishing capacity, vessel registration, vessel record and inventory, review of conventions relevant to fishing vessels and fishing crew (IMO and ILO), etc.

An important entry point to this event is the views expressed by Member Countries on the recent regulations, be it on Port State Measures or Catch Documentations, that the situation that has emerged could be “considered as an opportunity for Member Countries to further strengthen their existing national initiatives and efforts in sustainable fisheries management and combating IUU fishing”.

One of the aims with this event/consultation is to follow up on recommendations and requests by ASEAN and SEAFDEC Member Countries not by looking at the Agreements on Port State Measures and EC Catch Documentation or other international agreements/conventions as such, but rather by looking “beyond” the documents and look at the elements needed to improve fisheries management, to control fishing efforts and to combat IUU fisheries while at the same time continue the process already started in 2006 and onwards to address fishing capacity, vessel registrations and vessel records. This will help to meet a need to get a broader recognition of the importance of improved monitoring, control and information sharing to deter IUU Fisheries.

Another important target is to provide an understanding that the basic requirements of the Port State Measures and the EC Catch Documentation are the same with a similar aim to deter and combat IUU fisheries. The main difference lies in their structure or legal foundation: The Agreement on Port State Measures is a globally negotiated and legally binding instrument (once it enters into force), while the EC Catch Documentation is an unilaterally developed regulation (and in that sense not legally binding to others). The common element is that they are applicable to “all” fishing vessels and landing places (including trans-shipment vessels). Managing fishing activities and people involved in fishing through improved vessel registration, fishing licenses will in fact help to support the implementation of other international agreements/conventions (IMO, ILO, etc).

It is important to continue to highlight the distinctions between “vessel registration – fishing vessel registration – fishing licenses” while stating the fact that large numbers of fishing boats are not registered. IMO will be invited to provide further guidance on this while also providing insights and explanations to some basic requirements in terms of safety, pollution protection, requirements to carry the flag of a country, etc that are compulsory irrespective of the use of the vessel. Special reference is needed to small-scale fisheries that are not subject to any systematic registration.

In addressing illegal and unsustainable fishing practices calls are increasingly being made, as reflected during SEAFDEC Council Meetings in 2009 and in 2010, that aspects such as safety at sea (IMO Conventions) and working conditions (ILO Conventions) should be addressed. Predictions of increases in storms, typhoons and hurricanes due to climate change indicate the need to look into safety at sea aspects and related working conditions and it is an aim to show how these changes links to and needs to be addressed in the process of managing fishing capacity.

Measures to combat IUU fishing are very important and countries should come up with the optimum combination of measures that are most suitable for the region, considering the specificity of the region. There is a need for discussions among the countries on definitions, legal implication in each of the countries in order to assess relevance and scope of a regional approach and regional (and sub-regional) cooperation including development of initiatives to establish MCS-networks in the region and sub-regions.

The event will provide an opportunity to promote regional cooperation and indications should be given to SEAFDEC on the importance to maintain a dialogue with ASEAN mechanisms such as the ASEAN Secretariat, the ASEAN Fisheries Consultative Forum (AFCF) and ASWGFi, as well as the RPOA in addition to contacts with FAO/APFIC.

In preparing for the meeting and in follow up actions a special opportunity is to build upon the key clusters areas of the AFCF and “activate” lead countries for relevant key cluster areas. The AFCF activity plan indicates a number of “**key cluster areas**” for cooperation under the AFCF each of which is linked to a lead country. Efforts to combat IUU Fishing, to promote sustainable fishing practices and management of fishing capacity are all indicated as high priority areas.

Following the recommendations from the AFCF and ASWGFi Meetings in Brunei, June 2010, SEAFDEC will explore how to build upon the role of lead countries for “key clusters” in the preparation for the consultation/expert meeting, how to build upon representatives during the meeting as well as in the process of follow up actions after the meeting. The lead countries to initially be called upon would be Indonesia (Combating IUU Fishing), Malaysia (Fishing

Capacity and responsible fishing practices) and Thailand (Interim Secretariat for the AFCF and lead country for the Strengthening of ASEAN joint approaches/positions on international trade related issues). Furthermore, the Philippines would be called upon in the perspective of management of fishing capacity and sustainable fishing practices to assess improvements in adaptation and mitigation of impacts of climate change (improved safety, reduced energy consumption, etc).

Expected Outcomes

The event is building upon the scope of earlier work and consultations (regional and sub-regional) organized by SEAFDEC on matters such as management of fishing capacity, vessel registration, vessel record and inventory, review of conventions relevant to fishing vessels and fishing crew (IMO and ILO), etc and it is expected that the results and recommendations will provide further guidance for actions to take by SEAFDEC-Sida Project – including reference for the Japanese Trust Fund in the development of new projects 2011 and onwards.

The main outcome would be to have recommendations and actions to take to better manage fishing capacity and to combat IUU fisheries. Other more defined outcomes include:

- Introduction provided on ongoing initiatives in the region to combat IUU fisheries
- An understanding provided among participants that the requirements of the Port State Measures and the EC Catch Documentation are basically the same with a similar aim to deter and combat IUU fisheries.
- A general thrust agreed upon is to look “beyond” the documents and look at the elements needed to improve fisheries management, to control fishing efforts and to combat IUU fisheries while at the same time continue the process already started in 2006 and onwards to address fishing capacity, vessel registrations and vessel records. This will help to meet a need to get a broader recognition of the importance of improved monitoring, control and information sharing to deter IUU Fisheries, including the development of MCS-Networks.
- Updates provided on international developments/conventions relevant fishing capacity, vessel registrations, fishing licenses, vessel records and people involved in fisheries.
- Indication should have been provided on elements/tools that needs to be in place to manage fishing activities and people involved in fishing, such as vessel registration, fishing licenses (vessels, gear and people), etc and in the way in which implementation also helps to support the implementation of other international agreements/conventions (IMO, ILO, etc). The event will have further highlighted the distinctions between “vessel registration – fishing vessel registration – fishing licenses” (and the institutional responsibilities while stating the fact that large numbers of fishing boats are not registered.
- Responses are expected on how to progress on national and regional action, dialogue and information sharing on aspects such as:
 - Fishing vessel registration and fishing licenses (vessels, gear and people) and institutional and legal responsibilities
 - Vessel record and inventory – a special response is asked for in terms of the relevance to, at this stage, try work with a common format instead of collecting and sharing available (acknowledging the variation among countries and limited information available some countries) information and assess the data as provided
 - Catch Documentations
 - Port monitoring (including monitoring of landings by vessels from neighbouring countries)
 - Certification schemes

- Other
- The importance recognized to address safety at sea (IMO Conventions) and working conditions (ILO Conventions) in the improvement of management of fishing capacity should be addressed – including the need to look into safety at sea because of increases in storms, typhoons and hurricanes due to climate change.
- Indications and support provided to the continued development of MCS-Networks in Southeast Asian sub-regions.
- An efficient fishing control promoted, based on well functioning fishing vessel register, or registers/records, which includes all vessels and is well managed. The need being recognized to improve coordination between registration and licensing and as needed (as these tasks are often performed by different institutions, belonging to different ministries) improved cooperation between institutions.
- A process initiated for discussions among the countries on definitions, legal implication for in each of the countries in order to assess relevance and scope of a regional approach and regional (and sub-regional) cooperation. In the longer term aim for an optimum combination of measures that are most suitable for the region, considering the specificity of the region – including MCS-Networks.
- Indications provided on continued awareness raising, information sharing and capacity building, including the involvement of legal officers, with SEAFDEC to coordinate with the Member Countries and consolidate their capacity building requirements.
- Clear indications – and perspectives – on promotion of regional cooperation, including SEAFDEC, ASEAN (with ASEAN mechanisms such as the ASEAN Sec, the AFCF, ASWGFi), the RPOA in addition to cooperation with FAO/APFIC.
- Specific reference to provided on the link to the “**key cluster areas**” for cooperation under the AFCF and how to build upon the role of lead countries for “key clusters”. Through Indonesia (lead country of IUU and Secretariat for IUU) have an indication on practical coordination between ASEAN/AFCF and RPOA.

AGENDA

- Agenda 1 Opening of the Meeting
- Agenda 2 Background of the Meeting, introduction, Adoption of the Agenda and Arrangement of the Meeting
- Agenda 3 Overview of initiatives to combat IUU fishing in ASEAN and Southeast Asian Region
- Agenda 4 Common elements and basic requirements for action based on provisions contained in the Agreement of Port State Measures and the EC Catch Documentation – with a purpose to go “beyond” the documents to control fishing effort and combat IUU fisheries
- Agenda 5 Updates on international conventions relevant to fishing registration and licenses for fishing (vessel, gear and people) and the institutional implications
- Agenda 6 Areas of central importance to manage and control fishing, fishing capacity and fishing efforts (vessels, gear and people) including institutional responsibilities
- Fishing vessel registration and fishing licenses (vessels, gear and people) and institutional and legal responsibilities – including safety at sea aspects
 - Vessel record and inventory
 - Catch Documentations – schemes available to register catches (log books, etc)
 - Port monitoring (including monitoring of landings by vessels from neighbouring countries)
 - Certification schemes – to address the range of items that might need to be certified, by whom and how (catches, landings, environmental, social/labour, etc.)
- Agenda 7 Monitor Control and Surveillance – development of MCS Networks (based on existing initiatives in sub-regions of Southeast Asia, linking RPOA, ASEAN, SEAFDEC)
- Agenda 8 Relevance and scope of a regional approach and regional (and sub-regional) cooperation (initiating discussions among countries definitions, legal implications, etc, including capacity building, information sharing and involvement of legal officers)
- Agenda 9 Indications and perspectives for the promotion of regional cooperation, drawing upon lead countries of existing regional initiatives and consultative bodies, such as AFCF, RPOA and others
- Agenda 10 Plenary discussion on concerted efforts to improve monitoring, control and management of fishing capacity (larger and smaller scale) and handling of fish products in support of combating IUU fishing
- Agenda 11 Other matters (Overview of the JTF project)
- Agenda 12 Recommendation, summary and follow up actions
- Agenda 13 Closing of the Consultation

Annex 5

APFIC Overview of Initiatives to Combat IUU Fishing in ASEAN and Southeast Asian Region

Simon Fung-Smith

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SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
15-17 September 2010, Bangkok, Thailand



APFIC Overview of initiatives to combat IUU fishing in ASEAN and Southeast Asian Region



Simon Funge-Smith
Secretary, Asia-Pacific Fishery Commission,
FAO Regional Office for Asia and the Pacific

SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
15-17 September 2010, Bangkok, Thailand



- Outcomes of the APFIC Regional consultative workshop on Capacity management and combating IUU fishing in the APFIC region (Phuket 2008)
 - Recommendations and action plan developed
 - Endorsed by 30th Session

“Recognizing that there is great diversity in fisheries within the region and that IUU fishing existed in a wide variety of forms, the Commission **unanimously agreed** that:


- The APFIC member countries are strongly committed to continue their efforts to combat IUU fishing and take action against IUU-fishing.
- The APFIC members recognize the clear benefits from collaboration and coordination within the region in sharing experiences and information on actions to combat IUU fishing.
- Combating IUU fishing requires the allocation of financial resources, but these should be used wisely to keep costs down “

SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
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- Region has limited monitoring, control and surveillance (MCS) capacity and resources
 - acknowledged at the November 2007 Regional Workshop on the Implementation of the Regional Plan of Action to Promote Sustainable Fisheries Practices including Combating IUU Fishing.
- Endorsement by ASEAN Ministers
 - signing of an ASEAN-SEAFDEC Strategic Partnership (ASSP) to realize priority actions
 - Strengthening effort to combat IUU fishing stated in the Declaration on the ASEAN Economic Community Blueprint.
- Cost effectiveness of port State measures compares well with other measures
 - at-sea boarding and inspection, aerial surveillance.

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- Each of the countries establish a model port.
 - Develop an inter-agency consultation/coordination group to assist with the establishment of a model port to elaborate SOP's.
- Update legislation
 - this is often slow. If necessary subsidiary legislation or decrees must be elaborated to enable the appropriate action to be taken (regional legal group may assist).
- A key step in initiating this process is the commitment to start the development of an NPQA for IUU.
 - this will clearly show where gaps lie and enable clearer prioritization of actions
 - as well as needs for resourcing from national budget.
- This would also indicate training and capacity building requirements
- Training is a clear requirement
 - dedicated courses could be developed within ASEAN/SEAFDEC framework
 - [FAO might strongly assist with the development of this] or through regional fisheries colleges.
 - It would be possible to develop on-line training (using case studies and examples of how to fill forms, make reports etc. this would enable the accreditation of officers to be undertaken more rapidly and give opportunity for continuing training.
- Ratification of UNCLOS should be fast tracked!
 - This could be encouraged through RPOA and ASEAN.

SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
15-17 September 2010, Bangkok, Thailand



- Most of the countries are taking rather limited action on IUU fishing through their ports.
 - Most of the focus is on their control of IMC related,
 - CITEs, food safety, immigration/migration and crewing issues.
 - Some designated ports but several countries have not yet started.
- To get the process started for implementing the port state measures there are some clear actions which could be taken by countries.
- Establish a description of minimum standards, these could be regionally harmonized
 - Standard operating procedures would be part of this
- SEAFDEC/ASEAN or the RPOA would be suitable mechanisms for working on this.
- Develop an awareness mechanisms to inform foreign fishing nations, vessels of the requirements and what to expect when they arrive at designated ports.
- Regional MCS network is proposed and should be promoted through RPOA/ASEAN.
 - Should also try and engage with non ASEAN neighbours.
- The establishment of a legal working group under the SEAFDEC umbrella, could provide necessary advice and recommendations.

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15-17 September 2010, Bangkok, Thailand



APFIC and partner initiatives on IUU

- Principally directed through regional level policy development
 - APFIC Regional Consultative Workshop on IUU and capacity
 - FAO/APFIC/SEAFDEC Regional workshop on Port state Measures
- Other workshops have also covered IUU related matters
 - FAO/APFIC/SEAFDEC Workshop on Assessment and Management of the Offshore Resources of South and Southeast Asia

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15-17 September 2010, Bangkok, Thailand

Sub-regional initiatives (1)

- Assist in training and capacity building
 - Inter-departmental coordination (ports & harbours, Maritime/transport Dept, Fisheries, Customs)
 - Development of National NPOA's on IUU, capacity management.
- Development of consensus amongst member countries on:
 - Implementation arrangements for Port State Measures
 - e.g. harmonizing inspection standards & procedures
 - Conservation and management measures
 - particularly for highly migratory and straddling fish stocks
 - Advocate for stronger flag state control




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Sub-regional initiatives (2)

- Direct management activities
- Develop regional agreement on reporting
 - e.g. where fishing has contravened a bilateral agreement and a vessel wishes to enter the port of a third country
 - Action to be taken by Port States
 - Development of vessel registers
- Exchange of information on IUU fishing activities
 - Sub-regional monitoring function
 - Coordinate with other RFB's (e.g. MCS network)
 - black and white vessel lists
- Development of MCS measures
 - Sub-regional MCS network





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FAO/APFIC/SEAFDEC Workshop on Assessment and Management of the Offshore Resources of South and Southeast Asia
Bangkok, Thailand, 17-19 June, 2008

SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
15-17 September 2010, Bangkok, Thailand

Conclusions (1)


- The countries of South and Southeast Asia all have policies to promote and expand fishing further offshore from their coasts.
- Main policy drivers are
 - overfishing in inshore areas,
 - attempting to realise the potential of offshore fishing
 - building up catch history records for subsequent negotiations in RFMOs
 - ensuring full utilization so that others cannot fish under the provisions of UNCLOS.
- In some cases, the policy explicitly states that the move offshore is to transfer fishing from overexploited inshore areas to underexploited areas.



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Conclusions (2)

- Illegal, unreported and unregulated (IUU) fishing is already a major constraint to sustainable development in many of the coastal fisheries of the region.
- This is also linked to limitations with monitoring, control and surveillance (MCS) programmes and other management controls.
- There is a high risk that this limited control will become even more overstretched as fishing capacity moves offshore, leading to increased IUU activity and subsequent undermining of sustainable management objectives.



Annex 6

Overview of Initiatives to Combat IUU Fishing in Southeast Asian Region

Budi Halomoan Lubis

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Overview of Initiatives to Combat IUU Fishing in South East Asian Region
RPOA Secretariat

Expert Consultation Seafdec on Managing of Fishing Capacity to Combat IUU Fishing in Southeast Asia
Bangkok, Thailand, 15-17 September 2010

Ministry of Marine Affairs and Fisheries
Directorate General of Surveillance of Marine Resources and Fisheries

SECRETARIAT
Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region

Australia, Brunei Darussalam, Cambodia, Indonesia, Malaysia, Papua New Guinea, Philippines, Singapura, Thailand, Timor Leste, Vietnam

ENDORSEMENT

- RPOA is a regional cooperation by 11 countries to Promote Responsible Fishing Practices including Combating Illegal, Unreported, Unregulated (IUU) Fishing in the Region, and endorsed RPOA in Bali, 2007;
- Indonesia supported as Secretariate for 2008-2010, and 2010-2012.

AN ORGANIZATIONAL STRUCTURE FOR THE IMPLEMENTATION OF THE RPOA

```

    graph TD
      MINISTER --> CC[COORDINATION COMMITTEE (CC)]
      CC --> SECRETARIAT
      CC -.-> AG[ADVISORY GROUP or COMMITTEE]
      CC -.-> AT[ADHOC TEAM or WORKING GROUP]
  
```

OBJECTIVES & FRAMEWORK

- **To enhance and strengthen** the overall level of fisheries management in the region, in order to sustain fisheries resources and the marine environment, and to optimise the benefit of adopting responsible fishing practices.
- **The actions** cover conservation of fisheries resources and their environment, managing fishing capacity, and combating illegal, unreported and unregulated (IUU) fishing **in the areas** of the South China Sea, Sulu-Sulawesi Seas (Celebes Sea) and the Arafura-Timor Seas.
- **A voluntary instrument and takes its core principles** from already established international fisheries instruments for promoting responsible fishing practices, including UNCLOS, UNFSA, FAO 'Compliance Agreement' and 'Code of Conduct for Responsible Fisheries', and IPOA.

RPOA SUBREGIONAL AREAS

Thailand, Malaysia, Cambodia, Vietnam, (Singapore)

Malaysia, Indonesia, Brunei Darussalam, Philippines

Australia, Indonesia, Papua New Guinea, Timor Leste

ACTION PLAN

Endorsed at Ministerial Meeting, Bali, May 2007:


- Current resource and management situation in the region
- Implementation of international and regional instruments
- Role of regional and multilateral organisations
- Coastal State responsibilities
- Flag State responsibilities
- Port State measures
- Regional market measures
- Regional capacity building
- Strengthening monitoring, control and surveillance (MCS) systems
- Transshipment at sea



PRIORITY ACTION

The meeting in Malaysia in August 2007 identified five strategic priority areas:


- Strengthening Monitoring, Control, Surveillance (MCS)
- Current resource and management situation in the region
- Regional Capacity Building
- Coastal State Responsibilities
- Port State Measures



RPOA IMPLEMENTATION (1)


Subsequent meetings and workshops have been guided by these priority areas. To date, the RPOA's main achievements have been:

- Undertaking a survey (or stock take) of members' fisheries management data, information, priority needs and gaps
- Establishing a Regional MCS Network and three Sub-regional MCS networks
- Developing a matrix of national, sub-regional and regional MCS issues and needs to help guide the work of the networks
- the MCS sub-regional groups have met and agreed their work priorities/plans
- Establishing the Coordination Committee and developing a forward work plan




RPOA IMPLEMENTATION (2)

- Identifying the need to strengthen laws relevant to port inspection and compliance
- Identifying an urgent need to develop and implement measures to comply with
 - (i) the new EC Regulation 1005/2008, and
 - (ii) the FAO Port State Model Scheme
- Identifying an urgent need to regulate transshipment activities
- Identifying an urgent need to modernise fisheries legislation, consistent with RPOA objectives, and
- Review and adoption for MCS Training Curriculum and identified the need to develop a funding strategy to support sub-regional and regional MCS courses.



RPOA IMPLEMENTATION (3)

RPOA meetings and workshops have made a progress in identifying the many issues in regional and national fisheries management that require our attention. Some issues only national governments can address, while others require a sub-regional or regional approach.



RPOA IMPLEMENTATION (4)


A re-occurring theme underlying implementation of RPOA priorities is the need for a greater focus on both:

- building fisheries management capacity (human and institutional), and
- developing more efficient and effective MCS systems at national, sub-regional and regional levels.

Two developments, both external to the region, have recently emerged that will drive much of our attention in the short term.

They are:

- i. introduction of the EC Regulation 1005/2008 on 1 January 2010, and
- ii. implementation of the FAO Port State Model Scheme.



RPOA IMPLEMENTATION (5)

Coordination Committee meeting has addressed adequately the recommendations from the two important RPOA workshop (i) the Port Monitoring Techniques workshop and (ii) the Capacity Building/MCS Training Curriculum workshop, to **RPOA Work Plan 2010**, as a way forward to reducing the level of IUU in the region.

Building human and institutional capacity across the spectrum of fisheries management; strengthening fisheries legislation; building effective MCS systems and networks, and regulating the activity of carrier vessels is required.



Regional Plan of Action
for the 2005-2010 period

RPOA MEETING/WORKSHOP-SUBREGIONAL

1. Kuching, 1st Subregional meeting on The Southern and Eastern Area of the South China Sea and The Sulu-Sulawesi Seas, August 2008;
2. Darwin, 1st Subregional MCS meeting on Arafura-Timor Seas, April 2009;
3. Thailand, 1st & 2nd Subregional meeting on South China Seas (Gulf of Thailand);
4. Ambon, 2nd Subregional meeting on The Southern and Eastern Area of the South China Sea and The Sulu-Sulawesi Seas, Dec 2009, next Nov 2010 in Vietnam;



Regional Plan of Action
for the 2005-2010 period

RPOA MCS Network Development

- To support subregional and regional actions in capacity building and to address MCS needs;
- Coordination of subregional MCS Network through developing subregional action plan, regularly report to Secretariat, collaborating with other initiatives;
- Strengthen MCS Network through continuing to build regional MCS Network, subregional coordination and report, organize the website for regional links, and continue developing linkages with International MCS Network.



Regional Plan of Action
for the 2005-2010 period

RPOA MCS Network Development

➤ Facilitated by Secretariat, to inform member country to take necessary action including to inform their relevant national agencies to inspect the IUU vessels if visit their port and to ensure that the vessel is comply with the fisheries laws and not engage in IUU fishing.

➤ Distributed List of IUU Vessels:

- Draco 1
- Zeus
- Bigaro
- FV Corvus
- Zeus (2)



Regional Plan of Action
for the 2005-2010 period

RPOA Summary (1)

The principal factors driving illegal fishing continue to be:

- Inadequate regulatory controls over nationals and fishing vessels;
- Weak enforcement legislation;
- Inadequate MCS systems and networks;
- Inadequate training of compliance/enforcement officers; and
- The increasing use of carrier/support vessels.

All the above factors contributing to illegal fishing are, in one form or another. It is the opportunity to develop and put in place measures to remedy these causes.



Regional Plan of Action
for the 2005-2010 period

RPOA Summary (2)

Pressure continues to bear on the region's fisheries.

Overfishing continues to be driven by:

- strong regional and global demand for fish protein;
- the 'need' of fishers to improve their financial position in the face of diminishing fish stocks;
- failure to adequately implement flag state responsibilities which results in unregulated fishing activity by national fleets, and
- illegal fishing in national waters and the waters of neighbouring countries.

A casual review of the region's media reveals the uncomfortable fact that illegal fishing continues to be practiced by fishers using vessels flagged to RPOA member countries, and this is happening both in their own waters and in the waters of neighbouring RPOA countries.



Regional Plan of Action
for the 2005-2010 period

RPOA Upcoming Events

- Workshop on Vessel Inspection linked to FAO Port State Measures Agreement and EC Regulation 1005/2008, mid October/early December 2010 in Malaysia;
- Workshop on Fisheries Development Assistance, back-to-back with The 3rd RPOA Coordination Committee Meeting, November 2010 in Vietnam;
- Workshop ToT on Port Inspection and Enforcement, October 2010 in Indonesia



Regional Plan of Action
for the Southeast Asian Region

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Annex 7

Common Approaches in the Agreement on Port State Measures and EC Regulations

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Combating IUU fishing
Common Approaches in the Agreement on Port State Measures and EC Regulations

Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
15-17 September 2010
Bangkok, Thailand

1

- In 2009 the binding “Agreement on Port State Measures to prevent, deter, eliminate illegal, unreported and unregulated fishing” was adopted
 - The EC regulation no. 1005/2008 “Establishing a Community system to prevent, deter, eliminate illegal, unreported and unregulated fishing” (1 January 2010)
 - Countries in Southeast Asia need to implement the Agreement while they have to respond to the EC regulation.
- 2

Basis for Action

Concern about the continued illegal, unreported and unregulated fishing and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers

3

The **role of the port State** is highlighted in efforts to combat IUU fishing, but it is still recognised that “measures to combat illegal, unreported and unregulated fishing should build on the **primary responsibility of flag States**”

4

- Indications of needed action is found in the Annexes
- The Annexes are an integral part of the Instruments .
 - The indications of actions and capacity needed is reflected in the Annexed list of “items to be included in the report of the inspection”. PSM and EC Regulations have similar references as indicated in the following slides
- 5

- Actions and needed capacity
- Port state procedures:**
- Capacity to manage ports and landing sites
 - Established port inspection procedures/routines
 - Capacity to perform port inspections (in designated ports)
- 6

Actions and needed capacity, 2

Flag state procedures:

- Registration of fishing vessels
- Licenses to fish – names (owner and crew members), vessel, gear
- Licenses with respect to fishing in specific areas/times/species as applicable
- Availability of catch documentation/log book or other documentation

7

Actions and needed capacity, 3

Flag state, port state and other states:

- Conservation and management measures as indicated in the license or other applicable document
- Routines to record and follow transshipments with information on offloaded and retained catch
- Schemes to authorize fishing, authorize landing and to authorize transshipment

8

Actions and needed capacity, 4

Validation/certification

- Routines to validate/certify catch and vessel information
- Routines to validate/certify information by port inspectors
- Routines to validate/certify information on transshipments

9

Application

- In principle all ports and all vessels and all products intended for export
- The designation of ports could be seen as a way to ensure that inspection capacity would be available
- Also for EC vessels and ports the same catch documentation is required if exported. ASEAN could apply similar ambitions to improve internal trade

10

Application 2

The Instruments are not quite clear on rules with regards to the size of vessels. However, there is a reference to artisanal vessels in that vessels of a neighbouring State that are engaged in artisanal fishing for subsistence are exempted, provided that the **port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing**

11

Both of the instruments recognize the need for assistance to developing countries to adopt and implement port State measures and that the “Community” should take into account the capacity constraints of developing countries for the implementation of the certification scheme.

12

- The need for capacity building for developing countries is recognized and further defined in Article 17 of the PSM
- In Annex E to the PSM a "Guideline for the training of inspectors" is outlined. It emphasises that the immediate response requested from flag and port states is to be able to produce the documents indicated in the Annexes to PSM and EC Regulations

13

The Consultation is invited:

To consider the similarities and common objectives of the PSM and the EC Regulations and to seek advice on how to go "beyond" the regulations as such and start implementing the needed actions, indicated in the instruments, in order to combat IUU fishing.

The sequence of presentations following this introduction will provide further inputs to aspects such as IUU fishing, vessel registration, licenses, MCS, etc to initiate further discussion.

FAO/APFIC Regional workshop on Port State Measures to combat IUU fishing for the South Asia Sub-Region
10-13 February, 2009, Bangkok, Thailand



FAO's development of a
Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels
- Update on the FAO Global Record Project



SEAFDEC Regional Technical Consultation on Managing Fishing Capacity to Combat IUU Fishing
Bangkok, Thailand, 15-17 September 2010

SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
15-17 September 2010, Bangkok, Thailand



Background

- SEAFDEC recognizes the need to improve fisheries management, combat IUU fishing and control fishing capacity
- Taken a holistic approach identifying the inter-relationships between these important challenges.
- SEAFDEC also recognises the importance of regional dialogue and collaboration
 - clearly recognises that IUU fishing occurs in all waters
 - perpetrated by both licensed and unlicensed fishers
 - local and foreign.
- Often it is the extent of IUU and uncontrolled fishing in coastal waters that is most visible.



SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
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Combating IUU fishing and overcapacity

- The solutions must also be constructed taking a holistic approach
 - no single intervention on its own will be sufficient.
- A broad range of advice is offered in the various international fisheries instruments
 - must be seen as a package of measures
 - Need to be integrated into national law in order to be effective.
 - E.g. International Plans of Action on Fishing Capacity (1999) and IUU Fishing (2001) provide a toolbox of measures
 - These should be given effect under National Plans of Action (NPOAs) which are supported by effective national legislation.



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Why do we need records?

- Fisheries sector generally lacks necessary transparency in relation to the control and operation of fishing vessels.
 - allows over-capacity to flourish and IUU fishing to occur unabated
- More transparent reporting makes obvious
 - actions of illegal fishermen
 - effects of over-capacity
 - appropriate responses required.
- The Global Record of Fishing Vessels recognises that IUU fishing
 - Is a global phenomenon which does not respect national boundaries.
 - is perpetrated by both high seas and inshore fleets
 - Impacts fish stocks & viability of many coastal communities
 - Affects both developed and developing countries.



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Global Record

- The Global Record of Fishing Vessels offers a solution to the transparency problem because:
 - Freely available information on the identity, ownership and operation of fishing vessels
 - Supports existing MCS toolbox
 - Empowers all other tools and measures by providing the information base that can make them effective.
- Port State Measures Agreement
 - Requires a comprehensive information platform
 - to inform decision-making and record and display inspection results.
- Supports compliance EU Regulation and other importing country requirements



SEAFDEC RTC Expert Consultation on Managing Fishing Capacity to Combat IUU Fishing in Southeast Asia
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Progress

- Technical Consultation on the "Development of the Global Record"
 - Open to all FAO member States,
 - held in Rome from 8-12 November 2010.
 - All meeting and associated information documents will be placed on the meeting website at <http://www.fao.org/fishery/nems/39415/en>.
 - Further information is also available at the Global Record website <http://www.fao.org/fishery/global-record/en>.
- Recommendations of the Technical Consultation
 - Presented to COFI in January 2011



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15-17 September 2010, Bangkok, Thailand



Once COFI agrees to proceed

- Substantial focus on capacity development support projects as preparation for involvement in the Global Record.
- Opportunities for FAO to work with SEAFDEC and its member States to assist with
 - development and implementation of NPOAs
 - upgrading and expanding of national fishing vessels records.
- For further information please contact FAO, Rome.
 - Shaun Driscoll shaun.driscoll@fao.org
 - Michele Kuruc Michele.kuruc@fao.org



Annex 9

Update On International Conventions relevant to Fishing Registration and License for Fishing (Vessel, Gear and People) and the Institutional Implications

Brenda Pimentel

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Updates on International Conventions relevant to Fishing Registration and Licenses for Fishing (Vessel, Gear and People) and the Institutional Implications

Brenda V. Pimentel

- Regional Co-ordinator
- IMO Regional Presence for Technical
- Co-operation in East Asia



Instruments which deal with Safety of Fishing Vessels

- ► Torremolinos Protocol, 1993
- ► STCW – F
- ► ILO/FAO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel



3

Proposed Model Regulations or “GlobalReg”

- Provides regulations which can easily be incorporated in national legislation;
- Covers vessels which are not covered by IMO conventions, e.g. passengers and cargo ships including fishing vessels;



4

Proposed Model Regulations or “GlobalReg” Fishing vessels covered:

- Safety regulations for fishing vessels less than 12 meters in length;
- Safety regulations for fishing vessels more than 12 meters length but less than 24 meters
- Safety regulations for fishing vessels more than 24 meters length (pending entry into force of the Torremolinos Protocol)



5

Assumptions

- The country is implementing the national maritime regulations on safety, e.g. Maritime code
- The proposed regulations do not contradict the existing maritime code in particular ship safety certification and minimum manning



6

Assumptions ...

- **The proposed technical regulations covers various types of ships and they can stand as such independent from each other.**
- **Each model regulations has proposed safety certificates which are distinct from each type of vessel.**



7

At the moment:

- The GlogalReg has not been formally adopted
- It will be further deliberated on...



Annex 10

Information on Vessel Registration and Licensing Procedures for Fishing in Malaysia, Philippines and Vietnam

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INTRODUCTION

The global capture fisheries (marine) peaked at 80 million tons (FAO, 2008) from an estimated 3.5 million fishing vessels, 38,000 of which are over 24 meters and 100 GT (UN-FAO). With too much fishing in home waters, heavy competition for declining stocks is a powerful incentive to fleet owners/operators to move to more productive fishing ground, either on the unregulated (or regulated) high seas, or in other countries waters. Some governments encouraged this transfer of over-capacity, often by subsidizing fleet owners to allow them to other parts of the world. Typically, the shift was from the overfished waters of the industrialized North to the waters of so-called developing countries (and also onto the high seas) where it's hoped there may be more fish and fewer, if any, regulations. In Southeast Asia, over the last decade, there has been an increasing concern over difficulties to manage fisheries and problems to control and/or reduce the number of fishing vessels leading to over-fishing and illegal fishing within the waters of Southeast Asia. Unmanaged fisheries tend to result(s) in harvesting overcapacities, declining Catch per Unit Effort (CPUE), changes in catch composition, proliferation of illegal and destructive fishing and growing intensity for “race for fish” resulting to high economic losses at approximately USD 50 billion per annum, worldwide (Willman, 2007).

The Southeast Asian Fisheries Development Center (SEAFDEC) with support from the Swedish International Development Cooperation Agency or Sida, has conducted and hosted the “Expert Meeting on Fishing Vessel Registration” and “Workshop on Fishing Vessel Record and Inventory” in 2008 and 2009 respectively. Attended by ASEAN member countries and non-ASEAN countries connected to the Regional Plan of Action (RPOA) to Promote Responsible Fishing including Combating IUU Fishing in the region which is a voluntary initiative that includes eight ASEAN Member States and three non-ASEAN States (Australia, Papua New Guinea and Timor-Leste). The meetings were primarily seeking to review existing registration/licensing systems and the requirements in support to fisheries management, improve cooperation among concerned agencies, and to develop a mechanism on “information sharing” among member countries in the region to address the issues on fishery capacity management and IUU fishing activities.

LEGAL AND NATIONAL POLICIES ON FISHING VESSEL LICENSING AND REGISTRATION SYSTEM IN MALAYSIA, PHILIPPINES AND VIETNAM

The 2008 and 2009 meetings referred above, provided a review and summary of the countries in the region of their systems for fishing vessel registration as well as the processes in providing

licenses to fish. There is a diverse picture of vessel registration, licensing systems and institutional responsibilities among the Southeast Asian countries. In some countries like Malaysia, DOF is the sole authority involved in the registration of fishing vessels and in the process of issuing licenses to fish. In most countries, there are two or more institutions or agencies involved in the licensing system, one for the maritime industry and the other in fisheries. Both agencies differ based on their mandate(s); the fisheries agency is there to promote controlled and sustainable fisheries management and the maritime agency focuses on safety at sea standards and averting marine pollution from ships (including discarded fishing gear). It was also highlighted that in other countries the authority to register smaller vessels rests with the local government or local units – in the Philippines, the local government unit (LGU) and in Vietnam the local People’s Committee (with support from fisheries agency).

To provide an illustration and indication of a well-defined and established “practice(s)”, the systems of three countries in the region will be briefly described below, namely Malaysia, Philippines and Vietnam. The countries Malaysia, Philippines, and Vietnam have distinct registration and licensing systems based on the provisions/laws of each member country. The fishing vessels in Malaysia are registered and licensed based on the gross tonnage of the fishing boat, the fishing gear it utilizes and the area or fishing zone it operates, Vietnam and the Philippines in contrast, categorizes, registers and provide licenses for fishing vessel based on its “feature” gross tonnage (Philippines), horse power, and length overall (Vietnam). On the other hand, commercial fishing vessel registration/licensing and construction is solely the responsibility of the Department of Fisheries Malaysia, while the Bureau of Fisheries and Aquatic Resources (BFAR) licenses the fishing vessel and gears and the Maritime Industry Authority (MARINA) registers the vessel, issues ownership and vessel safety certificates. In addition, the Local Government Unit (LGU) with the clearance from the Philippine National Police-Maritime Group (PNP-MG) licenses fishing boats under 3 gross ton. In Vietnam registration of fishing vessels fitted with engines having 90 HP or more is the responsibility of Ministry of Fisheries (now Ministry of Agriculture and Rural Development or MARD), Provincial Department of Fisheries and Department of Agriculture and Rural Development depending on the “availability” of the concerned agencies in the locality where the fishing boats are being built or repaired. For smaller vessels at local level responsibilities include a role for the People’s Committee with support from MARD.

Provisions/laws/decrees that prescribe the requirements, processes, etc for fishing boat registration and licensing from each member countries are as follows:

Malaysia

During the SEAFDEC events in 2008 and 2009, the system applied in Malaysia was seen as a good example of a well organized system, where both the functions to register the fishing vessels and the process to issue licenses to fish was handled by the Department of Fisheries. **The Fisheries Act No. 317 of 1985**, an act that relates to the conservation, management, and development of maritime and estuarine fishing and fisheries in Malaysian Waters (which is considered a federal matter). In this Act, the Deputy General of Fisheries is appointed for the

supervision of fisheries matters particularly in the licensing or cancelation of licenses of fishing vessels, granting permits or refusal of foreign fishing vessels to fish in Malaysian waters, etc. The Department of Fisheries is also given the mandate to undertake the procedures for registration of fishing vessels, including inspection of safety, seaworthiness and other standards that, in applicable parts, would relate to standards provided through IMO Conventions. In the process the DOF need to ensure that parts relevant to fishing vessels of the law governing Registration of Boats in Malaysia which is the Merchant Shipping Ordinance 1952 under Section 474 to 485, and Boat Rules, 1953 (No. 70 of 1952) are followed, whereby, the Law outlines the processes in the application of fishing boat registration are implemented.

The duration in acquiring the registration and the license of the fishing boat may only take seven (7) days after the first survey has been made and given that all documentary requirements were provided by the applicant. In addition, both laws also underscore the validity of the fishing boat license for up to twelve months only.

Philippines

The Philippines, during the workshop and meeting(s) on IUU is considered as having a well-defined process for registration and issuance of licenses to fish (for vessels, gear and people) although, handled by different agencies. They also have a well defined system for roles and responsibilities at the local level through the Local Government Units. **RA 8550** (Philippine Fisheries Code 1998)-utilization, management, development, conservation and protection of the fishery resources. Fishing vessels registration are categorized into two categories (1); commercial fishing vessels (3GT and above) and (2) municipal fishing boats (3 GT and less). The Local Government Unit (LGU) has the authority to register and license municipal fishing boats pursuant to EO No. 305. On the other hand, licensing of commercial fishing vessels is assigned to the Bureau of Fisheries and Aquatic Resources (BFAR) and registration, vessel and ownership certification to the Maritime Industry Authority or MARINA. RA 8550 also controls or limits issuance of fishing vessel licenses based on MSY of the fishery resources prescribe catch quotas, establish license fees that reflect resource rents in Philippine waters. All fishing boats are required licenses including carriers, lightboats, sonar boats and tankers. Fishermen as well as fishing gears associated to fishing require licensing. It is also important to note that before issuing a license to fish to a vessel the boat owner have to provide a guarantee (affidavit) that the crew members will be treated in accordance with Philippine Labour Laws. SOLAS and Seafarers Identification and Record Book (SIRB) are required for fishermen operating in the high seas. Fishermen operating within the country's EEZ are exempted.

Vietnam

Vietnam is of special interest not only because they also have mandated both vessel registration and the process to issue licenses to fish to Ministry of Agriculture and Rural Development (MARD), but they have in the process of incorporating IMO regulations and standards made them applicable to vessels smaller than those stipulated in the IMO Conventions. The **DECREE No. 66/2005/ND-CO of MAY 19, 2009** in Vietnam. The Decree provides the assurance of safety

for people and ships engaged in fisheries activities in the waters of Vietnam. Decision No. 494/2001 of JUNE 15, 2001 is charged in issuing the regulation on the fishing ship registry and the fishing boats and crew registration. The decree identifies the MARD (formerly the Ministry of Fishery) as the inspecting authority and the Provincial Department of Fisheries (or Department of Agriculture and Rural Development, if the DOF does not exist in the area). The fishing boats that are required to have registration are those having 20 HP engines and those without engines but having waterlines of more than 15 meters as well as a proper license to fish (for boats and people). Smaller vessels and traditional/coastal fishers need to have a license. Registration and licenses at local/district level is organized through the People’s Committee in the area with support from MARD.

PROCESS FOR REGISTRATION OF FISHING VESSELS AND TO ISSUE LICENSES TO FISH IN MALAYSIA, PHILIPPINES, AND VIETNAM

A look at the flow chart on fishing vessel licensing of Malaysia, Philippine and Vietnam will enable member countries to identify the processes and legal requirements in the application of fishing vessel registration, construction, inspection the issuance of licenses to fish and institutional responsibilities as well as the agencies/institutions involved. This could also serve as basis or reference for information sharing for regional cooperation on vessel records among ASEAN and RPOA countries.

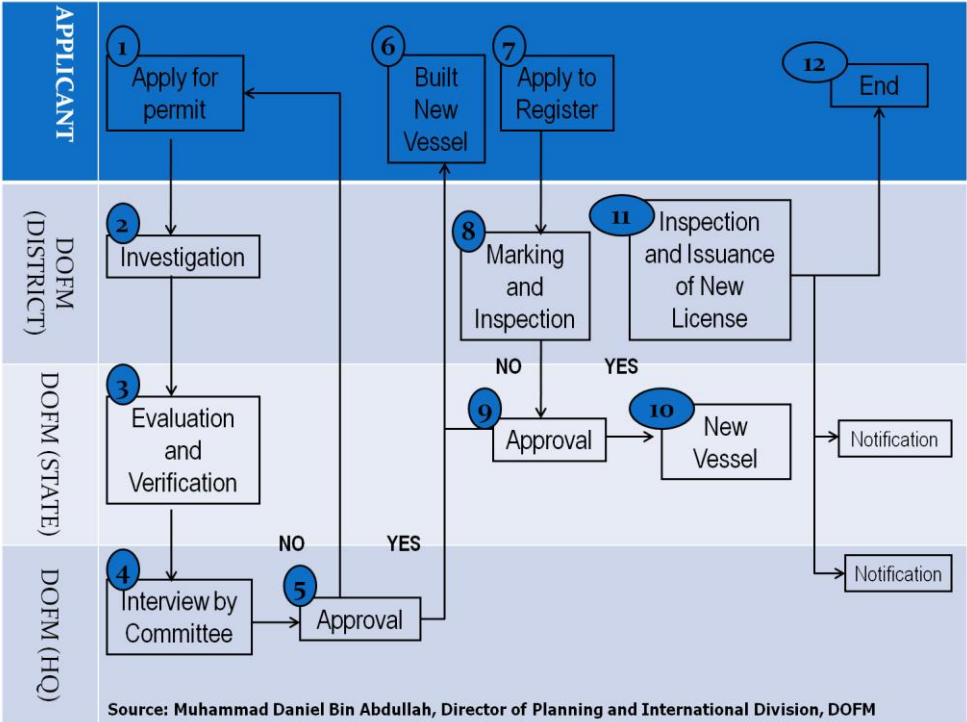


Figure 1 Malaysia Fishing Registration and Licensing Flow chart



Registration and Inspection Authorities: Ministry of Agriculture and Rural Development and People Committee

Figure 2 Vietnam Fishing Vessel Licensing Flow chart

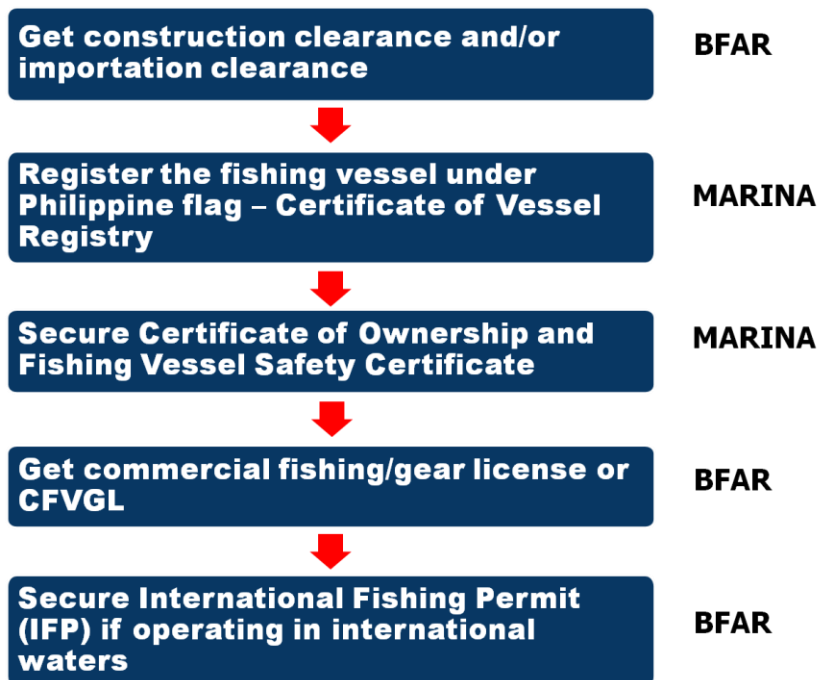


Figure 3 Philippines Commercial and Municipal Fishing Vessel Licensing Flow chart

SUMMARY

In order to address the issue on IUU fishing and the management of fishing capacity, states should review their respective registration (boats/fishing vessels) system and the processes to provide licenses to fish (vessels, gear and people as applicable) as well as the legal framework that supports these systems to effect stringent regulatory measures e.g., Flag states can set CPUE, determine MSY of the fishery resource and stop flagging vessels with a history of non-compliance to avoid flag hopping. The licensing system will vary among country/regional members depending on the geographical, human resource development system, and political set-

up of the state. States that exercises effective control over fishing vessels flying their flags will reduce the incidence of IUU fishing. In addition, States can publicize ports to which foreign flagged vessels may be permitted admission and such ports should have adequate capacity to conduct inspection for possible IUU fishing activities. Through consultations and collaboration with member countries, the state(s) can determine the strengths and weaknesses of their respective registration and licensing systems, build on their strengths, diminish the weaknesses and ultimately find solutions to fishing capacity and IUU.

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Areas of Central Importance to Manage and Control Fishing, Fishing Capacity and Fishing Efforts (vessels, gear and people) including Institutional Responsibilities


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Areas of central importance to manage and control fishing, fishing capacity and fishing efforts (vessels, gear and people) including institutional responsibilities

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Fishing vessel registration - rationale


- Monitor and control national-flagged ships as part of the responsibility of a flag State – as to technical, social and administrative aspects
- Promote and strengthen the ship registry
- Enhance the economic, political and social aspirations of the State
- Conform with international commitments



2

Monitor and control national-flagged ships


- Administrative – ensuring that the operations and management of flagged-ships comply with the national regulations governing registry of ships, e.g. constituting a maritime shipping company as to franchise, accreditation, nationality of incorporators, etc.
- Social – refers to aspects of conditions of work on board, social security of seafarers and maritime workers, benefits and grievance procedures, protection of workers, training, etc.



3

Monitor and control national-flagged ships


- Technical – ensuring that ships which fly the flag of the State are seaworthy and are operated in such manner as these do not cause damage to the environment i.e. the ships are constructed, operated and maintained in accordance with national and international requirements.



4

Promote the ship registry


- Attract domestic and foreign investment into the maritime sector by
 - - exercising responsible control of the fleet;
 - - providing competitiveness in ship operations;
 - - projecting a fleet that complies with internationally adopted regulations



5

Enhance the economic, political and social aspirations of the State

- To maximize economic benefits of maintaining a fleet, from government revenues, taxes, employment generation, etc.
- Enhance political stature with ships flying the national flag
- Manifests its role as a responsible member of the international community



6

Challenges in respect of the fishing fleet...

- Fishing vessel registration as to impact on combatting IUU not given priority attention which results in:
 - - fragmented policies on fishing vessel concerns;
 - - difficulty in harmonizing the legal and institutional mechanisms
 - - weak if not absence of co-ordination among agencies involved in regulating fishing activities;

7

Challenges in respect of the fishing fleet...

- - human element in fishing-related activities weakens;
- - ability to respond to international commitments relating to fishing..

8

Control of IUU

- By ratifying or committing to ratify and implement international/regional arrangements which aims to control IUU
- By providing the institutional and administrative mechanisms for monitoring the fishing fleet as to the number and the safety requirements
- By co-operating with like-minded States and entities and organizations

9

Way forward..

- Increase advocacy for the fishing sector and registration of fishing vessel
 - by highlighting their importance to reducing IUU;
- Review existing institutions and legal structure and introduce improvements as warranted;

10

Way forward ...

- Enhance the co-operation among the various agencies involved in regulating fishing-related activities;
- Improve the human element factor in fishing-related activities;
- Engage stakeholders and keep them part of the consultation.

11

Status of development on a Vessel Record and inventory

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Introduction

The decline in marine resources as a result of over- capacity and un- controlled fisheries has for many years been addressed with concern throughout the world. The efforts that have been mobilized by fisheries agencies and managers include the introduction or improvement of registration of vessels and various systems to provide license to fish (vessels, gear and people) and other aspects with the aim to improve management systems and thereby to try to better control the active fishing effort, both large- scale and smaller- scale. These efforts to improve fisheries management and to reduce Illegal, Unreported and Unregulated (IUU) and destructive fishing has so far not had any region- wide impact and the levels of implementation varying depending on the resources, including institutional financial capacity available in each of the countries. Key to any attempt to manage the effective fishing capacity is to address the urgent need, evident in each of the countries and the region as a whole, to build up and improve frameworks for regional cooperation to manage fishing capacity (specific aspects on needed efforts has been/will be presented under other agenda points of the meeting). The efforts to come up with approached to manage fishing capacity and to strengthen national capacities should be viewed in the perspective that available information does not provide accurate pictures on number of vessels and people involved in fishing. The information provided is in general underestimations of the real numbers of vessels and in some cases there are gross underestimations (conclusion made by participants from the Expert Meeting on Vessel Registration in Phuket, July 2008). Therefore, in order to get a clearer picture of the size and structure of vessels available to this sector in the region both large scale and smaller scale/traditional the meetings held in Phuket 2008 and Satun 2009 recommended that it is necessary to have a regional “vessel record and inventory”. Moreover, such an inventory and record could provide important inputs to the process and efforts to strengthen institutional capacity to build up, national and regional, frameworks (including MCS networks) for improved fisheries management and strengthened regional cooperation and coordination.

There is a significant variation in systems and distribution of institutional responsibilities among countries in the region when it comes to matters such as fishing vessel registration and to issue licenses to fish. Fishing vessel registration, fishing licensing and related legal framework have to work in parallel to be an efficient tool for fisheries management and to combat illegal fisheries. There is an outspoken need to facilitate and establish cooperation between agencies responsible for the registration of fishing vessels (as vessels) and those that are providing the licenses to fish. The registration and licensing process facilitated to be run within one agency, like in Malaysia,

has been seen as an advantage. However, the legal framework of some other countries does not allow for such arrangements and the two main institutions that in many countries are responsible for a) vessel registration and b) to issue fishing licenses do, it was recognised in 2008 and 2009, have different objectives, one for promoting fisheries management, whereas maritime agencies focus on safety at sea, pollution from ships, etc.

Why do we need fishing vessel record?

In order to enhance awareness on the need to strengthen efforts to develop appropriate fisheries management measures, in the region and in each of the countries, to achieve sustainable development at all levels it is necessary to improve knowledge on the processes to apply registration of fishing vessel and to issue licenses to fish (gear, boats and people). This has been presented and discussed in more detail under agenda point 6.1. The need to have a “fishing vessel record” should be seen in the perspective of the lack of reliable information on numbers and types of fishing and the reported gross underestimation on numbers (size and types) and people involved in fisheries, through available sources of information (see the reference document). To move forwards on efforts to manage fishing capacity and IUU fisheries it is central to have more reliable information on available fishing capacity in various segments of the sector. Variations in quality among countries and institutional capacity to build the information bases is important to review to be able to assess and prioritize areas and countries where there is a (strong) need for institutional capacity building in the ASEAN region and Southeast Asian region.

Rationale and objectives

- To encourage member countries by providing opportunities to discuss options of a regional framework for registration, or rather the **listing or record of fishing vessels** in the Southeast Asian Region that could be drawn out from such a framework.
- To recognize that the general in the fishing capacity in the region is underestimated and the somewhat related difficulty to assess the extent of IUU fisheries,
- A regional register/list would be an important source of information. Fishing operation and fleet structures are different from country to country in the region as is the institutional capacity,
- To have an efficiency management of fishing control, a well functioning fishing vessel register, or registers/records, which includes all vessels and are well managed is therefore essential.

SEAFDEC-Sida Project on Fishing Vessel Record

There has been attempts in improve fisheries management, and to reduce Illegal, Unreported and Unregulated (IUU) and destructive fishing initiated over the last five to ten years. The seriousness of this has been increasingly expressed through statements and recommendations by the SEAFDEC Council, the ASEAN Fisheries Consultative Forum (AFCF), the SEAFDEC Regional Advisory Committee (RAC) on Fisheries Management in Southeast Asia, the Regional Plan of

Action (RPOA) to combat IUU fisheries, and by ASEAN Heads of State in launching the roadmap for ASEAN Economic Community.

SEAFDEC in collaboration with the Swedish International Development Cooperation Agency (Sida) has through the cooperation with countries and organizations in the region been able to facilitate the work that build upon the emphasized need to improve the management of fishing capacity in the region. The importance to “monitor, record and control – large scale and smaller scale (coastal) fisheries is one of the key aspects under the project “Activities related to Climate Change and Adaptation in ASEAN region with special focus in the Andaman Sea”. One of key elements is the development of a regional initiative to establish a regional fishing vessel record and inventory (Annex1). In support of a process to develop a regional fishing record and inventory, SEAFDEC, through the project, has by recommendation from the meetings in July 2008 and July 2009, been introducing the development of the survey forms for fishing vessel record and inventory (larger and smaller scale) with countries in the region.

Difficulties in Fishing Vessel Record Implementation

There are different systems for fishing vessel registration and for the issuing of licenses to fish (vessels, gear and people as applicable in each country) applicable to countries in the ASEAN-SEAFDEC countries and other countries in the wider region. Furthermore, many countries have divided responsibilities among authorities/ministries with the mandate to implement the function of registration and licensing, respectively. The institutions involved have for the implementation of their respective tasks their own defined purposes – as indicated in earlier/previous presentation. Subsequently, the difficulty is well recognized that in countries with divided institutional responsibilities there are problems in coordinating registration and licensing. The divide between the implementation of the tasks are further broadened as these tasks are often performed by different institutions, belonging to different ministries. Other problems that has been pointed out, during earlier events, is the differences in data collection at different levels i.e. national level, provincial level and/or local level and the way the information is reported. Data and information is in many cases not synchronized between institutions and local and central authorities. The coverage and quality of the percentage of vessels included in the available information shows great variations between the countries. Another, related, problem is the obvious difficulty to provide information to standardized forms as those shown in Annex 1 and a question to be asked is if a “vessel record and inventory”, at this stage, should try to build upon standardized forms or to change direction as it might be more productive to build upon existing information based on formats available in each country. This could help to identify countries and areas/levels where capacity building and institutional strengthening is most urgently needed.

Recommendations and follow up

In moving forwards towards recommendations and follow up it is important to stress the importance of the distinct differences in the definitions and institutional responsibilities with regards to key elements in the registration and licensing process, such as the following;

- vessel registration
- fishing vessel registration

- licenses to fish (boats, gear and people)
- large-scale fisheries
- coastal fisheries (smaller scale)

Each of the countries has their own national processes of collecting and sharing information on fishing vessels, be it for fishing vessel registration or licenses to fish. The levels of ability to cover all fishing vessels, large-scale and coastal/traditional, operating in their own national waters is also differing from one country to another. The countries, in the region and in sub-regions, has encouraged, through regional, sub-regional and on-site events during 2008 and 2009, to explore ways that information could be channelled to regional, sub-regional and global level partners/institutions. Such efforts could provide a basis for information sharing in support of the process to build up regional cooperation on vessel records among ASEAN and RPOA countries in support of the developing of MCS networks and other recommended actions. However, to be able to move forward on the vessel record and inventory there is a need to make decisions on directions to take a) to continue to try to work with common formats such as those in Annex 1, or b) as mentioned above to build upon existing information based on formats available in each country as it might be more productive and allow for analyzes based on what the countries have. This, which could prove important, is that building upon information available in the counties could help to identify countries and areas/levels where capacity building and institutional strengthening is most urgently needed.

Suggestion by the Consultation

The Consultation is invited to discuss on the constraints to complete or provide information on available fishing capacity and a special response is asked from the consultation in terms of the relevance to, at this stage, try to work with a common format instead of collecting and sharing available information and assess the data as provided from each of the countries. In addition, participants are requested to provide recommendations on steps to take by SEAFDEC, ASEAN, FAO/APFIC, RPOA and member countries to build up a system to have a more complete picture of the available fishing capacity, both large-scale and coastal/traditional, in the Southeast Asian Region.

Port Monitoring in Southeast Asia

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Background

Illegal, Unreported and Unregulated (IUU) fishing has growing to become a very serious matter and threaten the fisheries resources sustainability in areas around the world including in the Southeast Asian region. It is now urgently required to further develop and improve the global record through better Monitoring Controlling and Surveillance (MCS) systems. To develop a global record is potentially possible, but it needs to rely on inputs from regional records, national records and provincial records to provide important basic information for the global record.

Through SEAFDEC (and the SEAFDEC-Sida Project), there are positive experiences from the Gulf of Thailand and the Andaman Sea on ways of initiating a process to promote sub-regional arrangements with SEAFDEC organising the sub-regional meetings on the Gulf of Thailand, 28 – 29 March 2008 and 24-26 February 2009 in Bangkok, respectively with Cambodia, Malaysia, Thailand and Vietnam and the 1st Meeting of the Andaman Sea Sub-region, 20-22 October 2010. There were a strong common understanding on the need to establish good cooperation, throughout the sector and related institutions, to establish and enhance MCS mechanisms in the Southeast Asian Region, among the ASEAN-SEAFDEC member countries and, specifically, in sub-regional seas in order to reduce IUU fishing in the ASEAN region and neighboring regions. Port monitoring is of central importance in efforts to monitor the fisheries catches on the way to final consumers and markets.

Why port monitoring is important to be conducted?

Being first in the sequence of Monitoring, Controlling and Surveillance of fisheries and fishing activities Monitoring has special role in MCS systems. Monitoring involves the collection, measurement, and analysis of fisheries and fishing activities including, but not limited to, i.e. catches (species, composition, by-catch, discards at sea), fishing effort, area of operations, volumes and vessels landing, the harbors receiving the catch (including trans-shipment), etc. In the sequence of information needed to assess the volumes and flow of products and to improve the quality of data collected may be through the increased emphasis being given to the undertaking of port monitoring activities. Port monitoring activities may allow for data to be collected in order to assist in the compilation of information on fisheries, or an overview of fishing activities, including vessels, catch, current fish stocks, trade flows and markets, etc. This mechanism should also address and monitor the landings of “non-national vessels” or landings across boundaries by neighboring states and other landings across boundaries.

During meetings held during 2008, 2009 and so far in 2010, including the SEAFDEC Council in April 2010, the need to improve efforts to combat IUU fishing in the region has been recognized.

In this process it has been indicated that the region could take the opportunity to build upon the requirements needed to live up to and implement to the Agreement of Port State Measures or to respond to the EC regulations to promote combating of IUU fishing and to implement other relevant international agreements. In response during previous meetings (RPOA, Gulf of Thailand, Andaman Sea, etc), countries have suggested or indicated that priority needs to given to effort to monitor and record landings at ports and landing sites including efforts to indicate information on landing by neighboring countries vessels. The data collected and documented at the ports need to be organized, and it need to build upon catch documents that comes with vessels landing their products (including trans-shipments). Furthermore, the continuous measurement of fishing effort and resource yields should enable the fisheries manager to make informed and effective decisions regarding the management of resources and on limits of the number and type of vessels.

The development of Port monitoring should, ideally include all ports and landing sites, covering the whole range of landing facilities at districts and provinces and even national as available with a view to provide information on landing activities in each of the countries at sub-regions and for the whole of Southeast Asian region. This should not only be done with the view to meet global demands but also, and even more so, to prepare the countries for increasing demand on traceability, catch documentation, landing documents, fishing vessel registration documents, documents for the license to fish and indications of area to fish and other aspects.

The important point to bear in mind – hence to key importance of port monitoring – is that the control of the indicated documents and others are all part of the required information to checked during port inspections. The quality of these documents need to be validated or certified by relevant body at the landing place to ensure that catch has been fishing a legal manner. These documents should follow the product all through the “chain of custody”. To improve standards in the region, it was stated during the April 2010 SEAFDEC Council Meeting that ASEAN countries should not look towards the export of products outside of the region – but also try to improve standards and traceability of exports and imports within ASEAN.

Objectives

The objectives of building up capacity for port monitoring in the region is basically to allow ports and landing sites to become a central node in efforts to combat IUU fishing – the central node could assume given good capacity, resources and enforcement. There is a need to identify ports and landing sites in each of the countries, both public and private. Knowing the available landing facilities, and the specific roles that might have been assigned to them (certain type of fishery, certain vessels, etc), the information and data available regarding to the catch landed in the port or landing sites should be documented and analyzed to follow up trends. Based on existing systems an important objective is to strengthen and adjust as needed methods for the collection and distribution of data collected to allow for the sharing of information exchange through the MCS Network or other means. There is a broad range of information and documents that would be follow the catches land. This information need to follow the products when leaving the port for processing or direct consumption. The information and documents would include aspects such

as catch documentation, landing documents, fishing vessel registration documents, documents for the license to fish and indications of area to fish and other aspects. A key objective for improved port monitoring is, apart from improving the routines of the port itself, to build capacity of port inspectors. To facilitate the work it is central to identify the stakeholders and their respective involvements (multi-agency coordination, port authorities, etc). Furthermore, based on common requirements and objective to improve fish handling and management efforts to develop the coordination and cooperation between neighboring countries in the region, and within sub-regions to strengthen capacity with an aim to improve the effectiveness of the port monitoring/measurement systems in regard to combat the IUU fishing and to promote good quality fish handling in the region. Coordinated efforts are needed to find the ways of cooperation on developing effective port monitoring of landings from both fishing vessels and carrier vessel, and to develop the coordination and cooperation between neighboring countries in the region in improving the effectiveness of the port monitoring/measurement systems not only to combat IUU fishing but also support cooperation on trade within the region as well as to other regions.

Expected Outcomes/recommendations by the meeting

1. Strong emphasise by participants on the need to have good port monitoring based on catches being landed that are accompanied by good documents to allow for traceability, etc. Recognition of port monitoring in terms of the special need to monitor catches landed in neighbouring harbours
2. Understanding of neighbouring countries, countries in sub-regions and the region on a whole on the importance to build a good cooperation in monitoring at landing sites/ports to combat IUU fishing and to improve documentation and traceability of products being traded in the region and outside of the region. Recommendations on ways to improve documentation as a basis for coordination and cooperation.
3. Indications on training/capacity building to strengthen capacity of port inspectors (and port managers). Reference, as suitable, to Annex of the Agreement on Port State Measure on “Guidelines for the training of inspectors”

Preliminary Survey and Questionnaire on Port Monitoring

SEAFDEC-Sida project circulated a simple questionnaire to make a preliminary survey that included several ASEAN-SEAFDEC member countries. The purpose was to collect some basic information regarding to information that would presently be available through port monitoring given the system in the respective ASEAN-SEAFDEC member countries. This questionnaire had been constructed as recommended by the member countries during the sub-regional meeting of the Gulf of Thailand, 24-26 February 2009 and the 1st Andaman Sea sub-region meeting, 20-22 October 2009. The aim is to get an indication on the availability of some basic information in the fishing port that would be required to improve the flow of documentation including the landing documents which consist of the number of the vessel, origin of the vessel, fish species, catch weight and fishing ground. In addition the survey seeks to find out if fishing port can provide information and data on landing by the neighboring countries fishing vessels or carrier vessels.

Feedback from the countries

Several respective countries submitted the feedback of the questionnaire, namely: Indonesia, Myanmar, Philippines and Thailand. Based on the feedback from those respective countries, can be concluded in the Table 1 below:

Table 1 Summary of the feedback of preliminary survey-questionnaire

Indicator/Information	Availability
General information	
- Information based on port monitoring or monitoring of landing sites	Yes
Information based on the origin of the vessel	
- Information be categorized based on the landings of domestic vessels	Yes
- information be categorized based on the landings of neighboring countries vessels	Yes and No
- information be categorized based on the landings of other foreign vessels	Yes and No
Number of boat and kilos of fish landed	
- Number of boat and kilos of fish landed by domestic vessels	Yes
- Number of boat and kilos of fish landed by neighboring countries vessels	Yes and No
- Number of boat and kilos of fish landed by other foreign vessels	Yes and No
Fish landed-record	
- Fish landed be categorized and recorded by kilos	Yes and No
- Fish landed be categorized and recorded by species	Yes and No
- Fish landed be categorized and recorded by fishing ground	Yes and No

As shown at Table 1 above, all sampled countries actually can provide some information based on port monitoring or monitoring of landing sites. The countries can identify the fishing ports in their respective countries easily and categorize the ports based on the ownership, manage by central government, local government or by private company. For example, in Indonesia, usually, there is a government request for routine monitoring report from each fishing port that should be submitted to the central government through the Directorate general of Capture Fisheries, Ministry of Marine Affairs and Fisheries. There are 3 (three) kind of the routine reports, namely: Monitoring Report (submitted monthly), SL-3 form (submitted monthly) and Fishing Port Information System (Submitted daily by on line system). Data and information recorded from the information included volume and value of fish production, number of fishing vessels by type of fishing gear, volume of supply (ice, oil, and water), fishing ground, etc.

Based on the origin of the vessels, all sampled countries can provide information based on the landings of domestic vessels. Several sampled countries can provide the information based on the landings of neighboring countries or other foreign countries vessels, while other countries in the survey cannot provide this kind of information. All sampled countries can provide data and information of the number of boats and kilograms of fish landed by domestic vessels, but only some countries can provide data and information of the number of boats and kilograms of fish landed by neighboring countries and other foreign vessels. In Thailand, the port or landing site are able to have record the number of vessels, fishing grounds, the origin of the vessels (province, neighboring country or other foreign countries).

All sampled-countries can provide data and information of the fish landed from the domestic or national vessels which can be categorized by kilograms, species and fishing ground together with other information such as fishing gears and fishing periods. Some countries cannot provide the data and information of the catch landed by neighboring countries and other foreign countries vessels. Some countries, for example Philippines, can provide these data and information but limited only for certain species such as yellow-fin tuna, skipjack tuna, and other tunas or other high-valued fishes. However, for all national or public fishing ports, the unloading by fishing vessels are always recorded by species. Locally owned or privately owned (and operated) fishing ports the unloading may be recorded but not necessarily by species as far as the reporting provided to fisheries agencies. In Myanmar, there are some very well developed private fishing ports that are able to record the fish landed, including vessel, kilo, species, license to fish, fishing areas, etc. The port management requires that all catches landed at the port are accompanied by proper catch documentation in line international standards. This documentation follows the products when the products leave the fishing port.

In conclusion the survey found that most of the sampled countries can provide many good data and information regarding based on their present port monitoring systems or routines. Some countries are making efforts to improve their systems to be able to provide (and share) many important data and information based on specific aspects or categories as available. Further training could expand the categories and make the coverage more complete.

Further discussion

- Based on the point of view from respective member countries, is that necessary and possible to improve and standardize the port monitoring system?
- How to improve port monitoring system in local/provincial level, national level, sub-regional and regional level?
- Regarding to the neighboring countries' vessels and other foreign countries landed the catch in the other countries' port:
 - Where are the landed-catch/statistical data supposed to go? To the origin of the vessels? Or to the port state/country?
 - Who is responsible to record the landed-catch data?

Outcomes of the RPOA on Port monitoring Techniques Workshop

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OUTCOMES OF THE RPOA ON PORT MONITORING TECHNIQUES WORKSHOP PENANG, MALAYSIA 15-17 JUNE 2009

By
Department of Fisheries Malaysia
Putrajaya

Objectives

1. To assist RPOA members acquire the necessary port monitoring techniques and skills to support implementation of the RPOA objectives
2. To identify/agree cooperative regional catch and vessel monitoring arrangements to promote responsible fisheries management and combat IUU fishing focusing on large scale fishing vessels and carrier/reefer vessels operating across national boundaries

2

Participants

- Attended by all RPOA member countries, FAO/APFIC, observers from Australia and Malaysia
- Workshop was facilitated by Prof. Martin Tsamenyi from University of Wolloongong NSW, Australia.

3

Penang as a Site for Organizing the Workshop

- Penang has an international port and has record of IUU vessel landings in their catch
- Has an international fishing port for tuna landing
- Both Port Authorities and Fisheries Development Authority to inform DOF during the workshop on the activity of foreign vessels landing their catch in Penang

4

End Results

- No fish landing from foreign vessel
- No on site training
- Practical session in the class room conducted by Australian and Malaysian fisheries inspection/compliance officers
- Observed local vessels land their catch

5

Workshop Outcomes and Recommendations

- RPOA members to review existing domestic laws to cater for port inspection procedures and compliance to EC Regulation 1005/2008
- Developed dedicated training course for port inspection and enforcement together identifying pilot site for training
- Conduct a regional workshop to enable member countries to meet the requirement of implementing EC Regulation 1005/2008 and FAO Port State Model Scheme

6

Workshop Outcomes

- **Undertake a study to map regional fish product trade flows focusing on key regional most traded commodities such as tuna, mackerel and small pelagic**
- **List flagged vessels (fishing and carrier/support vessels) fishing outside country's national jurisdiction and make available on the country's fisheries website**

7

Workshop Outcomes

- **Collect and share information on port monitoring and inspections with minimum data requirement equivalent to that contained in Annexes A,B and C of FAO Agreement on PSM. Info on inspection placed on national fisheries websites(NFW)and linking to RPOA Secretariat and RPOA members NFW. RPOA member countries identify port monitoring contact officers**
- **Further discussion on at-sea transshipment in future RPOA**

8

How trade and Market Chains are being used to combat IUU

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How trade and market chains are being used to combat IUU

IUU fishing

- IUU fishing targets high-valued, high-market demand species in areas where the probability of being caught is low
- IUU fishing is increasing:
 - strong incentive to engage in IUU fishing
 - fish prices are rising
 - lucrative and worth the risk



Types of IUU fishing

- Unauthorized fishing in management zones (e.g. nearshore zone)
- Fishing by unauthorized vessels and the use of banned gears
- Encroachment of foreign fishing vessels
- Unauthorized fishing in closed areas and closed seasons
- Fishing for unauthorized species
- Fishing for endangered species
- Unreporting and misreporting of catches



Why can this happen?

- Inadequate legislation for IUU fishing and MCS
- Unregistered fishing vessels
- Inadequate MCS
- Lack of coordination and communication between national agencies
- Lack of cooperation between central and local governments as well as among local governments
- Inadequate regional IUU cooperation



Transshipment

Laundering IUU catches by transferring them to reefers

- Pervasive problem in APFIC/SEAFDEC region
- RFMOs have established specific schemes on transshipment
 - Reporting requirements
 - Restrictions to members
 - Authorisations of reefers
 - Notification of landing port



IPOA - IUU

- Use of internationally-agreed market measures are proposed to enhance fisheries management and block IUU caught fish from entering international trade and markets
- RFMOs (through national action) have a central role in promoting regional measures to implement the IPOA-IUU
- Importantly, the IPOA-IUU draws together sustainability norms some of which have been proposed for along time but little implemented
 - e.g. FAO standards for the marking of fishing vessels: a fundamental requirement for MCS
- All of these norms are essential for sound fisheries governance and many of them are found already in post-UNCED binding instruments
 - e.g. 1993 FAO Compliance Agreement and the 1995 UN Fish Stocks Agreement) and regulations adopted by RFMOs

Combatting IUU through market based measures

Using market-based measures to remove economic incentives to fish illegally.

- Catch documentation/traceability
 - Tracking legitimate catch
 - Keeping IUU catch out of markets
- Port State Measures
 - Preventing IUU vessels from landing or moving catch
- Ecolabelling - sustainable management
 - Requires compliance with national and international regulations



Traceability

- Allows tracking non-IUU products
- Prevent mixing of certified and uncertified products
- Supply chain operations require "chain of custody" certificate
 - Proves products have originated from a certified fishery
 - Required by all processors & retailers handling the product to carry the label
- Certificate given in basis of traceability systems and necessary documentation



"Catch certification" & "catch documentation"

- Both
 - Identify the origin of the fish
 - Have the purpose of combating IUU fishing
 - Accompany fish and fish products through (international) trade.
- One key difference
 - **Catch certifications** are issued at the point of harvesting and cover all fish to be landed or transhipped.
 - **Trade documents** are issued only with respect to products that enter international trade.
- Both types of documents contain information relating to the fish in question
 - catch certifications contain more comprehensive data.
- These documents may not be required all the way to the point of retail
 - Unless related to label/certification scheme

Ecolabelling

Voluntary product labelling conveying environmental information to consumers that seeks to create a market-based incentive for better management of fisheries



Ecolabelling Guidelines
www.fao.org

Ecolabelling - relationship to IUU fishing

Principles of ecolabelling capture fisheries relate directly to IUU fishing:

- Be consistent with UNLOS; UNFSA; FAO Code of Conduct for Responsible Fisheries; WTO
- Recognise the sovereign rights of States and comply with all relevant laws and regulations



Ecolabelling - relationship to IUU fishing

Management systems requirement:

- The fishery is conducted under a management system which is based upon good practice and that ensures the satisfaction of the requirements and criteria....
- The management system and the fishery operate in compliance with the requirements of local, national and international law and regulations, including the requirements of any regional fisheries management organization that manages the target stocks.



Future outlook

Generic audit scheme to verify the legal source of fish, where there is a known risk from illegal fishing?

- Commercial tools (are they being developed?).
- Actively trace fish batches backwards down the supply chain, following all transfers
- A voluntary system, where each transfer point would have to demonstrate its non-IUU sourcing
- Positive step to move the supply chain towards sustainability certification
- Separating retail shelf back to landing and on vessel systems
- To reduce costs use existing e-tracking methods
- Target fresh fish first - then onto other products.....(canned mackerel, tuna etc.)



Future outlook

- **Social certification** examines the "social provenance" of products
 - Where have they come from, how were they caught/traded?
 - mainly social/working conditions of those producing the fish and fish products
 - and/or whether they receive a fair price.
 - Does not explicitly cover IUU
 - Some interest how a Fairtrade mark could be applied to fish products such as tuna.
 - Fairtrade fish would need to address fishery access rights
 - Working conditions/rights



Branding

- Some fisheries can be considered reasonably sustainable because
 - they use no destructive gears and have some self-regulation on effort.
 - these fisheries are subject to IUU fishing.
 - There is high degree of social equity in the fishery
- This means that a "brand" for the fishery can be promoted
 - the costs of branding and maintaining the brand can be high.
- Tends to work better is a direct marketing to supermarket/market chain can be established.



MCS Networks development in selected sub-regions

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INTRODUCTION

Fisheries resources need to be properly managed for sustainable contribution to the nutritional, economic and social well-being of the growing world's population. Monitoring (M) –data collection and analyzing, Control (C) – legislation and administrative ordinances, and Surveillance (S) – law enforcement activities are some of the basic elements in developing MCS systems one of the tool or mechanisms to keep track on the implementation of fisheries management plans that is to maximize the economic opportunities and benefits from the State's water within sustainable harvesting limits. Needed MCS systems encompasses not only traditional monitoring and enforcement activities but also the development and establishment of modern data collection systems that are able to incorporate information from coastal traditional fisher-folk. Furthermore, the enactment of legislative instruments and the implementation of existing management plans through participatory techniques and strategies need to be strengthened. Regional cooperation among ASEAN-SEAFDEC Member Countries can facilitate the exchange of fisheries related data for the purposes of cooperation on MCS networks and fisheries management.

To move in this direction, there is a need to have a common understanding of the scope and provisions stated in legislation of countries in the region. Other related points include the extent of extradition agreements among countries, any cost savings schemes and efforts to increase negotiating power of member countries. In the wake of the entry into force of the binding Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported fishing the implementation of coordinated flag and port State control combined measures to address illegal, unregulated and unreported (IUU) fishing activities is called upon. Various government agencies not directly concerned with fisheries (e.g. environment authorities, national defense, coast guard, customs and immigration) would need to be involved in dialogue on matters such as determining priorities, allocating resources and how to share information as MCS networks are developed. The need to move in this direction was also expressed during the 2008 RPOA Bali Workshop on the development of good MCS practices and MCS networks in the sub-regions. The definitions provided on M, C and S were as follows;

“Monitoring (M) – include the collection, measurement and analysis of fishing and related activities including – but not limited to – catch, species composition, fishing effort, by-catch, discard, areas of operations etc; in which this information is primary data to use for decision making”

“Control (C) – involves the specific of the terms and condition 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 the checking and supervision of fishing and related activities to ensure that national legislation and terms, conditions of access, and management measures are observed”

Due to increasing pressures from over-fishing, degraded coasts and degraded marine environment, increased demand for land in coastal areas – and with the need to assess effects of climate change – in all the sub-regions of Southeast Asia there is a need to have a regional, sub-regional and/or bilateral dialogue on measures to take to improve fisheries management, control/manage fishing capacity, to build MCS Networks and to safeguard important habitats. The sharing of information generated through the MCS networks are a fundamental operating principle of the development of MCS Networks. There is an essential need to create network for sharing of information on the monitoring, control and surveillance of fisheries and fisheries related activities among countries in the Southeast Asian region. The development of MCS Networks in the sub-regions and the region as a whole is one major tool to combat IUU fishing which could positively reduce the long term damage on the fish stocks and marine ecosystems that otherwise might be inevitable. Torell *et al.* (2010) suggested that in order to combat illegal fishing in the region more effectively, there is a need to strengthen coordination on the development of MCS networks among relevant line agencies in each country as well as between the countries of the region.

Efforts are increasingly being made to initiate processes to improve coordination among responsible institutions and to extend the ambitions to include groups of countries in the region or the sub-regions of Southeast Asia. This paper provides some updates on the current status of the development of MCS networks in Southeast Asia with ambitions to:

- Improve the efficiency and effectiveness of activities related to Monitoring, Control and Surveillance through enhanced cooperation, coordination, information collection and exchange among responsible organizations and institutions within countries as well as among groups of countries,
- Strengthen MCS capabilities in Southeast Asian countries through coordination and cooperation at regional and sub-regional level with the aim to combat IUU fisheries,
- Support countries in the region in their attempts to meet their obligations arising from international agreements and the national responsibilities to implement effective Monitoring, Control and Surveillance.

MCS NETWORK

In the ASEAN Region, IUU fishing is wide-spread throughout the region and every country has accepted the need for regional approaches to curb the problem. To facilitate the process and to support the ambitions to minimize and combat illegal fishing in the region, SEAFDEC have

responded to these ambitions by providing platforms for countries in the area of Gulf of Thailand and the Andaman Sea, respectively. The initiatives allows for the countries around the Gulf of Thailand and around the Andaman Sea to discuss and address issues for improvement of fisheries management, the management of fishing capacity and the development of MCS networks. The progress of the initiatives is being reported to the RPOA Secretariat and similar initiatives linked to RPOA exist around Arafura-Timor Seas and Sulu-Sulawesi Sea (including Southern South China Sea). During the 1st Gulf of Thailand sub-region Meeting in March 2008, the countries recognized the importance of the development of an MCS network in the sub-region agreed initiate the process to set up the MCS network with an aim to allow an “Asian Model” to emerge based on the requirement of the region. It was highlighted that the initially stage for establishment should start with sharing of information and institutional cooperation including:

- Vessel record and inventory
- Port monitoring mechanism and information on landing
- Information and monitoring of:
 - Gears and licenses
 - Catches/catch documentation
- Special attention needed to be made on ways to include information from community fisheries and community based fisheries management

Recognizing the differences and levels of institutional capacity, as well as different institutional arrangements and responsibilities among countries of the sub-region (and the region as a whole) the Meeting recommended developing an “Institution Matrix” of key elements on Monitoring, Control and Surveillance, respectively. This would facilitate the identification of key institutions to be involved in the development of a MCS network.

The ambitions laid out during the first Gulf of Thailand were further elaborated during the second Gulf of Thailand Meeting in February 2009. Participating countries proposed that increased efforts should be made with respect to “Monitor, Control and Surveillance”, “vessel record and inventory” and “Port Monitoring”. The members of the sub-region (Cambodia, Malaysia, Thailand and Vietnam) initiated the development of a process to work on the establishment of a MCS Network. The network would initially focus on information sharing, such as on the number and types of boats, people involved in fishing, landings (across boundaries) among other things. The group also suggested that a platform for legal advisors/officers to share experiences on the scope, functions and limitation of their respective laws and regulations should be initiated.

Based on information provided on the meetings held on the Gulf of Thailand, the countries of Andaman Sea sub-region could during the first Andaman Sea Meeting, October 2009, discuss the relevance of recommended actions to the Andaman sub-region. Subsequently, the first Andaman sea meeting discussed an initiative to develop a MCS network for the Andaman Sea (by initially focus on the sharing of information). The Institutional Matrix of M, C, S for strengthening MCS functions and sustainable fisheries management was introduced and comments and recommendations were made on aspects relevant to the Andaman Sea. The meeting recommended to further explore options to establish a MCS Network for the Andaman Sea region by initially focus on the sharing of information, to further develop the matrix on key activities

related to M, C and S, respectively, to indicate responsible institutions and supporting legal documents, and to explore the extent of implementation of the MCS by the countries in the Andaman Sea sub-region. Cooperation should be initiated among the countries and relevant institutions for the implementation of MCS, and explore possibilities to build local MCS systems at community level including incorporation of traditional knowledge and local organization. Participating countries included Indonesia, Malaysia, Thailand, Myanmar and India (through BOBLME).

In summary: information sharing has been recognized as a practical and basic starting points by sharing information on the number and types of boats, people involved in fishing, landings (across boundaries) among other things. This is broadly supported by ASEAN Member Countries. MCS network will help Member Countries to cooperate in preparing for increased demands, new legal requirements and more strict regulations such as the combating of IUU fishing through improved catch documentation, requirements on vessel registration, port monitoring and improved traceability, etc. An important element is that documents provided need to be validated by relevant authority or body. Torell *et al.* (2010) indicated that the institutional capacity of many countries in the Southeast Asian Region for MCS is in general too weak to enforce regulation and to stop IUU fishing.

The initial information from countries in the region on “responsible institution”, “supporting legislation” and “convention/international agreement” as indicated with regards to responses to the institutional MCS matrix. The information is generated earlier meetings, direct communication and sources and is provided in Annex 1.

Countries in the region are required to work together to find a regional or sub-regional or even global solution because IUU fishing is very complex and not confined within national EEZ's. The Regional Plan of Action (RPOA) to Promote Responsible Fishing including Combating IUU Fishing in the Region is a voluntary initiative that includes eight ASEAN Member States and three non-ASEAN States (Australia, Papua New Guinea and Timor-Leste). Another voluntary initiative is an international MCS Network for combating IUU fishing. Currently the Network is composed of 49 countries including five Asian countries; Indonesia, India, Philippine, Thailand and Vietnam. Member countries committed to improve the efficiency and effectiveness of MCS activities through enhanced cooperation, coordination, and information collection/exchange.

CONCLUSION

In the development of MCS networks in the Southeast Asian Region, and sub-regions, each of the countries have their limitations with regards to national systems, legal arrangements and institution involved resulting in difficulties to harmonize policies and legislation on fisheries. There are also varying capacity with regards fisheries research capacities and data collection systems among countries of the region.

Although the standards allowing for effective MCS are slightly different among countries in the region and sub-regions the development of the institutional matrix on MCS, providing

information on responsible institutions, supporting legislation and relevant convention/international agreement helps to identify institutions and roles in support of the building up of MCS networks for the Southeast Asian Region and sub-regions. Increasing control and implementation of effective surveillance by coastal countries are needed to minimize illegal fishing and needed to increase security and protection of coastal areas, territorial and offshore (EEZ) waters through the implementation of more effective MCS system (Torell *et al.*, 2010). The building up and development of MCS networks for the Southeast Asian Region and sub-regions would assist the Member Countries to extend the combating of IUU fishing activities and to improve the capacity to implement more efficient monitoring, control and surveillance to promote the development of better fisheries management mechanisms and in support of long-term sustainability of fisheries and aquatic resources management.

The meeting is requested to provide recommendations and suggestions on the following points:

1. To get a broader recognition of the importance of improved monitoring, control and information sharing to deter IUU fisheries, including the development of MCS Networks, in support of efficient surveillance;
2. To assess relevance and scope of a regional approach and regional - and sub-regional - cooperation for development of initiatives to establish MCS Networks in the region and sub-regions;
3. To indicate specific areas or items needed to promote the continued development and strengthening of MCS Networks in Southeast Asian sub-regions, include identification of possible support mechanisms.

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Recommendations, summary and follow up actions

1. Regional and sub-regional cooperation/coordination

All through the consultation, the importance of regional approaches have been emphasized with an additional weight being given to the importance of developing agreements at sub-regional level including the development of MCS networks. This is further underlined by comments made that in the region and in sub-regions countries are both “port states” and “flag states” and both aspects need to be addresses in developing a common understanding – and by doing that countries will be better placed to live up to the new “requirements” to combat IUU fishing.

In processes to strengthen the regional and sub-regional cooperation the weak institutional links, at national and regional level should be addressed. Building upon existing sub-regional initiatives/frameworks is a starting point by strengthening institutions and institutional cooperation within those frameworks. In other sub-regions, where appropriate, similar processes could be initiated.

Efforts should be made to have different initiatives (SEAFDEC, RPOA, ASEAN, APFIC, etc) working with or promoting sub-regional level cooperation and to refer to sub-regions based on similar set-up of countries involved.

Specific matters and recommendations from the consultation to follow up with the RPOA Secretariat

- Prioritization of the issues of the Regional Plan of Action (RPOA) to combat IUU fishing in the region.
- To follow up with the RPOA, and its steering committee on the inclusion of countries to be involved in established sub-regional groupings, including *considerations to establish more “sub-regions” where there are common needs to implement MCS-networks among concerned countries such as possibly the area around South West South China Sea and Southern Malacca Straits*
- The establishment of a regional network/hub to facilitate the compilation of information on blacklisted vessels or vessels that are known to practice IUU fishing should be considered

Efforts should be made to initiate the formulation of national plans of action (NPOAs) to Promote Responsible Fishing Practices including Combating IUU Fishing, by among other things enhance monitoring of landings at key ports in each of the countries of the region. In the process SEAFDEC is encouraged to take initial actions taking by working with countries and encourage them through cooperation within existing sub-regional initiatives Involvement of concerned agencies from a range of sectors should be ensured.

Cooperation need to be boosted among neighboring countries through bilateral and trilateral agreements in order to strengthen the implementation and enforcement of legislations related to combating IUU fishing as well as in support of the implementation of relevant international instruments and conventions.

The increasing attention being given to social aspects (in communities and among the migratory work force) and working conditions (on vessels, in post-harvest and processing industry) has a regional and sub-regional dimension and to be addressed. This could, based on information provided during the Consultation, be done in different ways, such as:

- Require a guarantee, like in the Philippines, that crew on fishing vessels will be treated in accordance national labor laws before issuing a license to fish.
- Include, as suggested by a participant from Malaysia, “social certification” in the routines of countries in the region considering that there are social requirements in a range of international/national instruments IMO, ILO and the EC with regards to regulations pertaining to hygiene onboard (HOB) as well as other social/labor aspect.
- Take measures to ensure that the fishing sector/industry can adapt to priority concerns of the ASEAN Socio-Cultural Community such as labor requirements and requirements on the status of migratory workforce to prepare for the ASEAN Community by 2015 and onwards.

Inland fisheries: Distinction should be made with regards to marine and inland fisheries, respectively, considering that measures to combat IUU fishing are also needed for inland fisheries. A review, or survey, should be made to assess and describe the features of IUU fishing in inland waters. Promote measures to combat IUU fishing in inland fisheries.

2. Review legislation

The readiness of the countries to implement the Agreement on Port State Measures and other relevant instruments to combat IUU fishing should be assessed taking into consideration the existing laws and regulations of the respective countries and the extent to which these regulations provide a basis for countries to act. In this context there is a need to evaluate/assess the limitations of, and options for national laws to deal with the combating of IUU fishing. Countries need to review what’s already there in existing regulatory framework and adjust as needed in order to build up a structure that fits their own regulatory framework. Sharing of information on legal matters should be further enhanced while capacity building should be continuously improved.

Participation should be ensured at all levels and participation should be an integrated part in policy-making processes by allowing the stakeholders including (local) fisher-folk to take part in consultative processes leading to drafting of relevant regulations. Similarly, a strong emphasis was given to processes that will ensure the involvement of fishing industry in the development of the relevant regulations.

A continued process to facilitate consultative dialogue among legal officers to share, at sub-regional/regional basis, perspectives of the respective legal and regulatory framework in terms of developing MCS-networks and to implement efforts to combating IUU fishing should be promoted and ensured.

3. Lead countries for AFCF key clusters

In follow up to the Consultation the responsible lead countries for AFCF “Key clusters” should be mobilized in follow up of the recommendations of this Consultation which implies the involvement of, at least, the following lead countries:

- Indonesia – combat IUU fishing;
- Malaysia – fishing capacity and responsible fishing practices;

- Thailand – strengthening ASEAN joint approaches/position on international fish trade related issues; and
- Lao PDR – capacity building (cross-cutting)

SEAFDEC will communicate with those lead countries to discuss further steps and it is envisaged that other lead countries might also be approached. The lead countries would also be responsible to report back on progress to the AFCF. The process would include the involvement of the RPOA SEC and other units as suitable.

Assistance would need to be provided to Lao PDR. Lao PDR is in a central and important position as lead country for “capacity” considering that “capacity building” has been identified as one of the most important aspects in order to strengthen the positions of countries in the region to improve fisheries management and to combat IUU fishing. Specifically support to Lao PDR would be needed to monitor events in marine and coastal fisheries.

4. Training/capacity building

In the discussion the need for capacity building were raised, all through the Consultation, and SEAFDEC, FAO/RAP-APFIC, RPOA Secretariat and other organizations were asked to consider providing capacity building activities to enhance the capabilities of the countries in promoting sustainable fisheries management and eventually in combating IUU fishing. The specific needs of developing countries for strengthened capacity are also recognized in the two new instruments (FAO and EC respectively) that both are aiming at combating IUU fishing.

To improve the expertise of the region a program should be developed to promote capacity building of all stakeholders including technical persons, scientists, policy makers, legal officers, inspectors, economists, and the like. Personal and institutional capacity in all aspects especially in terms of improving fisheries management including port monitoring, MCS related matters, etc should be strengthened;

Guidance and capacity building would be needed for countries in the region to relate the scope of their own regulations to needed common approaches to combat IUU fishing in line with the Agreement on Port State Measures and the EC Regulation (with a common purpose to combat IUU fishing). Considering the present status of the national policies and procedures, there is a need for capacity building, and strengthening of relevant institutions, to enable the countries to implement the necessary measures and requirements with the aim of elimination IUU fishing.

National capacity should be built to improve the port management capacity including port inspections as needed from time to time and the need to develop a relevant training program, building upon the “guidelines for training of port inspectors” that is annexed to the FAO Agreement on Port State Measures, is emphasized in order to improve the capacity of personnel, including port inspectors, working at key fishing ports in the region.

Based on the information from SEAFDEC TD the Consultation encouraged TD to continue the preparation for a project, or initiative, that would have a major focus on the development of guidelines suitable to processes to combat IUU fishing (with possible support from the Japanese Trust Fund). The information on training provided by TD was welcomed by the Consultation.

5. Information sharing

Development of a network or working group taking into consideration the various sub-regional initiatives of SEAFDEC, and others, in order that sharing of relevant information could be facilitated, with the assistance of the RPOA and the ASEAN mechanisms. The RPOA “issues based matrix” and the SEAFDEC “institutional/legal based matrix” that has been developed to support the building-up of MCS-networks in sub-regions could be useful references in the network development.

Information sharing in the region should be further improved, among other things on procedures relevant to the small-scale fisheries in the region to verify the legality of artisanal/small-scale fisheries. The prime priority would not be to try to “classify” artisanal/small-scale fisheries but rather to review of the existing formats used in monitoring fishing activities in the region and coordinate among countries (bilaterally or in sub-regions) to be able to agree on the validation/certification routines, including landings across boundaries, to ensure a transparent and just confirmation that catches and landings are not subject to IUU fishing.

Strengthen information sharing on the initiatives of the countries in combating IUU fishing, especially on classification, procedures, etc. relevant to SSF in the region.

Information should be collected on local initiatives, both traditional and project based, aiming to monitor and policing illegal fishing activities in order to provide information to the countries in the region on best/good practices that work at a given local area, as well as practices that have not worked at a given local area.

Vessel record and inventory as an input to information sharing

In support of a process to develop the regional fishing record and inventory, SEAFDEC has introduced two survey forms for fishing vessel record and inventory (large and small scale) to the countries in the region. Initial feedback from the survey indicated differences in systems for fishing vessel registration and for the issuing of licenses to fish (vessels, gear and people) among countries in the region. These differences have led to a difficulty in coordinating the gathering of information on registration and licenses, especially in countries with divided institutional responsibilities.

Considering the differences in the countries’ structures, attempts should be made to “build upon the existing information based on the formats available in each country” as suggested during the Consultation. In the process however, there is a need to look into the elements of information provided in existing frameworks with a view to harmonize the formats. Furthermore, there is a need to find a common understanding on definitions and especially on the descriptions of “vessels” taking into consideration the FAO definitions shown in the Agreement on Port State Measures.

The countries should submit the available information on their respective total aggregated numbers of fishing vessels based on the existing format and reporting routines in order that SEAFDEC could shape a general picture of the available vessels in the region.

The countries were also requested to submit to SEAFDEC and RPOA SEC their existing available formats for consolidation before 15 October 2010 and for SEAFDEC to harmonize the format and send back to the SEAFDEC Member Countries for their consideration before the next FAO Technical Consultation on Global Record of Fishing Vessel in November 2010. The

countries were also encouraged to submit their inputs to the FAO Global Record as requested from FAO.

In the development of fishing vessel record and inventory ambition should be made to involve a group of multi-sector concerned agencies, such as maritime department.

Establish criteria and/or standards, including definitions

There is a need to promote a focus on common criteria to combat IUU fishing in which case there is a need to establish a regional standard for combating IUU fishing in the region. This should build upon the value and opportunities in developing criteria, standards or guidelines applicable to the region taking into account the common characteristics of fisheries in the region while recognizing the specifics of the sub-regions (as indicated by the sub-regional “issue” matrices developed under the RPOA). The Consultation recognized this as an important process to facilitate common approaches to combat IUU fishing and improved fisheries management.

The process to define suitable criteria to promote cooperation among countries in the region to combat IUU should build upon dialogues in the sub-regional areas (defined by SEAFDEC and/or RPOA), taking into consideration the unique characteristics of fisheries in the region.

In the process of establishing criteria, standards or guidelines there is a need to review the definitions building upon definitions provided by FAO and EC. Furthermore, there is a special request that RPOA and SEAFDEC should provide a clear definition of fishing vessels, refrigerated transport vessel, supply vessels, transshipment vessels, and reefers.

Fishing vessel registration and fishing license (vessel, gear and people) and institutional and legal responsibilities including safety at sea aspects

It is well recognized that the implementation of reliable systems for fishing vessel registration and the processes to issue licenses to fish (vessel, gear and people) is central to flag state responsibilities. The validity of registration documents and licenses, including documents on crew members, are among the basic documents to be provided at fishing ports, together with the catch documents. These documents will also be scrutinized during port inspection with a purpose combat IUU fishing. Considering that some countries are more far ahead and advanced in initiating the implementation of processes to register fishing vessels and to issue licenses to fish (vessel, gear and people) the Consultation suggested that the experiences of such countries could be shared with other countries in support of efforts to update and modify their respective registration and licensing systems.

Legal provisions and requirements of countries should be reviewed to establish the legal and institutional arrangements that should be the focus in the process of providing support to the development of national systems for registration and licenses. The Consultation indicated that the establishment of “one-stop center” for registration of fishing vessels and licensing would facilitate coordination and implementation of actions to combat IUU fishing. On the other hand it is important to recognize the extent to which the mandates are divided between different agencies to handle fishing vessel registration and the process to issue licenses to fish or if it could be handled within one agency.

Irrespective of system, it was stressed that close linkage and cooperation among the agencies concerned should be strengthened. SEAFDEC should update the fishing vessel registration and

fishing license flowchart on institutional responsibilities to cover all the ASEAN member countries to indicate key institutions to be included in the process.

Increased advocacy should be promoted for the fisheries sector specifically in the registration of fishing vessels as means of reducing IUU fishing in the region. The review of existing legislations, institutions and legal structures of the countries and the institutional “flowchart” should form a basis for enhance cooperation among the agencies involved in regulating the fisheries-related activities. To facilitate cooperation definitions on matters related to fishing vessel registration and the process to issue fishing licenses (vessels, gear and people) should be clearly defined.

The increasing attention being given to social aspects referred to earlier (regional cooperation) has direct implication to the process fishing vessel registration and the issuing of licenses to fish (vessels, gear and people) in that social aspects and labor conditions guarantees becomes part of the process, in that there will be need to:

- Require a guarantee, like in the Philippines, that crew on fishing vessels will be treated in accordance national labor laws before issuing a license to fish.
- Include, as suggested by a participant from Malaysia, “social certification” in the routines of countries in the region considering that there are social requirements in a range of international/national instruments IMO, ILO and the EC with regards to regulations pertaining to hygiene onboard (HOB) as well as other social/labor aspect.
- Pay increased attention to safety at sea aspect in the registration to ensure the safety and well-being of crew such as stipulated in IMO Conventions.

Catch documentation schemes available to register catches (log books, etc.)

Catch documentation is a key to effective fisheries management and for traceability of fishery products. In order to respond to stronger international requirements (FAO and EU) for validated catch documentation the countries are encouraged to review, and as necessary to strengthen the requirements for catch documentation in the respective countries’ national regulations (or legislations as appropriate), including processes to validate the information in the documents. The responsibility for the implementation of rules to ensure that fishing vessels provide necessary catch documents rests with the flag state - a main task for port managers and port inspectors in the port state is to check the availability of catch documents and the validity of the documents and contained information with regards to licenses, catches, species, fishing area, etc. One of the critical elements is to be able to provide reliable and trustworthy validation of catch documents and other required documents.

Immediate action and support is needed to further develop catch documents that are suitable to monitor fishing activities and as a tool in tracing the fishing area, involved vessels and composition of catches. Where suitable documents are available further action is needed to implement and monitor the use.

Several countries in the region are working on developing new, simplified, catch documents (log books, etc), such as Indonesia, Thailand (reintroducing the log book) and opportunities should be provided (at sub-regional level) to share the results and experiences – including experiences from fishing operators and industry as such on the usefulness to their needs of different catch documentation schemes (improved traceability, etc). The responses from the fishing industry should be sought on successful applications of catch documentations – and validation of the information contained.

SEAFDEC, RPOA and/or together with others, should develop appropriate training program for trainers on the development, application and implementation of catch documentation schemes – training provided should be linked to the development of a transparent process/system to validate the information contained in the catch documents (and the information needed during port inspections) .

A special area for follow up action is catch documentation (and validation) of catches being landed in neighboring country ports – SEAFDEC (Sida) will follow up on this as suggested in follow up to the presentation by participants from Thailand and Myanmar, respectively, through a sequence of on-site events in border provinces. Similar efforts should be developed for other border areas in sub-regions of South China Sea. In this context attempts should be made to look into the applicability of the special provisions applying to artisanal fishing vessels landing their catches across neighboring borders through agreements between the two neighboring countries.

Port Monitoring (Including of landings by vessels from neighboring countries)

The Agreement on Port State Measure is highlighting the **role of the port State** in the adoption of effective measures – through effective port monitoring and stringent inspections as needed from time to time to control the legality of catches being landed – to promote the sustainable use and the long-term conservation of living marine resources and to combat IUU fishing. At the same time it is recognised that measures to combat illegal, unreported and unregulated fishing should build on the **primary responsibility of flag States**.

To establish and enhance port monitoring mechanisms, it is necessary to establish good cooperation among all relevant sectors and institutions, as well as among neighboring countries. It is important to recognize that during port monitoring it is required that both local and foreign vessels are monitored to be able to validate and support the increasing requirements for catch traceability and other documentations.

To facilitate the process support could be provided for countries to build upon existing well-managed ports to be developed as a model for the country and establish protocols relevant to the laws and regulations to each country on how to manage fishing ports in support of efforts to combat IUU fishing.

Landings in neighboring ports require special consideration in the process of validation of the legal status of landed catches, especially with regards to artisanal fisheries as indicated in the FAO Agreement on Port State Measures. Initially this will be/should be followed in relation to cross-boundary relations with regards to Thailand and Myanmar. Similar efforts should be explored for other border areas.

A relevant training program needs to be developed, building upon the “guidelines for training of port inspectors” that is annexed to the FAO Agreement on Port State Measures. This was emphasized during the Consultation in order to improve the capacity of personnel, including port inspectors, working at key fishing ports in the region. This is also in line with indications in both of the recent instruments (FAO and EC) that recognize the need to assist developing countries in building up capacity.

In support of strengthening institutional capacity there is a need to develop a mechanism or set of standards for port inspection and port monitoring that would clarify the measures the port states

have to take, and how that relates to the measures that the flag states of the region has to take in order to combat IUU fishing.

Certification schemes to address the range of items that might need to be certified, by whom and how (catches, landings, environmental, social/labor, etc.)

The increasing requirements to be able to certify the origin, quality, sustainability, legality of production, production methods, treatment of labor force and social equity among other things are now well recognized among countries in the region. The main emphasis in the context of catch documentation is to be able to “validate” that the information contained in the documents are reliable. Countries should take the opportunity and consider market-based measures as tools to combat IUU fishing such as certification and labeling schemes including the process of validation of information provided. The promotion of “branding” could be an option to promote products that are produced legally with environmentally and socially sound practices.

Countries should consider and examine the social and working conditions of all those producing fish and fishery products, subsequently, where social certification might be option to indicate the legal status of fisheries operation such certification schemes should be developed.

In the perspective of the future outlook of fisheries in the region a number actions could be considered. These include the adoption of generic audit schemes for the implementation existing system food safety requirements; promotion of social certification by educating the stakeholders on how to fish responsibly; using a branding system to promote sustainable fisheries, among others.

Monitor, Control and Surveillance-development of MCS Networks (based on existing initiatives in sub-region of Southeast Asia, linking with RPOA, ASEAN and SEAFDEC)

All through the consultation the importance of regional approaches have been emphasized - with an additional weight being given to the importance of developing agreements at sub-regional level where MCS networks should be built to promote common understanding among involved countries. This is further underlined by the fact that in the region and in sub-regions countries are both “port states” and “flag states” and both aspects need to be addresses in developing a common understanding – and by doing that countries will be better placed to live up to the new “requirements” to combat IUU fishing.

In the Southeast Asian region it could be considered to establish more “sub-regions” where there are common needs to implement MCS-networks to facilitate cooperation among countries in order to combat IUU fishing.

To be effective MCS system, or network, should be developed based on not only the traditional monitoring and enforcement activities but also the development and management of modern data collection techniques in addition to the importance to build upon local organization and traditional knowledge to be effective at community level. The cooperation among ASEAN countries at regional and sub-regional level should be strengthened as well as with neighboring countries such as Indonesia, Australia, Timor Leste and Papua New Guinea. In other sub-regions cooperation with India (Andaman Sea) and China (North South China/Gulf of Tonkin) should be explored.

SEAFDEC and RPOA should come up with a synthesis on the common requirements for a MCS system that are taking into consideration the legal and institutional requirements or limitations facing each of the countries. A matrix on the institutional and legal arrangements in each of the countries could be useful in this process – as initiated by SEAFDEC.

Both of the RPOA (issues based matrix) and SEAFDEC (institutional/legal based matrix) initiatives are valuable tools in further developing MCS-networks in sub-regions and should be further developed. RPOA and SEAFDEC should provide recommendations on the further steps to be taken regarding the implementation of MCS network at the sub-regions.

A continued process should be strengthened to facilitate consultative dialogue among legal officers to share, at sub-regional/regional basis, perspectives of the respective legal and regulatory framework in terms of developing MCS-networks and to implement efforts to combating IUU fishing.

The importance to strengthen regional cooperation and to build up MCS-networks to combat IUU fishing has been emphasized during the Consultation. They also reiterated earlier point raised during the Consultation in that there is a need to evaluate/assess the limitations of, and options for national laws to deal with the combating of IUU fishing

Although MCS could be difficult to implement, the involvement of all stakeholders in the process could promote better understanding of the need to implement the MCS. However, it would also be necessary to adjust the envisaged MCS activities to be suitable to the local level for the benefit of all stakeholders in the communities. In efforts to build systems for M, C and S ways of including local level practices and the promotion of community-based MCS should be explored.

While recognizing 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 such local initiatives, both traditional and project based, in order to provide information to the countries in the region on best/good practices that work at a given local area, as well as practices that have not worked at a given local area.

Participation should be ensured at all levels and participation should be an integrated part in policy-making processes by allowing the stakeholders including (local) fisher-folk to take part in consultative processes leading to drafting of relevant regulations. Furthermore the need to involve the fishing industry in the development of the relevant regulations should be emphasized

In improving the expertise of the region a program should be developed to promote capacity building of all stakeholders including technical persons, scientists, policy makers, legal officers, inspectors, economists, and the like. SEAFDEC should conduct training on MCS using as reference the RPOA-endorsed curriculum or other suitable modules and in the process aim to strengthen inter-agencies cooperation at country level.

CLOSING REMARKS

By Dr. Chumnarn Pongsri
SEAFDEC Secretary-General

Distinguished Guests, Participants, Ladies and Gentlemen, Good Afternoon!

It was indeed a very busy three days for all of us, but I can say that we have made very relevant conclusions from this Consultation. The discussions on the basic requirements of the Port State Measures and the EC Catch Documentation through vessel registration, fishing licenses could help support the implementation of other international agreements and conventions such as those of the IMO and ILO among others. In addition, the Consultation provided the opportunity for the development of the MCS Network in Southeast Asia, especially at the sub-regional level as well as for continued awareness raising, information sharing and capacity building. While considering the recommendations of the AFCF and ASWGFi Meetings, we have also provided the link to the **key cluster areas** for cooperation under the ASEAN mechanism, generating practical coordination among SEAFDEC, ASEAN, AFCF, RPOA, and other partner organizations in our region.

The recommendations made at this Consultation on the need to establish concerted efforts to improve monitoring, control and management of fishing capacity may it be large or small scale, and handling of fish products in support of combating IUU fishing would provide further guidance for SEAFDEC and the Member Countries to take actions for the better management of fishing capacity and combating IUU fishing. At the same time, we could also continue the process of addressing fishing capacity, and compiling vessel registration and vessel records. Moreover, we have also addressed the urgent need for getting broader recognition of the importance of improved monitoring, control and information sharing to deter IUU fishing.

Ladies and gentlemen, we also appreciate very much your recommendation on the need for information sharing as clear indication and perspective for the promotion of regional cooperation. Such recommendation would provide guidance for SEAFDEC to continue our efforts in promoting the management of fishing capacity to combat IUU fishing in the Southeast Asian region. At this point in time, please allow me to reaffirm that the experiences gained and lessons learned that went into the outcomes of this Consultation would be used as part of the inputs during the upcoming Conference on **Fish for the People 2020 - Adaptation to the Changing Environment**. The resulting policy framework from this Conference would also enable SEAFDEC to conduct activities that could help strengthen the efforts of the Member Countries towards the improvement and management of fishing capacity to combat IUU fishing.

Thank you once again, and allow me now to declare the Expert Consultation on Managing of Fishing Capacity to Combat IUU Fishing closed. Good day!