

Strengthening Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asia

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Illegal Unreported and Unregulated (IUU) fishing is a global threat to sustainable fisheries and to the management and conservation of fishery resources. As a tool to combat IUU fishing, enhanced port State control has increasingly gained importance throughout the last decennium. The growing reliance on port States to combat non-sustainable fishing practices stems to a great extent from the failure of flag States to effectively control fishing operations carried out by vessels flying their flag. Port State Measures (PSM) are requirements established or interventions undertaken by port States in which a foreign fishing vessel must comply with or is subjected to as a condition for use of ports within the port State. National PSM would typically include requirements related to prior notification of port entry, use of designated ports, restrictions on port entry and landing/transshipment of fish, restrictions on supplies and services, documentation requirements, and port inspections, as well as related measures, such as IUU vessel listing, trade-related measures and sanctions. Many of these measures have in recent years seen their inclusion and development in international instruments.

Since the late 1990s, a number of international fora have called for the need to combat IUU fishing, and in March 2001, the FAO Committee on Fisheries (COFI) adopted the International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) which is being applied on a voluntary basis. A large and diverse set of measures for States was bounded to combat IUU fishing, individually and in collaboration with other States. Some of these measures are designed to be used

by all States; others are tailored for application by flag States, coastal States, and port States (SEAFDEC/TD, 2016).

The Food and Agriculture Organization (FAO) has played a leading role in strengthening the coordination of Port State Measures (PSM) and other surveillance activities, and in maximizing the benefits from such activities. This culminated in the acknowledgement by the FAO Committee on Fisheries (COFI) at its Twenty-sixth Session in 2005 that there was a need to strengthen PSM as a means of combating IUU fishing in a more substantive manner given that the lack of agreed and binding measures had provided a loophole. After their endorsement of the FAO Model Scheme on Port State Measures to Combat IUU Fishing, COFI agreed that follow-up work should be undertaken, especially with respect to the implementation of standards and model of control measures which FAO had developed for adoption in fishing ports (Saikliang *et al.*, 2012).

The regional fisheries management organizations (RFMOs) have been increasingly adopting the PSM which had also been addressed in a number of international instruments. Acknowledging that there was an urgent need for a comprehensive suite of PSM, COFI endorsed the initiative to develop a legally binding agreement on port State measures based on the FAO Model Scheme and the IPOA-IUU. Thus, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement) was approved during the Thirty-sixth Session of COFI in November 2009 (Saikliang *et al.*, 2012). In October 2017, the instruments to adhere to the PSM Agreement had been deposited by 49 States and one member organization (*i.e.* EU).

In the Southeast Asian scene, the Plan of Action on Sustainable Fisheries for Food Security Towards 2020 which was adopted during the ASEAN-SEAFDEC Conference Fish for the People 2020 “Adaptation to a Changing Environment” in Bangkok, Thailand in June 2011, emphasized the need to build up capacity among ASEAN Member States (AMSS), including functions for regional and sub-regional cooperation, to effectively meet the requirements of port State measures and flag State responsibilities (SEAFDEC/TD, 2013). In support of the implementation of PSM for the Southeast Asian region, and in anticipation of the entry to enforce the PSM and the need for strengthened regional cooperation, the SEAFDEC Training Department (TD) implemented the project “Promotion of Countermeasures to Reduce IUU



Fishing port at Songkhla Province, Thailand

Fishing” for the period 2012-2019 with funding support from Japanese Trust Fund (JTF). Under the Project, PSM activities had been promoted in the AMSs through series of meetings and workshops organized by TD including the “Experts Group Meeting on Port State Measures in Southeast Asia” (November 2012), “Experts Meeting on Regional

Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region” (February 2016), and “Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia” (November 2016). The recommendations from all such meetings emphasized

Table 1. Recommendations for regional cooperation to implement the PSM Agreement in Southeast Asia (SEAFDEC/TD, 2017)

Refers to the PSM Agreement		Recommendations for Regional Cooperation on PSM implementation	Actions and Needs
PART	Article No.		
Entry into Port	Article 7: Designated port	<ul style="list-style-type: none"> Encourage AMSs to identify designated ports for foreign fishing vessels and discourage foreign fishing vessels from unloading fish and fishery products in non-designated ports 	<ul style="list-style-type: none"> AMSs shall share the information on ports with FAO and SEAFDEC. the AMSs without designated ports must learn the criteria, identification, and analysis Establishment of a guide for port designation including procedures, information dissemination, and so on
		<ul style="list-style-type: none"> Include in the list of designated ports such information as the name of the port, address, contact person and his/her designation as well as official website with English version 	<ul style="list-style-type: none"> SEAFDEC shall publicize the information on AMS's designated ports
	Article 8: Advance request for port entry	<ul style="list-style-type: none"> AMS shall provide, as a minimum standard, the information requested in Annex 1 of the PSM Agreement or relevant document to be adopted by AMS to be provided before granting entry to a vessel to its port 	<ul style="list-style-type: none"> The AMSs should provide information on Regional Fishing Vessel Record (RFVR) to SEAFDEC as a tool to support the implementation of PSM not only for vessels 24 meters and over, but also below 24 meters as planned for the future development of the RFVR Database Expand existing RFVR to support the Annex 1 including history of compliance The RFVR should include vessels less than 24 meters, especially those that use foreign ports, but not artisanal vessels (considering the near-real time updating of the existing RFVR Database)
Article 9: Port entry, authorization or denial		<ul style="list-style-type: none"> Share information on the country's laws and regulations among the AMSs taking into account the situation where some AMSs (e.g. Malaysia and Indonesia) do not allow their fishing vessels excluding carriers to unload catch at ports in the respective countries 	<ul style="list-style-type: none"> Organize regional workshops to share and discuss laws and regulations Develop a regional website and database system where English version of laws and regulations of all AMSs will be published Encourage the use of existing Port lex (FAO database), SEAFDEC website, and RPOA-IUU website for sharing laws and regulations Translate national laws and regulations into English for wider audience, in which the resources and support could be requested from FAO
		<ul style="list-style-type: none"> Encourage AMSs to require foreign fishing vessels and carriers to submit pre-arrival information (such as approval to land catch, origin of catch or certificate of catch) so that the port State can decide whether to authorize or deny the entry of such vessel into their port. Decision to deny shall be communicated to the flag State 	<ul style="list-style-type: none"> Conduct Regional Training on the implementation of PSM for Brunei Darussalam, Cambodia, and Viet Nam for their stakeholders to understand the process of PSM Develop a minimum standard of pre-arrival information (e.g. ACDS) Share the results of inspection on port entry, authorization or denial among coastal States and flag States, and regional organizations such as FAO, SEAFDEC, and RPOA-IUU Discuss the black list of foreign fishing vessels and carriers
		<ul style="list-style-type: none"> Provide awareness building to relevant stakeholders (e.g. fishing boat owners, importers, port authority officials and staff, etc.) at national level to enhance better understanding of the country's laws and regulations, and other procedures on inspections 	<ul style="list-style-type: none"> Develop Training of Trainers Workshops (train the target stakeholders, etc.) and produce multi-media materials (posters, IEC, etc.) to make it applicable in the local context Create communication strategy and roadmap such as development of PSM webpage that contains country profile, laws and regulations, and FAO materials and lessons Organize training on implementation of PSM for stakeholders, fisheries managers, fisheries policy makers, and inspectors

Table 1. Recommendations for regional cooperation to implement the PSM Agreement in Southeast Asia (SEAFDEC/TD, 2017) (Cont'd)

Refers to the PSM Agreement		Recommendations for Regional Cooperation on PSM implementation	Actions and Needs
PART	Article No.		
Inspections and Follow-up Actions	Article 12: Levels and priorities for inspection	<ul style="list-style-type: none"> Adopt the Standard Operating Procedures (SOPs) on risk assessment and inspection of vessels through harmonization during consultations or workshops 	<ul style="list-style-type: none"> Organize a regional workshop in collaboration with relevant partners on the development of SOPs for risk assessment and inspection of vessels focusing on the target group from port managers, operational level, inspectors, and technical level AMSS should prepare the information on vessels for the development of SOPs on risk assessment prior to the development of SOPs
		<ul style="list-style-type: none"> AMS to consider minimum levels for inspection of vessels through, as appropriate, agreement among all other AMSS Support inspection of the vessels where the historical data/information of vessels should be required in the database module of vessels 	<ul style="list-style-type: none"> Promote the use of RFVR and eACDS Apply RFVR Database system in field work
	Article 15: Transmittal of inspection results	<ul style="list-style-type: none"> AMS to transmit the results of each inspection to the flag State of the inspected vessels AMS to submit to SEAFDEC the total number of inspections conducted annually Port State to share the summary report of inspection to SEAFDEC, when AMS flagged vessel has been denied entry, denied the use of port, or denied landing of fish 	<ul style="list-style-type: none"> Share the results of inspections on port entry, authorization or denial among coastal States and flag States as well as regional organizations such as FAO, SEAFDEC, and RPOA-IUU SEAFDEC to serve as the regional center for sharing of data in the Southeast Asian region
	Article 16: Electronic exchange of information	<ul style="list-style-type: none"> Facilitate the implementation of this Regional Cooperation, and where possible, each AMS should establish a communication mechanism that allows direct electronic exchange of information with due regard to appropriate confidentiality requirements AMSS to cooperate for the establishment of an information-sharing mechanism by SEAFDEC to facilitate the exchange of information with existing database for this cooperation 	<ul style="list-style-type: none"> Develop a PSM website and database system to support the regional center for sharing of data to all AMSS Develop an effective two-way communication Create networks on PSMA across different levels (high level and working level) through e-mail group, social media, mobile apps, etc.
	Article 17: Training of inspectors	<ul style="list-style-type: none"> AMSS to request FAO, RFMOs, ASEAN, SEAFDEC, and relevant agencies for the conduct of training of trainers (TOT) for port inspections including legal and operational aspects with emphasis on practical hands-on component Develop a network/team among AMSS on TOT for port inspections Consider an existing training module developed by RPOA-IUU in collaboration with the Australian Maritime on port inspections to support the TOT programs 	<ul style="list-style-type: none"> Conduct TOT for inspectors to support PSM implementation and development of network SEAFDEC, FAO, and partner organizations to facilitate and support a model port as a training site Establish network of inspectors Establish SOPs for inspectors in the region Develop regional guidelines for port inspection
	Article 18: Port State actions following inspection	none	<ul style="list-style-type: none"> Share information among relevant organizations Develop guidelines and inspection manual with support from FAO

that SEAFDEC and partner organizations should support and assist the AMSS to implement PSM activities through enhanced understanding of the requirements contained in the PSM, provide capacity building by engaging persons at all levels, and strengthen regional cooperation towards combating IUU fishing in the Southeast Asian region.

During the said meetings and workshops, the representatives from AMSS discussed the Port State Measures Agreement, specifically the part on “Entry into Port” and “Inspections and Follow-up Actions,” and came up with the recommendations

for regional cooperation on PSM implementation and the actions and needs necessary for such implementation, as shown in **Table 1**. It should also be noted that as of 2016, four Southeast Asian countries signed the instrument of accession to the PSM Agreement, namely: Indonesia, Myanmar, Philippines, and Thailand (Saraphaivanich *et al.*, 2016). Moreover, constraints/problems, challenges, and priority activities for respective AMSS were identified to address the issues on the following: operational, legal, human resources, infrastructure, information, and measures related to PSM implementation (**Table 2**).

Table 2. Constraints/problems encountered by AMSs that hinder the implementation of PSM (SEAFDEC/TD, 2017)

Constraints/ Problems	BN	KH	ID	MY	MM	PH	SG	TH	VN	Challenges	Priority activities
Support needed for becoming a Party											
• Process on becoming a party		X								none	• Technical support to the process of becoming a party
Operational											
• Lack of SOP in implementing PSM with any scale of foreign vessel	X	X	X		X	X	X		X	<ul style="list-style-type: none"> • Revision and reorganization of fishing port operational procedures to support PSM • Development and updating of harmonized SOPs on vessel inspection at port for guidance of all AMSs • Identification of the needs and capacity building required for staff concerned on relevant aspects PSM implementation • Difficulties in verification of vessel documentation and inspection 	<ul style="list-style-type: none"> • Training and development of guidelines on how to come up with a robust PSM inspection and surveillance system (e.g. how to determine the high risk vessels and how many vessels to inspect) • Addressing specific request for training support for whole set of SOPs on vessel inspection at port • National workshops that will pool together agencies involved in PSM to develop national SOPs for interagency coordination • Updating of existing SOPs on inspection of fishing vessels and fish carriers at port to harmonize with laws which support the implementation of PSM
• Port management under different agencies leads to insufficient inter-agency cooperation for PSM implementation	X	X	X		X	X			X	<ul style="list-style-type: none"> • Sharing of information on vessel entry permit among concerned agencies such as DOF, Harbor Department, Custom, FMO, etc. • Establishment of ASEAN Fish Market Federation (AFMF) to promote and implement the ACDS 	<ul style="list-style-type: none"> • Establishment of good coordination between enforcement agencies and concerned agencies • Strengthening of cooperation between government agencies and owners of private ports
Legal											
• Challenges with regards to implementation of laws and regulations	X	X	X	X			X	X	X	<ul style="list-style-type: none"> • Inconsistent interpretation of laws • Amendment or updating of existing regulations • Review and updating of Fishery Acts 	<ul style="list-style-type: none"> • Analysis to identify the gaps in current legislation • FAO to provide technical assistance in reviewing legislative systems • National meeting on updating of laws and regulations to support PSM
• Challenges in interpretation of the PSM Agreement	X	X	X	X	X	X	X	X	X	<ul style="list-style-type: none"> • Incomprehensive interpretation of non-fisheries stakeholders of laws and regulations • Need for MOU between concerned government agencies • Need for assistance for the law enforcement officers and managers from legal officers in FAO in the correct interpretation of the provisions of PSMA • Need for assistance in the correct translation of PSM Agreement into local languages 	<ul style="list-style-type: none"> • Review to clarify if the following are covered under the PSMA. If they are, what are expected to do and provide workshops that cover inspections in these areas? <ul style="list-style-type: none"> - Are land and airport of entries included in the PSMA? - Are container ships included in the PSMA? • Training on implementation of PSMA which aims to acknowledge and understand the importance of implementation of PSMA

Table 2. Constraints/problems encountered by AMSs that hinder the implementation of PSM (SEAFDEC/TD, 2017) (Cont'd)

Constraints/ Problems	BN	KH	ID	MY	MM	PH	SG	TH	VN	Challenges	Priority activities
Human Resource											
<ul style="list-style-type: none"> Limited capacity of implementation due to inadequate facilities and officers concerned 	X	X	X	X	X	X	X	X	X	none	<ul style="list-style-type: none"> Development of capabilities across all levels (e.g. policy makers, port managers, inspectors, etc.) Technical support on how to operate communication equipment
Infrastructure											
<ul style="list-style-type: none"> Insufficient infrastructure for upgrading infrastructures to support PSM 	X	X	X	X	X	X	X	X	X	none	<ul style="list-style-type: none"> Assistance to set up or upgrade electronic databases and systems (e.g. eACDS, databases to record catch, VMS, MCS, GPS, AIS, and other communication systems) Understanding on the requirements and criteria for appropriate designated ports
<ul style="list-style-type: none"> Insufficient budget for upgrading infrastructures to support PSM 	X	X	X	X	X	X			X	none	<ul style="list-style-type: none"> Establishment of budget to set up or upgrade electronic databases and systems (e.g. ACDS, databases to record catch, VMS, MCS, GPS, AIS, and other communication systems) Request for FAO to finance the development and implementation of port management system in respective AMS
Information											
<ul style="list-style-type: none"> Lack of fish landing data system and management 	X	X								<ul style="list-style-type: none"> Encouraging “traders“ to cooperate with AMSs through information and education campaigns Sharing of information such as catch, fishing vessels, and fishing gears through sharing of experience in PSM implementation among the AMSs Information sharing on rules and regulations for inter-agencies collaboration and implementation Creation of a “rapid alert system” for ASEAN (through mobile application if available) Establishment of the ACDS 	<ul style="list-style-type: none"> Development of SOPs for sharing of information in the Southeast Asian region Use of Fisheries Language for Universal Exchange (FLUX) form
<ul style="list-style-type: none"> List of IUU fishing vessels from RFMOs is not updated 	X	X	X	X*	X	X	X	X	X		<ul style="list-style-type: none"> Publication by FAO of a consolidated list of IUU fishing vessels on its website and removal of the need for countries to check various RFMO or international organization websites
<ul style="list-style-type: none"> Lack of awareness among stakeholders and concerned agencies about PSM 	X	X	X	X**	X	X	X	X	X		<ul style="list-style-type: none"> Capacity building and awareness raising among government agencies and relevant stakeholders
<ul style="list-style-type: none"> Limited traceability of some imports of fish and fishery products 	X	X		X	X		X		X		<ul style="list-style-type: none"> Development of the eACDS
<ul style="list-style-type: none"> Lack of sharing of information among agencies where control of ports fall under different port authorities 		X	X			X					<ul style="list-style-type: none"> Assistance from FAO to propose the roles and responsibilities of various agencies for PSM implementation

Table 2. Constraints/problems encountered by AMSs that hinder the implementation of PSM (SEAFDEC/TD, 2017) (Cont'd)

Constraints/ Problems	BN	KH	ID	MY	MM	PH	SG	TH	VN	Challenges	Priority activities
Measures related to PSM implementation											
• Inadequate vessels registration and fishing license system management		X									• Request for FAO to finance the vessels registration and fishing license system management

* Malaysia's experience shows that RFMO's IUU vessel list may not be up-to-date

**Malaysia sees information sharing with regards to PSM implementation, e.g. inspection report, as a challenge rather than an issue for the region

Note: BN: Brunei Darussalam; KH: Cambodia; ID: Indonesia; MY: Malaysia; MM: Myanmar; PH: Philippines; SG: Singapore; TH: Thailand; VN: Viet Nam

Way Forward

Within its capability, SEAFDEC would continue to support the AMSs following the recommendations of regional cooperation on capacity building to support PSM Agreement implementation. SEAFDEC would organize in 2018 “The Regional Training on PSM implementation in Southeast Asia for Fishery Manager Level” in collaboration with FAO and other relevant agencies. The Training will focus on: (1) guidelines of national legal aspects, policy and institutional of Port State Measures Agreement (PSMA) implementation; (2) port inspection activities; and (3) lessons learned from Thailand on the implementation of PSM. Moreover, on-site training on PSM implementation and port inspection for inspectors in selected AMSs would also be conducted in 2018.

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Thai trawler fishing vessel