

Report of the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia



7-10 November 2016, Bangkok, Thailand



REPORT OF

**THE WORKSHOP ON REGIONAL COOPERATION FOR
IMPLEMENTATION OF PORT STATE MEASURES TO
IMPROVE FISHERIES MANAGEMENT AND REDUCE IUU
FISHING IN SOUTHEAST ASIA**

7-10 November 2016

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REPORT OF THE WORKSHOP ON REGIONAL COOPERATION FOR IMPLEMENTATION OF PORT STATE MEASURES TO IMPROVE FISHERIES MANAGEMENT AND REDUCE IUU FISHING IN SOUTHEAST ASIA

7-10 November 2016, Bangkok, Thailand

I. OPENING OF THE WORKSHOP

1. The Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia was convened by the SEAFDEC in collaboration with ASEAN and the Department of Fisheries, Thailand from 7 to 10 November 2016 in Bangkok, Thailand which supported by the Japanese Trust Fund and Government of Sweden through the SEAFDEC-Sweden Project and other partners such as as the Food and Agriculture Organization of the United Nations (FAO), USAID, and Marino-forum 21. The Workshop was attended by ASEAN-SEAFDEC Member Countries from Brunei Darussalam, Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam, Representatives from International Collaborating Organizations and Agencies such as the Food and Agriculture Organization of the United Nations Regional Office for Asia and Pacific (FAO/RAP), USAID Regional Development Mission of Asia (USAID/RDMA), Australia Embassies, and Marino-Forum21, Fish Marketing Organization (FMO), USAID Oceans and Fisheries Partnership, and Senior officers and researchers of the SEAFDEC Secretariat, Training Department (TD), and Marine Fishery Resources Development and Management Department (MFRDMD), as well as Regional Fisheries Policy Network Members. The list of participants appears as **Annex 1**.

2. The Secretary-General of SEAFDEC, *Dr. Kom Silapajarn*, welcomed the participants to the Workshop and who reiterated the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing to prevent illegally caught fish from entering international markets through ports. However, it is necessary for our region to develop work plan and activities that would support the implementation of the PSM Agreement and eventually combat IUU fishing. For such reason therefore, the SEAFDEC Council agreed the need for SEAFDEC to organize this workshop in order to provide a deeper understanding on the implications of the entry into force of the PSM Agreement, strengthen the understanding of the ASEAN-SEAFDEC Member Countries on the requirements for implementing the PSM Agreement, and develop detailed activity plans together with collaborating organizations for the implementation of the PSM Agreement in our region. His Welcome Remarks appear as **Annex 2**.

3. On behalf of FAO, the Fisheries Programme Consultant, *Dr. David Brown* thanked SEAFDEC to provide opportunity to give a statement on areas of mutual interest and scope for future cooperation. He mentioned that IUU fishing itself represented a major problem for the fisheries sector, jeopardizing already difficult efforts to sustainably manage fisheries resources. He also stressed that traceability and catch documentation systems are important parts of the effort to combat IUU fishing and to ensure seafood safety. He affirmed that FAO appreciated the on-going cooperation with SEAFDEC, the Japanese Trust Fund, Sweden and the USA in countering IUU. His Remarks appears in **Annex 3**.

4. The Director of the Regional Environment Office from USAID/RDMA, *Mr. Alfred Nakatsuma* thanked SEAFDEC and the Royal Thai Government for our generosity in hosting this workshop. He was excited to be in this workshop forasmuch they were building a lot of momentum in these efforts to reduce IUU fishing globally. He believed that Port State Measures Agreement was very important complement to all of these other efforts. He also cited that the United States Government committed to working with us and encouraged our countries to ratify. Lastly, he hoped that this workshop would help us to achieve the workshop's many objectives. His Remarks appears in **Annex 4**.

5. The representative from Marino-forum 21, *Ms. Yo Suma* introduced Marino-Forum 21 is a voluntary organization. After it was authorized by the Fisheries Agency in 1986, it became an incorporated association. Which has three main objectives including 1) Development and dissemination of technologies for fish cultivation, 2) Contribution to the healthy development of overseas fisheries, and 3) Contribution to the development of fisheries in Japan and the stable supply of marine products. She mentioned to good relationship with SEAFDEC and every year Marino Forum 21 supported technical support committee consist of Japanese experts and SEAFDEC department staffs to Japan and provide various trainings. She therefore affirmed that Marino-Forum 21 would support the implementation of work at SEAFDEC both Port State Measures and other fisheries issues. Her Statement appears as **Annex 5**.

6. On behalf of *Dr. Adisorn Promthep* the Director General Department of Fisheries, *Dr. Chumnarn Pongsri* welcomed the participants to the Workshop. He recalled the efforts made by SEAFDEC in collaboration with FAO in raising the awareness of the Southeast Asian region on the need to improve the management of fisheries by among others, combating the illegal fishing practices in the region as well as putting an end to the uncontrolled utilization of marine and coastal resources. He also expected that the participants would obtain clearly understanding on the implications of the entry into force of the PSM Agreement. After expressing those insights then declared the Workshop open. His Opening Remarks appears as **Annex 6**.

II. INTRODUCTION AND ADOPTION OF THE AGENDA

7. The background of the Workshop was introduced by *Mr. Kongpathai Saraphaivanich*, representative from SEAFDEC/TD. While briefing on the implementation of Port State Measures to improve fisheries management and reduce iuu fishing in southeast asia (**Annex 7**), he highlighted on the activities that SEAFDEC has been implementation to supporting FAO Agreement on Port Stat Measure. He also pointed out the objective of this workshop to providing a deeper understanding on the implications of the entry into force of the PSM Agreement, to strengthening on the understanding among ASEAN-SEAFDEC Member Countries on requirements for the implementation of Port State Measures (PSM) in the region; and to developing a detailed activity plan together with partners in support of the implementation of PSM in the region.

8. The agenda was adopted appears as **Annex 8**.

III. INTRODUCTION OF THE FAO PSMA ENTERED INTO FORCE ON JUNE 5TH, 2016

9. The Fisheries Programme Consultant, *Dr. David Brown* presented on the history, objectives, status, and provisions of FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. He provided the information on the relationship between IUU fishing and other crime and international instruments addressing IUU fishing. He also provided detail of FAO Agreement on Port State Measures (PSMA) which including the objective, abbreviated history, and current status of PSMA. His presentation appear as **Annex 9**.

IV. REVIEW OF THE OUTPUTS FROM “EXPERT MEETING ON REGIONAL COOPERATION TO SUPPORT THE IMPLEMENTATION OF PSM IN SOUTHEAST ASIAN REGION” (FEBRUARY 2016)

Specification of surveillance sector for port state measure and control in each Member Countries and current legal system

10. *Mr. Bundit Chokesanguan*, representative from SEAFDEC/TD presented on the specification of surveillance sector for Port State Measure and control in each Member Countries and current legal system. He informed that the first Expert Group Meeting on Port State Measures which organized by SEAFDEC/TD was conducted in 2012 and in that time, three (3) countries have signed the PSMA,

namely; Indonesia, Myanmar and Thailand. He also provided progress on Cambodia, Malaysia, Philippines, Singapore, and Viet Nam. In addition, he ended his presentation with the summary of constraints/problems in implementation of PSM. His presentation appears as **Annex 10**.

Identification of issues in the PSM Agreement that would support the implementation of PSM in the region

11. *Mr. Bundit C.* presented on the Identification of issues in the PSM Agreement that would support the implementation of PSM in the region this presentation came from last Expert Meeting in February 2016 (**Annex 11**). He provided the issues in the FAO-PSMA for regional cooperation in Article are follows:

- Article 7: Designated Port
- Article 8: Advance request for port entry
- Article 12: Levels and Priorities for inspection
- Article 15: Transmit of inspection results
- Article 16: Electronic exchange of information
- Article 17: Training of inspectors and
- Article 18: Port State action following inspection.

Updated on the work plan as a basis for recommendations on Regional Cooperation to support the implementation of PSM

12. *Mr. Bundit C.* presented the updated on the work plan as a basis for recommendations on Regional Cooperation to support the implementation of PSM (**Annex 12**). Regarding to the technical workshop on SOP for vessel inspection at port will be discussed during this workshop for complete the schedule and should be included collaborating partners such as USAID, FAO *etc.*

Identification of Capacity Building Requirements

13. *Mr. Bundit C.* presented the review of the previous PSM Meeting on capacity building required for the implementation of PSMA (**Annex 13**) which focus on the different stakeholders, namely general audiences, inspectors, policy makers, fisheries managers. Training on fisheries management, applicable legal instruments, introduction of PSMA and importance of PSM implementation, advanced request to entry port, ethics of PSM inspector, health safety and security of PSM inspector, authorities and powers of PSM inspector, SOP/decision criteria, prioritizing inspection based on the risk assessment, inspection of vessels, commercial fishing gear and equipment as well as techniques, fish and product identification, monitoring offloading and transshipment operation, follow up procedures in information sharing, legal process, rule of evidence and interviews, field practical training, capacity needs assessment towards implementation of PSM, on site study on observation on fishing port and inspection activities, and understanding PSM apply in the region would be organized for each category specific fit. Finally, the presenter questioned about how the different donors could help to fulfill the requirement of the capacity building need for the implementation of PSM and those donors are FAO, USAID, Australian Embassy, JTF, Swedish Fund and Marino Forum 21.

14. SEAFDEC Deputy Secretary-General and Japanese Trust Fund Manager, *Dr. Kaoru Ishii*, asked about the support that other organization can could help in the capacity building like FOA. In responded that FAO supported the countries which have signed the PSMA in building up the capacity for implementation PSM in technical aspect, information sharing in FAO website-port-lex.

V. UPDATING ON IMPLEMENTATION OF RELEVANT ACTIVITIES ON PSM BY MEMBER COUNTRIES

- *Brunei Darussalam*

15. The representative from Brunei Darussalam, *Mr. Irwan Haji Mohd Noor* provided on the current status on the PSM implementation and of IUU fishing in Brunei Darussalam. He also provided the fisheries law in Brunei Darussalam related to port state measures namely fisheries order in 2009 and Merchant Shipping Order, 2002 of the Marine Department . In this connection, he mentioned that Brunei Darussalam would be highly committed to active collaboration with other countries in the region in assessing the status of fisheries resources, combating IUU fishing, developing appropriate regional and bilateral MCS measures, harmonised PSM and sharing fisheries-related information. His presentation appears as **Annex 14**.

- *Cambodia*

16. The representative from Fisheries Administration of Cambodia, *Mr. Chhuan Kimchea* presented relevant activities on PSM which covered background, fisheries policy, current status of PSM implementation, revision of legal framework, problems and issues, proposed action for region cooperation to support implementation of PSM. He stated that the present condition of PSM was not operational and applicable in Cambodia due to no foreign vessels unloading fish catch in Cambodia. The Fisheries Administration (FiA) is preparing NPOA-IUU with Support PSM implementation. His presentation appears as **Annex 15**.

- *Indonesia*

17. The representative from the Ministry of Marine Affairs and Fisheries (MMAF) of Indonesia, *Mr. Fitrianto Dwi Setyawan* reviewed the Indonesian efforts to implement Port State Measures (PSM) for reducing IUU fishing and improving fisheries management in Indonesia. He explained that Indonesia has already comprehensive Port State regime based on closed port system that restricting foreign fishing vessel entering Indonesia. Directorate General of Capture Fisheries also has publish the regulation No. 51/2012 concerning depart and arrival of foreign fishing vessel, before the Moratorium of ex foreign fishing vessel in 2014. His presentation appears as **Annex 16**.

18. While providing a review on national policies milestone to combat IUU Fishing, he explained that Indonesia had ratified PSM Agreement through Presidential Decree No.43/2016. He believed that PSM Agreement ratification by Indonesia is step forward for Indonesia in strengthening the supervision of port authorities in preventing and combating IUU Fishing. Indonesia is the 25th countries that ratified PSM Agreement, as well as makes the Agreement become effective internationally.

19. Currently, there are five designated port in eleven Fisheries Management Area (FMA) in Indonesia for foreign fishing vessel that need to be strengthened for the implementation of PSM. Indonesia already anticipates for the implementation of action plan; to (1) improve Standard of Procedures (SoP), facilities, infrastructure and human resources capacity, (2) review and update on legal framework and designated port, and (3) establish systematic cooperation and exchange of information.

20. Last but not the least; He explained the Meeting that next action to be taken by Indonesia to implement the PSM including review on existing national regulation to support PSM, review on designated port, improve infrastructure of designated port, improve human resources capacity, and enhance regional and international cooperation.

- *Malaysia*

21. The representative from Malaysia, *Mr. Abdul Rahman bin Abdul Wahab* presented on the implementation of PSM in Malaysia. He mentioned that there are currently two (2) designated ports in Penang and Langkawi. He also informed the meeting that sixteen (16) port inspectors have been appointed and in October 2016, Malaysia has requested FAO assistance to conduct gap analysis to become party to PSMA. He highlighted several competence building activities in 2016 which includes IOTC-related PSM training and the proposed educational/technical visit to Phuket Fishing Port. His presentation appears as **Annex 17**.

- *Myanmar*

22. The representative from Myanmar, *Dr. Nyunt Wai* presented that the Department of Fisheries of Myanmar in cooperation with Myanmar port authority and Department of Marine Administration implement of Port State Measures along the coasts of Myanmar. He explained about the law relating to the Fishing Rights of the foreign fishing Vessel (1989), and Myanmar Marine fisheries law (1989) for local vessel and Joint venture vessel. He also informed that the main constraints in the implementation of PSM are lack of information of illegal fishing vessel for landing or entering EEZ, lack of MCS including PSM for illegal vessels, insufficient information among the related agency especially for sharing of rules and regulations and procedures and also insufficient inspector. His presentation appears as **Annex 18**.

- *Philippines*

23. The representative from the Philippine, *Mr. Peter Erick Cadapan* presented on the updates on relevant activities on Port State Measures Implementation in the country. He reported that the implementation of port state measure in the Philippines which is governed by Fisheries Administrative Order No. 199, series of 2000 or the “*Guidelines on Fish Transshipment*”. He also reported that the Philippine President Benigno C. Aquino III finally signed the Philippines’ Instrument of Accession to the 2009 FAO Agreement on Port State Measures on January 20, 2016. He also added that the country continued the implementation of sharing of information on transshipment and landing of catches with the National Fisheries Authority of Papua New Guinea and entered into an agreement with Thailand with the specific areas of cooperation on 04 April 2016, including sharing of information on transshipment (at port or at sea) and landing of catches in each other’s port of jurisdiction for purposes of traceability and catch certification. In addition, he mention that Philippines have also been cooperating with the FAO in Rome, Italy by attending the 2nd Meeting of the Global Record Informal Open-Ended Technical and Advisory Working Group on March 21-23, 2016 in Rome, Italy and on June 30, 2016, Philippines already submitted the list of PH fishing vessels operating outside PH waters. His presentation appears as **Annex 19**.

- *Singapore*

24. The representative from the Singapore, *Mr. Kihua Teh* provided the background and the measure of the Port State Measures in Singapore. In Singapore has one designated port (the Port of Singapore) that has three key terminals for the import, export and transshipment of fish. They are 1) Jurong Fishery Port; 2) Senoko Fishery Port; and 3) Jurong Port. He also provided the information on the implementation of PSM in Singapore namely fishing vessels and fish carriers must provide advance notification of arrival (NOA) at least 12 hours before arrival. Mr.Teh also shared about Singapore’s collaboration with other RFMOs i.e. CCAMLR and ICCAT in support of PSM. His presentation appears as **Annex 20**.

- *Thailand*

25. The representative from Thailand, *Mr. Zulkifée Latifiputra* presented on the current situation of PSM implementation in Thailand. He referred to the case of PSM implementation of Phuket Port. He also informed the procedures, request for port entry form, the website of check IUU list and the inspection process. His presentation appears as **Annex 21**.

- *Viet Nam*

26. The representative from Viet Nam, *Ms. Nguyen Thanh Ha* provided the information on the Current situation of Port State Measures implementation in Viet Nam and responsibility of Viet Nam government in promulgating legal documents in accordance to the provisions of international law. She also provided the information of the MOVIMAR System that system is a joint project between Viet Nam and Collecte Localisation Satellites Company (CLS). This project is going to provide continuous updated activities in the South China Sea to the Vietnamese government. The MOVIMAR System assists Vietnamese government and authorized agencies in monitoring and supervising the fishing vessel activities at sea. It is convenient to check the operation of fishing vessel as well as rescue missing boats and fishermen in case of natural disasters. The satellite technology operates effectively in the fisheries management process and the prevention of illegal, unreported and unregulated fishing exploitation. Her presentation appears as **Annex 22**.

Summary of current situation on PSM implementation in AMS

Brunei Darussalam

- Not a signatory to the FAO-PSM agreement. However regular coordination and collaboration with other national enforcement agencies through the Maritime Security Taskforce have been conducted
- Laws and regulations support PSM implementation
- Implementation of National Plan of Action (NPOA) to prevent, deter and eliminate IUU fishing was launched in 2011
- Two designated ports for local commercial fishing vessels and no designated port for foreign fishing vessels;
- Active collaboration with other countries in the region in assessing the status of fisheries resources, combating IUU fishing, developing appropriate regional and bilateral MCS measures, harmonised PSM and sharing fisheries-related information.

Cambodia

- Laws and regulations support PSM implementation (*not full support and need some changes*)
- Revision of legal framework to support PSM and combating IUU such as;
 - Conservation and management of living resources in high sea
 - Registration of fishing vessels
 - Sanction system
 - Creation of a reliable inspection scheme, observer program and supervision of transshipment and monitoring of landing catches
 - Vessel monitoring system (VMS) obligation
- In the process to develop NPOA-IUU which will also include PSM
- PSM has not really applied since no foreign vessels unloading in the country
- No designated port for PSM

Indonesia

- Signed the PSMA and ratify the FAO PSMA in national law in 2016
- Following the IOTC resolution on PSM to prevent, deter and eliminate IUU fishing

- 5 designated ports for PSM implementation (Bungus, Jakarta, Palabuhanratu, Bitung, Ambon)
- At present, no foreign or joint venture fishing vessels operating in the EEZ
- Requirement of foreign fishing vessels information prior to entering into port
- Implement the EC-Catch Certification, the CCSBT CDS, and IOTC resolution on CDS for big-eye tuna statistic
- Decree laws and regulations to support PSM implementation
- NPOA-IUU linked to the implementation of PSM
- Conduct some capacity buildings on PSM and relevant activities for staff concern

Malaysia

- The designated of port in Penang and Langkawi under IOTC requirement for foreign fishing vessel to enter
- Domestic law supports the implementation of PSM
- Foreign fishing vessel is required to get written approval prior to land fish
- Continuous capacity building on PSM for officials from relevant agencies
- NPOA-IUU developed in 2013
- Appointment of the first 16 port inspector in June 2016

Myanmar

- Signed for accession the FAO PSMA in 2010
- Decree for laws and regulations to support PSM implementation
- Local and foreign fishing vessel has to be inspected in check points before entering landing site
- Designated five port for foreign fishing vessel which operate in Myanmar EEZ (Patheingyi, Yangon, Myeik, Kauthaung, Thandwe)
- Implement check point as one stop service to inspects the fishing vessel when they go to fishing ground and come back to the port
- Implementation of catch certification scheme for EU regulation
- Preparing NPOA-IUU linked to the PSMA

Philippines

- One designated port for foreign vessel in Davao and is planning to designate on more port in General Santos
- Fishing vessel must submit prior notification information to the one-stop action center
- Enacted law and regulation to support PSM implementation
- Foreign fishing vessel is required to submit catch documentation in support to PSM implementation
- Developed the NPOA-IUU in 2013 which include PSM
- Sign the instrument of accession to the 2009 FAO PSMA in 2016 and the document was delivered to and received by the Senate of the Philippines on January 25, 2016 for concurrence or ratification
- Conducted capacity building training for PSM implementation for local inspectors and relevant staff
- Coordination with other countries for implementation of PSM

Singapore

- One designated port: The Port of Singapore, that has 3 key terminals for the import, export and transshipment of fish from fishing vessels and fish carriers: Jurong Fishery Port, Jurong Port and Senoko Fishery Port
- Advanced notification of arrival required for all foreign fishing vessels and fish carriers
- Compliance with CCAMLR's Catch Documentation
- Collaboration with ICCAT issuance of re-export certificates for Big-eye Tuna and Swordfish

- Close interagency coordination between agencies.

Thailand

- Implemented pilot project on PSM at Phuket in 2012-2014
- 46-ports have designated for PSM then reduce to 27 ports in present and implementation activities on PSM
- accession to the 2009 FAO PSMA
- Significant enforcement activities
- Requirement prior to port entry
- Relevant activities to PSM (Traceability system, MCS)
- Decree law and regulation to support PSM implementation
- Development of NPOA-IUU with support PSM implementation
- Developing “Processing Statement and PSM Linked System” (PPS)
- Updated inspection manual base on information provided by MoU and NPCI

Viet Nam

- No designated port for foreign fishing vessels
- Requirement information prior to port entry
- Law, decree and regulation to support PSM implementation
- Development of NPOA-IUU with support PSM implementation
- Capacity building on vessel inspection to support PSM implementation for relevant staff

VI. STRENGTHENING OF UNDERSTANDING ON PSM IMPLEMENTATION IN THE REGION

Understanding on Port State Measures Agreement as applicable to the Southeast Asian the region, including institutional responsibilities to:

27. This session aimed to strengthen of understanding for participants on PSMA as applicable in the region. The participants were divided into three groups to discuss and update constraints/problem in AMS based on results from “the Expert Meeting on Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region” which organized in February 2016. In addition, the priority activities to solve problem in each issues were discussed. This session was facilitated by the representative from FAO, *Dr. David Brown* and *Ms. Cassandra De Young*. The consolidated of discussion on “updating of summary of constraints/problems, challenges and priority activities on PSM implementation” as shown in **Annex 23**.

Applicable international law and national laws and regulation measures

28. The representative from FAO Headquarter in ROME, *Ms. Judith Swan* presented conference through application Skype on overview of Port State Measures through legislation, procedure, RFMOs, cost effectiveness and case study. Her presentation appears as **Annex 24**.

29. During this session, the participants asked the question relevant to PSMA implementation issues. The list of question and answer are as follows;

<i>Question</i>	<i>Answer</i>
<p>If the Government of Country A becomes a party to the PSMA and during implementation, without knowledge or intention, one or ore clause in the PSMA is breached. What would happen or what action would be taken by FAO to the Government of Country A?</p>	<p>FAO cannot take action against parties to the PSMA, it is only the Depositary. The Depositary performs administrative functions such as receiving accessions and informing other parties of same. However, FAO may provide technical advice or assistance to support implementation.</p>
<p>If no foreign vessels request entry/use of port, how PSMA can be applied?</p>	<p>The port State has absolute sovereignty over its ports, and should adopt legislation and procedures to apply PSMA. For example, legislation should require the operator to submit an advance request for entry into port (AREP) with information in Annex A of the Agreement, and to provide information that is true, correct and complete. If this is not submitted, or if false or misleading information is included in the AREP, the operator can be charged with a violation of the law and the use of port denied. (The operator should be defined to include the owner, master and any person in control or apparently in control of the vessel). Procedures should ensure that all relevant agencies (e.g. port authority, fisheries) do not allow vessels into port unless an AREP has been provided.</p> <p>Even without legislation specifically implementing the PSMA, countries usually have more general legislation that enables port authorities to refuse entry of vessels into port because it is consistent with a country’s sovereignty over its ports.</p>
<p>Can (or must) PSMA apply to both national and foreign vessels or must apply only to foreign vessels?</p>	<p>The PSMA generally applies to foreign vessels (vessels not entitled to fly the port State’s flag) (Article 3), but port State are also required to “ensure that measures applied to vessels entitled to fly its flag are at least as effective” in combating IUU fishing as measures applied to foreign vessels (Article 20.6).</p> <p>Other obligations of the port State in its role as a flag State are specified, mainly in relation to when its vessels are in the ports of other countries. (Article 20)</p> <p>The PSMA represents minimums standards so any country may strengthen them and apply them to national vessels – for example those that carry out activities in areas beyond national jurisdiction.</p>
<p>Is there any possibility of dispute or contradiction between PSMA and UNCLOS?</p>	<p>No. The PSMA specifically builds upon UNCLOS, and includes reference to it in the Preamble.</p>
<p>PSMA is a binding legal framework. What’s happens (law enforcement)</p>	<p>The PSMA acknowledges that developing States party to the Agreement, have special requirements for implementation</p>

<i>Question</i>	<i>Answer</i>
<p>fix there is a country (Party) that doesn't take action?</p>	<p>and provides for various forms of assistance. This indicates the recognition that countries may be unable to take action until the relevant mechanisms/ laws/ institutions are strengthened.</p> <p>Where it appears that a Party has the means to take action but does not do so, another Party or Parties affected by this may invoke Article 22 on the Peaceful settlement of disputes.</p>
<p>Can national law be set lower than than in the PSMA? Fishing related activities in national laws may be defined broadly to only transshipping or transporting while the PSMA defines fishing related activities more elaborately. National laws may not include processing, for instance, as part of fishing-related activities.</p>	<p>National laws will need to be strengthened to implement the minimums standards of the PSMA. They cannot be set lower, but can be set higher. See paragraph 8 of the Preamble, which refers to "minimum standards".</p>
<p>Often the terms, Flag States and (ASEAN) Member States are used interchangeably. Are they the same?</p>	<p>No. ASEAN is a regional organization to which States belong. Obligations of ASEAN Member States are described in the legally binding instruments agreed among those States (e.g. the Treaty of Amity and Cooperation in Southeast Asia).</p> <p>The term "flag States" is a term used in general international law to indicate the State whose flag the vessel is entitled to fly – the country in which it is registered. Vessels have the nationality of the State whose flag they are entitled to fly, and that State is responsible for exercising effective control over the vessel.</p> <p>However, if Member States have agreed in a legally binding instrument concluded under ASEAN to undertake certain obligations as flag States, then the terms can be used interchangeably in those circumstances.</p>
<p>Article 30 (Reservations and exceptions) and Article 31 (declarations and statements) were invoked by Chile, St. Kitts and Nevis and Grenada. As a port State, which is in the process of ratifying the PSMA, Country A is considering the need to invoke Articles 30 and 31 but needs to understand the purpose of these provisions. Can you explain what these articles are about? Their purpose? Do you think a developing country need to invoke these Articles?</p>	<p>Country A is free to make any Declaration or Statement it wishes, but reservations or exceptions that purport to declare any part of the Agreement as not applicable to that country are not permitted.</p> <p>The Statement of Chile was made to call for cooperation with flag States, and St. Kitts and Nevis and Grenada each identified a need for strengthened capacity and noted the limited application to their respective small-scale fisheries sectors.</p>

<i>Question</i>	<i>Answer</i>
<p>In the case a fishing vessel under Country A flag enters into a Party's port, but the fishing vessel hands in a vessel document of another flag, what should a country do?</p>	<p>This is an issue relating to provision of false, misleading or inaccurate information, for which there should be penalties. Legislative reform is recommended.</p> <p>UNCLOS provides that any vessel that carries two or more registrations can be considered a stateless vessel, and appropriate action can be taken in that regard.</p> <p>It would be important to notify relevant RFMOs about this, with a view to invoking relevant procedures to notify other parties and possibly to include it on the IUU Vessel List.</p>
<p>Say the vessels has landed for maintenance: Case 1 – no fish in fishing vessel, Case 2 – fish in fishing vessel.</p>	<p>Port State measures would apply whether or not there is fish. For example, with no fish records could be inspected to determine whether the vessel had been fishing illegally or in violation of the measures of an RFMO. With fish, the fish could be inspected. There are a range of other requirements and actions that should be fulfilled for each under the PSMA.</p>
<p>For countries that plan to accede to the PSMA, what are the interim options of expressing support to the PSMA?</p>	<p>This may be done in a number of ways, for example by declaring support to FAO (e.g. to the Director-General as Depositary of the Agreement), by expressions of support in international fora including the UN institutions such as FAO and UN Headquarters (General Assembly, Informal Consultative Process etc), through RFMOs and by adopting implementing legislation and procedures prior to accession.</p> <p>Article 32 of the Agreement allows for provisional application by a State prior to entry into force for that State.</p>
<p>May non-Parties attend the Conference of Parties for PSMA?</p>	<p>Article 24 requires FAO to convene a meeting of the Parties every four years “to review and assess the effectiveness of the Agreement in achieving its objective”. FAO must decide whether non-parties will also be invited, but it is the practice in the UN system to do so - for example for the review meetings for the United Nations Fish Stocks Agreement.</p> <p>This practice would give effect to Article 23 of the Agreement to encourage non-parties to adopt legislation and implement measures consistent with the Agreement.</p>
<p>How can Parties protect themselves from abuse of PSMA by other parties? Dispute and dialogue mechanisms?¹</p>	<p>Parties are required to apply the Agreement in a “fair, transparent and non-discriminatory manner, consistent with international law” (Article 3.4). Dispute settlement is</p>

¹ Hypothetical examples: Country A passes a new law that it is illegal for their flagged vessels to land a particular species of fish in country B. Country A's underlying reason is to keep this species of fish for its own people's consumption, as the fish has been flowing into country B which provides a high price.

<i>Question</i>	<i>Answer</i>
	<p>provided in Article 22, and encourages consultation, and if no resolution is reached then settlement by negotiation, inquiry, mediation conciliation, arbitration, judicial settlement or other peaceful means of the parties' choice. If not resolved and if all parties consent, the dispute will be referred to the International Court of Justice, the International Tribunal for the Law of the Sea or to arbitration.</p>
<p>What does PSMA say about:</p>	<p><i>a. Land and air-based ports of entry</i></p> <p>The PSMA requirements relate only to ports officially designated under Article 7 as ports to which (foreign) vessels may request entry. However the Agreement provides only minimum standards and the country may extend requirements in its national legislation.</p> <p><i>b. Container ships carrying fish (whether dedicated to carrying fish or small proportion of cargo contains fish)</i></p> <p>Any container ship falls within the PSMA if carrying any amount of fish not previously landed.</p> <p>The definition of "vessel" includes ships "used for, equipped to be used for, or intended to be used for fishing or fishing related activities" and "fishing related activities" is defined as including transshipping or transporting of fish that have not been previously landed at a port".</p>
<p>Hypothetical question: Country A passes a new law that it is illegal for their flagged vessels to land a particular species of fish in country B. Country A's underlying reason is to keep this species of fish for its own people's consumption, as the fish has been flowing into country B which provides a high price. Under the new law, country A says that all of this fish species that lands in country B are IUU fish and requests country B to take action against these "IUU" vessels which land the fish in country B. What are country B's obligations under the PSMA?</p>	<p>The PSMA requires denial of use of port where the vessel does not have an authorization to "engage in ... fishing related activities" (Article 11.1.a). Fishing related activities include landing fish that have not been previously landed at a port (Article 1). So, if Country A does not authorize its vessel to land fish in Country B, then use of port must be denied.</p> <p>However, I would advise Country A to stick to the language in the Agreement, and not label the fish as "IUU caught" if the vessel had a valid and applicable license. Instead Country A should, as a condition of license for either fishing or transshipment as appropriate, simply prohibit landing in Country B.</p>

Under the new law, country A says that all of this fish species that lands in country B are IUU fish and requests country B to take action against these "IUU" vessels which land the fish in country B. What are country B's obligations under the PSMA?

<i>Question</i>	<i>Answer</i>
Country A has not ratified PSMA however is amending Fisheries Law to harmonize with International Law as well as Conventions and Agreements which Country A ratified, such as UNCLOS.	The publication “Implementation of Port State Measures” ² could assist with amendments to the Fisheries Law, especially the Legislative Template for the PSMA core provisions, also for the supporting provisions.
Country A is regulation the Country A law in line with regulations of international law. IUU has been mentioned in national law, which is being revised. So, do we need to make a proper SOP for PSM or not?	Yes. Procedures are necessary on a practical level to implement the law, and many procedures are not spelled out in the laws. In addition, procedures need to be developed to ensure interagency cooperation among various authorities including fisheries, port authorities, customs, immigration, health, safety, police/defense and others. Some excellent procedures have been developed by IOTC to implement Resolution 16/11, which is almost identical to the PSMA. See the Third Chapter in the Procedures Manual available at http://www.iotc.org/documents/iotc-psm-procedures-implementation-indian-ocean-tuna-commission-port-state-measures A model interagency Memorandum of Understanding is at http://www.iotc.org/compliance/port-state-measures .
Do all countries of FAO members have to accede to the PSMA?	No. It is simply an international instrument facilitated by FAO, as the UN HQ facilitated UNCLOS and the UN Fish Stocks Agreement. Not all Members participated in the Technical Consultations to negotiate the Agreement. Members exercise their choice as sovereign States as to whether they become Party.
Are all previously landed fish excluded or only for certain vessel types?	All are excluded. See Article 1(d).
Article 3 – artisanal fishing for subsistence exclusion-is there a set definition?	No. Countries define “artisanal” and “subsistence” differently in their national legislation, and the applicable national definition should be referenced.

Lessons learnt from developed countries/relevant institutions on implementation of the PSM

- *Lessons learnt on PSM implementation from Australia*

30. The representative from the Australian Government, *Mr. Tom Black* reviewed the Australian lesson learned on the implementation of Port State Measure (PSM) Agreement (**Annex 25**). He informed that there are some key requirements for the implementation of PSM Agreement, specifically robust of domestic legislation covering both port state ad flag state requirement, information sharing, appropriate trained officer to conduct inspections and investigations, interagency cooperation, and continue ongoing regional cooperation. He also informed that all

² <http://www.commonoceans.org/news/news-detail/en/c/422130/>

foreign fishing vessels wishing to enter an Australian Port must submit a pre arrival notice. At this stage, the Port Access Guidelines to assist foreign fishing vessel seeking access to an Australian port is published by the Australian Fisheries Management Authority (AFMA). The information provided then will be cross checked before any port permit issued. The port permit will be revoked if sufficient proof of IUU fishing exists.

31. He also informed the Meeting that ongoing regional cooperation to combat IUU Fishing utilizing PSM is evidently effective. He gave the example on the collaboration of RPOA network, Australia, and Indonesia on the identification of IUU vessel “Viking” was in Indonesia. On the February 2016, Indonesian Authorities detained the Viking and destroyed. He also explained another example, when IUU vessel “Perlon” denied to port access by Singapore in 2012 and apprehended by Malaysia in 2015. The Perlon master and crew were fined and catch are forfeited. Finally, he emphasized that there has been good progress on the implementation of PSM Agreement, but still more work to be done. He believed that improving domestic legislation and a coordinated national approached is a key to combat IUU Fishing.

- *Lessons learnt on PSM implementation from Japan*

32. The representative from Marino forum21, *Ms .Yo Soma* presented on the fisheries management systems in Japan. She explained that although Japan has not yet ratified the FAO Port State Measures Agreement, Japan implement various strict fisheries management measures, including ones related to port state measures, such as fishing vessels inspections at fishing ports and regulations on foreign fishing vessels. . Her presentation appears as **Annex 26**.

VII. REGIONAL INITIATIVES RELEVANT TO PSM IMPLEMENTATION

33. The Policy and Program Coordinator, *Dr. Somboon S.* presented ASEAN Management Tools to Support the Implementation of PSMA: ASEAN Catch Documentation Scheme (ACDS) and Regional Fishing Vessels Record (RFVR). He provided the implementation of PSM in more effective in sea region and the use of port & access to port for foreign vessel operated in RFMO areas/high seas and for AMSs foreign vessels. He also provided the information on RFVR for vessels 24 meters in length and over and introduced access to database system. In addition, he reviewed on the objectives of ACDS for marine capture fisheries, the process of the development of ACDS and way forwards to support the implementation of PSM. His presentation appears as **Annex 27**.

VIII. REVIEW OF THE ACTIVITIES BY PARTNERS IN SUPPORT OF THE IMPLEMENTATION OF PSM INCLUDING E-CDS

- *FAO/RAP*

34. The Fisheries Programme Consultant from FAO Regional Office for Asia and Pacific, *Dr. David Brown* shared the experience of the activities by partners in support of the Implementation of PSM including e-CDS: issues/challenges and recommendations. He provided the activities that FAO has been implemented under the implementing Code of Conduct responsible fisheries (CCRF) and addressing IUU fishing and implementing PSMA. He also provided on how importance and current status of PSMA that FAO implemented. In addition, he mentioned to FAO actions at the global level to supported port state measures such as Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels etc. His presentation appears as **Annex 28**.

- *USAID/RDMA*

35. On behalf of NoAA, the Human Welfare and Capacity Building Specialist from USAID Oceans and Fisheries Partnership, *Dr. Arlene Nietes Satapornvanit* provided the implementing key implementation of the agreement on Port state measures to prevent, deter and eliminate Illegal,

Unreported and Unregulated (IUU) Fishing. She presented the general information of the PSMA, including its objective, the measure could be taken by Port State, scope, key obligations as well as the implementing of the obligations. Her presentation appears as **Annex 29**.

- *USAID Oceans and Fisheries Partnership*

36. The Human Welfare and Capacity Building Specialist from USAID Oceans and Fisheries Partnership, *Dr. Arlene Nietes* introduced USAID/Oceans including the mandate and the objectives and the strategies. She provided the working structure between USAID/Oceans and SEAFDEC under ASSP/FCG. She also provided the learning and expansion site engagement strategies and endgame in the picture of USAID/Oceans its cover a fully functioning electronic CDT system. She shared the areas for collaboration with SEAFDEC on PSM activities. Her presentation appears as **Annex 30**.

37. The representative from Singapore sought clarification on how the two USAID/OCEAN learning sites were chosen. To answer this question, the representative from USAID/OCEAN informed that the two learning sites and other expansion sites were chosen depended on the agreements/partnerships that USAID/OCEAN had, and expansion sites are neighbor countries with the learning sites. It can be the case that other country supports expansion site to implement PSMA.

38. The representative from Singapore sought clarifications on efforts to align both the CDT and ACDs. According to *Dr. Somboon S.*, SEAFDEC comes up with the e-CDT to facilitate the requirements so that most of AMS can adapt. SEAFDEC should work with OCEANS in the future to avoid duplicate. The representative from Singapore said it would be good if ASEAN can have eventually have one CDT system that can be used by all ASEAN countries to facilitate intraregional trade and that can meet major seafood importing country requirements.

39. Regarding to implementation of PSM, e-CDS with a data supporting from MCS is more useful than paper type because it is a reliable database system to check the vessel route and to do a clear decision for the inspector to publish the Carbon Copy (CC) for the legal activity vessel.

- *Marino-forum21*

40. The representative from Marino forum 21, *Ms. Yo Soma* introduced the of Marino forum 21 and presented the activities of the organization concerning PSM, foundation and history, objectives which were fisheries development in Japan and Overseas, organizational structure containing General Assembly, Auditors, Board of Directors, project implementation structure was cooperation with various organizations (international organizations-SEAFDEC,ODA-JICA, public organizations, private organizations and academic and research institutions) and coordination and management among those organization to implement the project. Her presentation appears as **Annex 31**.

- *Fish Marketing Organization (FMO)*

41. The Advisor of Fish Marketing Organization (FMO), *Mr.Pramuan Rugjai* introduced the organization is a state enterprise under ministry of agriculture and cooperation was established under the law and role of FMO. Thailand has three ports in Andaman Sea area and eleven ports in Gulf of Thailand area. In addition, he provide Thailand fisheries reform and enhanced traceability system. He informed the Workshop on the operation of FMO e-MCPD Application which this application will operated by themselves. His presentation appears as **Annex 32**.

IX. FUTURE ACTIVITIES AND WORK PLAN TO SUPPORT THE IMPLEMENTATION OF PSM IN THE REGION

42. This session divided into two groups to discussion on actions and needs for regional cooperation to support the implementation of the Port State Measures. The result of each group was consolidated and summarized as **Annex 33**.

X. DISCUSSION ON FUTURE ACTIVITIES COLLABORATION AND COOPERATION FROM PARTNERS TO SUPPORT THE IMPLEMENTATION OF PSM IN THE REGION

43. The representative from SEAFDEC/TD *Mr. Kongphathai S.* presented on capacity building needs and regional cooperation issues which summarized from Workshop discussion to support the PSM implementation. The list are as follows

Capacity building needs

- Regional workshop on development of harmonizing SOP for risk assessment and inspection of fishing and carrier vessel
- Training on implementation of PSM for general audience
- Training on implementation of PSM for inspector
- TOT for inspector to support PSM implementation and development of network
- Training on implementation of PSM for fishery manager
- Training on implementation of PSM for policy maker
- Enhancement of knowledge on international law and regulation to support PSM implementation
- Develop Training of Trainers Workshops (train to how to, target audience, etc) multi-media (posters, IEC) and apply to local contexts.
- Regional workshop to share and discuss laws and regulation

Regional cooperation issues

- Strong cooperation with other government agencies and with the owner of private ports
- Technical assistance for implementation of PSM and support for development implementation of PSM
- Review legislative system
- Assistance to identify requirement and criteria on appropriate designate port
- Guidance for port designation includes procedure, dissemination information and etc.
- Publicize the information of AMS's designated ports.
- Network establishment for inspectors
- Making a standard of inspectors in the region
- Regional guideline for port inspection
- Standard of information sharing in Southeast Asia
- Fisheries Language for Universal Exchange (FLUX)
- Publish a consolidated list of IUU fishing vessels on its websites
- Establishment of ASEAN fish market federation (AFMF) to promote and implement ACDS
- Expansion and development of existing RFVR Database to support PSM (Annex A)
- Establishment of RFVR Database less than 24 meter in length (not artisanal vessels)
- Encourage to use the existing Port lex (FAO database), SEAFDEC website and RPOA-IUU website for sharing law and regulations
- Translate National Law and Regulation into English for wide audience, the resources and support can request to FAO
- Develop Minimum Standard of Pre-Arrival information (e.g. ACDS)

- Create Communication Strategy and roadmap such as development of PSM webpage contains country profile, law and regulation, FAO Materials and lessons)
- Develop Guidelines and Inspection Manual

44. Moreover, he informed the Workshop on the proposed of SEAFDEC/TD future activities plan during 2017-2019 and asked to find cooperation with partners to support PSM implementation in the region. The proposed of SEAFDEC/TD future activities plan are as follows;

Activity	Year/period
Technical workshop for the SOP on vessel inspection at port and information sharing for database system	2017 (February)
The Regional Training on PSM implementation in Southeast Asia for <i>fishery manager</i>	2017 (May)
On-site Training on PSM implementation in Member Countries for <i>inspector</i> (3 countries)	2018
On-site Training on PSM implementation in Member Countries for <i>inspector</i> (2 countries)	2019

XI. CONCLUSION AND WAY FORWARD

45. The Workshop noted that four day Workshop came up with; 1) updating of understanding on the implications to the region of the entry into force of the Port State Measures Agreement (PSMA); 2) updating of summary of constraints/problems, challenges and priority activities on PSM implementation; 3) actions and needs for regional cooperation to support the implementation of the Port State Measures; 4) list of capacity building needs and regional cooperation issues to support PSM implementation in the region; and 5) SEAFDEC work plan on steps ahead to facilitate implementation of PSM in the region. Moreover, the Workshop agreed to support and regional cooperation for PSM implementation in the region.

XII. CLOSING OF THE WORKSHOP

46. The Secretary-General of SEAFDEC, *Dr. Kom Sirapajarn* expressed his gratitude to the participants for their inputs during the four days meeting where good exchange of views solidified the close cooperation among representatives from the countries in the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia. He affirmed that this Meeting was enlightened on the need strengthened cooperation for the Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia. With that note, he declared the Meeting closed. His Closing Remarks appears as **Annex 34**.



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WELCOME REMARKS

By *Dr. Kom Sirapajarn,*

SEAFDEC Secretary-General

Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November 2016, Bangkok, Thailand

The Director of Fisheries Foreign Affairs Division of the Department of Fisheries of Thailand, *Dr. Chumnarn Pongsri*; Distinguished delegates from the ASEAN-SEAFDEC Member Countries; Representatives from International Collaborating Organizations and Agencies such as the FAO, USAID/RDMA, Swedish Embassy, relevant embassies, RPOA-IUU Secretariat and Marino Forum 21 of Japan; Resource persons/experts from relevant institutions; My colleagues from SEAFDEC;

Ladies and Gentlemen, Good morning!

On behalf of the Southeast Asian Fisheries Development Center, I am pleased to welcome you all to this Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia. Those who have come for the first time to Bangkok, especially for this Workshop, I am glad to invite you to enjoy the beautiful City of Bangkok.

Please allow me to reiterate here that the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was developed through consultations among the FAO member countries and experts and approved through the adoption of FAO Resolution 12/2009. A legally-binding instrument, the PSM Agreement is aimed at preventing illegally caught fish from entering international markets through ports. Under such Agreement, it is the responsibility of port States to take actions by inhibiting the entry into ports of IUU fishing vessels, including the use of port and access to port services. Considering that all ASEAN Member States are both flag State and port State, therefore we have dual responsibilities in combating IUU fishing in our region by promoting the adoption of the PSM Agreement.

It is with such a scenario that SEAFDEC organized the Experts Group Meeting on Port State Measures in Southeast Asia in November 2012 and the Experts Meeting on Regional Cooperation to Support the Implementation of Port State Measures in the Southeast Asian Region in February 2016. As recommended during the said meetings, SEAFDEC and collaborating organizations should support and assist the ASEAN Member States in implementing PSM activities through enhanced understanding of the requirements contained in the PSM Agreement, providing capacity building that involves all personalities at all levels, and strengthening regional cooperation towards combating IUU fishing in the waters of the Southeast Asian region.

In a later development, the SEAFDEC Council during its Meeting in April 2016 agreed that a regional workshop should be organized to provide a deeper understanding on the implications of the entry into force of the PSM Agreement, strengthen the understanding of the ASEAN-SEAFDEC Member Countries on the requirements for implementing the PSM Agreement, and develop detailed activity plans together with collaborating organizations for the implementation of the PSM Agreement in our region.

Ladies and gentlemen, we are aware that IUU fishing practices and uncontrolled utilization of marine and coastal resources continue to occur in our region. To enable us to address such concerns, we would wish that through your active participation in the discussions at this Workshop, better understanding on the implications to the region of the entry into force of the Port State Measures Agreement would be obtained. It is also crucial that we should identify and clarify the institutional



Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

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responsibilities of ASEAN Member States with respect to the provisions in the PSM Agreement. We therefore expect that through this Workshop we would be able to develop work plans and activities that would support the implementation of the PSM Agreement in our region, and eventually combat IUU fishing in the waters of the region.

Lastly, I sincerely hope that through this endeavor, we can gain meaningful outputs as our contribution to strengthening the understanding of stakeholders in our region on the importance of implementing the PSM Agreement as means of combating IUU fishing and enhancing sustainable fisheries management in this region.

On behalf therefore of SEAFDEC and as the Secretary-General of SEAFDEC, I would wish for the success of this Workshop. We are sure that with your active participation we would be able to achieve the Workshop's many objectives. We are specifically thankful to the participants who have to travel from far to share their experiences with us. Again, thank you very much for your participation in this Workshop. To all of you, thank you once again and have a nice day.



FAO STATEMENT

to the

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10^d November 2016, Bangkok

Secretary General and Chief of the Training Department (TD, SEAFDEC) *Dr. Kom Silapajarn*

Distinguished representatives from SEAFDEC member countries

Representatives from regional organizations and arrangements and partners

SEAFDEC colleagues

On behalf of Kundhavi Kadiresan, Assistant Director General and Regional Representative of the Food and Agriculture Organization of the United Nations of Regional Office for Asia and the Pacific, FAO would like to thank SEAFDEC for inviting FAO to this meeting and providing the opportunity to give a statement on areas of mutual interest and scope for future cooperation.

Fisheries and Aquaculture (the Blue Sectors) make a significant contribution to food and nutrition security and the livelihoods of millions of people around the world. Indeed some 880 million people are dependent on these sectors with around 200 million people relying on the value chain from harvesting to distribution and consumption. Seafood products are among the most traded commodities globally. The sectors are even more important in the Asia Pacific Region which is home to around 87 percent of those people with livelihoods that depend on them.

However, in recent years capture fisheries production has levelled off and more fisheries have become fully exploited or over exploited. The reasons for this are complex but include, for example, overexploitation of marine resources and marine pollution and habitat modification. The increasing pressures of human activities are being further compounded by the effects of climate change.

The rapid expansion of capture fisheries with a lack of effective regulatory and management systems has resulted in stagnation in marine production with declines in many areas leading to social and economic problems. However, the adoption of ecosystem based approaches to fisheries management and traceability along the fish supply chain can reduce economic losses and the entry of illegal, unreported and unregulated (IUU) fish to domestic and international markets. The economic advantages to fishers at every scale by restoring fisheries through sustainable management are clear. Improved Fisheries Management reduces ecosystem impacts and improved flow of this information along the value chain informs stakeholders of these sustainable practices.

Illegal, Unreported and Unregulated (IUU) fishing itself represents a major problem for the fisheries sector, jeopardizing already difficult efforts to sustainably manage fisheries resources. IUU fishing destroys marine and coastal ecosystems, threatens biodiversity, is linked to human trafficking and forced labour and causes the loss of millions of dollars to the formal economy. IUU fishing is a particular problem in the Asia Pacific Region with significant economic losses to fisheries and those vulnerable communities dependent on these resources.

However, IUU fishing is about to become much more difficult thanks to the entry into force of the FAO Port State Measures Agreement (PSMA) on June 5th 2016. FAO appreciates the action taken by SEAFDEC and FAO member countries in the region who have deposited instrument of ratification including Myanmar, Sri Lanka, Thailand and Indonesia. Others have expressed an interest and FAO is willing to support efforts to do so. FAO has approved a global interregional TCP and is in the process of preparing a Asia Pacific regional technical cooperation project to support member countries. A Global Umbrella programme to counter IUU and implement SMA is under preparation. The new



treaty requires that parties designate specific ports for use by foreign vessels, making control easier and thus market access for illegal fish more difficult. Those ships must request permission to enter ports ahead of time, and provide local authorities with information, such as the fish they have on board, and allowing physical inspection of their log book, licences, fishing gear and their cargo. The agreement calls on countries to deny entry or inspect vessels that have been involved in IUU fishing, and to take necessary action – and then share the information with other parties.

Traceability and catch documentation systems are vital parts of the effort to combat IUU fishing and to ensure seafood safety. Traceability to combat IUU fishing is a new market requirement for products entering the main import markets. However, in many countries, traceability systems are already in place because they are mandatory under the food safety regulations of major importing countries or regions. These systems allow the provenance and safety of fish and seafood to be documented and traced from harvest to table to ensure the safety of food supplies.

ASEAN-SEAFDEC and its partners in the Japanese Trust Fund, Sweden and the USA are to be congratulated on its support to council members in the region. These include the efforts on the regional record of fishing vessels, cooperation in the regional development of capacity for EAFM and implementation of the VGSSF.

Partnerships at all levels are essential in combatting IUU and FAO support these including mechanisms to support regional cooperation

FAO appreciates the on-going cooperation with SEAFDEC, The Japanese Trust Fund, Sweden and the USA in countering IUU. FAO looks forward to further strong collaboration through a range of forthcoming projects to be implemented during the coming years, including BOBLME – 2 (Strategic Action Plan Implementation), Inland Fisheries in Palembang and Indonesian Seas Large Marine Ecosystem Project to name but a few.

FAO reaffirms its commitment to working with and building collaboration with SEAFDEC ASEAN and partners in the region in the coming years.

Thank you.



REMARKS

by *Alfred Nakatsuma*

Director, Regional Environment Office

Regional Development Mission for Asia

United States Agency for International Development

to Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

Honorable Chairperson, Honorable Secretary General, Distinguished Representatives of Governments and International Organization, Ladies and Gentlemen:

Good morning and a warm welcome to this important conference.

First I'd like to thank SEAFDEC and the Royal Thai Government for their generosity in hosting this conference. I'd also like to thank SEAFDEC and FAO for their strong leadership with respect to port State Measures and other matters of fisheries management, the always generous support of the Government of Sweden and Government of Japan for their constant support in this area; and the Marino forum 21 from Japan as well.

So, I'd like to say why I'm excited to be here. I'm excited to be here because we're building off of a lot of momentum. There has been a lot of progress with respect to the MCS Network, and the Regional Plan of Action for IUU Fishing. Many countries have ratified the Port State Measures Agreement, and it is now in effect. But not only that, in the U.S. government, Secretary Kerry, our Secretary of State, held a conference in which all of your countries were invited. There were many commitments to reducing IUU fishing and increasing fisheries management made there. Among them, 6 million square kilometers of Marine Protected Areas were set aside. Subsequently, a new marine protected area, agreed to by many countries was established in Antarctica. Also in that conference, the commitments of your countries, as well as the private sector here in this region, to get engaged in these efforts to reduce IUU fishing were truly, truly impressive. The US government will very soon be publishing its new rule on the importation requirements of seafood and fisheries products coming into the United States.

This is all happening, and it's all happening fairly quickly. There is a lot of momentum here, and I believe that the Port State Measures Agreement is a very, very important complement to all of these other efforts. As you know, the objective of Port State Measures is to prevent illegally caught fish from entering international trade through ports. Now let's combine that with catch documentation and traceability that is now going to be required by the United States. And, let's combine that with Maritime Domain Awareness Domain Awareness initiatives – what many of your countries are already working on so that you understand what assets are on the water in your boundaries. These are interlocking datasets. Imagine all of the data that comes from these efforts; put it together, and it's going to be harder and harder and harder for IUU fishing to occur. It is happening in the private sector too. For example, Google algorithms tracking vessels using satellite data; handheld devices on boats recording geotagged catch at sea and at landing sites. We are going to put this all together. We are going to make IUU fishing very, very difficult to get away with.

The United States Government has a Task Force comprised of a broad range of agencies that are focused on reducing IUU Fishing – not only with respect to our own boundaries, but globally as well. I was in Washington, DC about a month and a half ago and spoke with this interagency IUU Task Force, and they are very focused on the Port State Measures Agreement. They commit to working with all of you



and encourage all of your countries to ratify. This agreement is really going to help reduce IUU Fishing in this region.

I forgot to mention the 2nd reason why I'm excited to be here: I looked at the agenda, and it is really a great agenda. It is an exciting agenda. We are going to have recommendations on how countries can work together in this region. We're going to have applications of port state measures for port states, flag states, and coastal states. And, we're also going to have a work-plan for developing a capacity-building effort. The United States government and USAID In particular will be proud to be a part of this and proud to support it in any way we can.

I think it's going to be an exciting few days here. I would again like to congratulate the organizers of this conference, and also the support from the countries and organizations I mentioned already. And of course, I congratulate you for your participation. This is a really important conference; and it certainly is timely. We, the US Government, will do our best to be as helpful as possible. Humbly, with your support, I think we can really make a dent in illegal fishing in this region.

Thank you very much.



REMARKS

By *Ms.Yo Soma*

Representative from Marino-Forum 21

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November 2016, Bangkok, Thailand

Our organization, Marino-Forum 21, was established 31 years ago as a voluntary organization. After it was authorized by the Fisheries Agency in 1986, it became an incorporated association. Our activities' main objectives are three, which are 1) Development and dissemination of technologies for fish cultivation, 2) Contribution to the healthy development of overseas fisheries, and 3) Contribution to the development of fisheries in Japan and the stable supply of marine products.

We have a close relationship with SEAFDEC. Every year, we arrange SEAFDEC technical support committee consist of Japanese experts. Also, we invite SEAFDEC department staffs to Japan and provide various trainings to them. We have kept this good relationship more than 15 years.

One of the strengths of our organization is that we have a very close collaboration relationship with various kind of fisheries related organizations, such as universities, Fisheries Research Agency, international organizations as well as private companies. We have conducted a wide range of research activities over the years, and accumulated valuable fisheries information across the world. Therefore, we believe that we can surely contribute to the smooth implementation of work at SEAFDEC which is not only limited to Port State Measures but also other fisheries related issues. Thank you very much.



OPENING REMARKS

By *Dr. Chumnarn Pongsri*

Director of Fisheries Foreign Affairs Division

Department of Fisheries of Thailand

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

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The Secretary-General of SEAFDEC, *Dr. Kom Silapajarn*;

The Deputy Secretary-General of SEAFDEC, *Dr. Kaoru Ishii*;

Distinguished delegates from the ASEAN-SEAFDEC Member Countries;

Representatives from Collaborating Organizations and Agencies such as FAO, USAID/RDMA, Swedish Embassy, relevant embassies, RPOA-IUU Secretariat and Marino Forum 21 of Japan;

Resource persons/experts from relevant institutions;

Senior Officers and staff of SEAFDEC Secretariat, Training Department, MFRDMD, and Members of the Regional Fisheries Policy Network;

Distinguished Guests;

Ladies and Gentlemen, a very Good Morning to everyone!

Before anything else, may I request for a minute of silence to enable us to pray for the eternal repose of His Majesty King Bhumibol Adulyadej who passed away on 13 October 2016. Thank you.

Although Thailand is in the midst of deep sorrow as we mourn the passing of His Majesty King Bhumibol, I am greatly pleased to welcome all of you to the “Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia” which is co-organized by the Department of Fisheries and SEAFDEC with support from the SEAFDEC-Sweden Project and the Japanese Trust Fund, and with the collaboration of FAO. On behalf therefore of the Department of Fisheries, I would wish to express our sincere gratitude to everyone for giving your utmost effort in preparing for this important event and for sharing your time to be here with us during this Workshop.

Please allow me to recall that SEAFDEC together with FAO over the last ten or fifteen years, had been making advances in raising the awareness of the Southeast Asian region on the need to improve the management of fisheries by among others, combating the illegal fishing practices in the region as well as putting an end to the uncontrolled utilization of marine and coastal resources.

Through processes of consultations among its member countries and experts, FAO adopted Resolution 12/2009 approving the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, an instrument which is legally binding upon its entry into force.

Ladies and Gentlemen,

With such backdrop and in order for us to move forward, let us bear in mind that this Workshop is intended serve as forum for stakeholders to obtain deeper understanding on the implications of the entry into force of the PSM Agreement – including the institutional responsibilities as relevant to the laws and regulations of each of ASEAN-SEAFDEC Member Country. Specifically, this Workshop should also strengthen the understanding among ASEAN-SEAFDEC Member Countries on the



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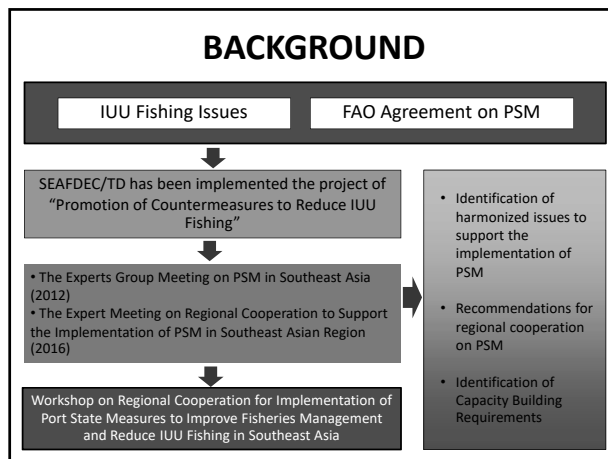
requirements for the implementation of Port State Measures in their respective countries. Lastly, I would wish to thank you once again for your participation and I am indeed glad to welcome you all to this Workshop. I hope that, apart from learning more about our seas, our resources, and our responsibilities in sustaining such resources, it is also imperative that during this Workshop, we should come up with workable outputs for the sustainable development and management of fisheries in our region. Therefore, without further ado, I now declare the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia open.

Thank you and have a good day.

Agenda 2

WORKSHOP ON REGIONAL COOPERATION FOR IMPLEMENTATION OF PORT STATE MEASURES TO IMPROVE FISHERIES MANAGEMENT AND REDUCE IUU FISHING IN SOUTHEAST ASIA

By
Kongpathai Saraphaivanich
SEAFDEC/TD



OBJECTIVES OF THE WORKSHOP

- To provide a deeper understanding on the implications of the entry into force of the PSM Agreement – including institutional responsibilities as relevant to the laws and regulations of each of the ASEAN-SEAFDEC Member Countries
- To strengthen understanding among ASEAN-SEAFDEC Member Countries on requirements for the implementation of Port State Measures (PSM) in the region
- To further develop a detailed activity plan together with partners in support of the implementation of PSM in the region

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7-10 November 2016, Bangkok, Thailand

PARTICIPANTS

- Representatives from SEAFDEC Member Countries at **policy level** from agencies with institutional responsibilities for the implementation of Port State Measures (PSM)
- Representatives from FAO, USAID/RDMA, Marino-forum 21, Swedish Embassy, relevant embassies, and Others
- Resource persons/experts from other partners and relevant institutions
- SEAFDEC staff from the Secretariat, TD, and MFRDMD
- Regional Fisheries Policy Network (RFPN)

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EXPECTED OUTPUTS

- An updated understanding on the implications to the region of the entry into force of the Port State Measures Agreement, including identified institutional responsibilities among ASEAN Member Countries
- A reviewed and updated set of "Recommendations on Regional Cooperation on PSM"
- Basic points defined to guide the need to strike a balance, including clear institutional responsibilities, in the application and use of flag state measures, coastal state measures, port state measures and other measures.
- Updated Work Plan on steps ahead to facilitate implementation of the PSM Agreement – including efforts to foster coordination and cooperation between institutions and across boundaries
- Capacity-building needs indicated together with information on key institutions and personnel groups of priority for training

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AGENDA & TIMETABLE

Monday 7 November 2016 (Chairperson by Secretary-General)

0830-0900 Registration

Chairperson by Secretary-General

0900-0930 Agenda 1. Opening Ceremony

- Welcome by SEAFDEC
- Remarks by FAO
- Remarks by USAID/RDMA
- Remarks by Marino-forum 21
- Opening Remarks by DG/DOF-TH

0930-0945 Agenda 2: Introduction of the Workshop/ Adoption agenda (by Mr.Kongpathai Saraphaivanich)

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AGENDA & TIMETABLE

0945-1010 **Agenda 3: Introduction of the FAO PSMA entered into force on June 5th, 2016 (by FAO)**

1010-1040 *Coffee break and group photo*

1040 **Agenda 4: Review of the outputs from last PSM Meeting (by Mr. Budit Chokesanguan)**

1040-1120

- 4.1 Specification of surveillance sector for port state measure and control in each Member Countries and current legal system
- 4.2 Identification of issues in the PSM Agreement that would support the implementation of PSM in the region

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AGENDA & TIMETABLE

1120-1200

- 4.3 Updated on the work plan as a basis for recommendations on Regional Cooperation to support the implementation of PSM
- 4.4 Identification of Capacity Building Requirements

1200-1330 **Lunch**

Chairperson by Deputy Secretary-General

1330-1700 **Agenda 5: Updating on implementation of relevant activities on Port State Measures by Member Countries**

➤ Brunei Darussalam	➤ Indonesia	➤ Singapore
➤ Cambodia	➤ Myanmar	➤ Thailand
➤ Malaysia	➤ Philippines	➤ Viet Nam

1800-2100 **Reception Dinner**

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AGENDA & TIMETABLE

Tuesday 8 November 2016 (Chairperson by FAO)

0900-1000 **Agenda 6: Strengthening of understanding on PSM implementation in the region (by FAO)**

- 6.1 Applicable international law and national laws and regulation measures (Intensive)
- 6.2 Understanding on Port State Measures Agreement as applicable to the Southeast Asian the region, including institutional responsibilities to:
 - a) Identification of the need to balance flag state and port state responsibilities
 - b) Receive advanced request to enter port

1000-1030 *Coffee break*

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0900-1000 **Agenda 6: Strengthening of understanding on PSM implementation in the region (by FAO)**

- c) Support prioritizing vessels to be inspected
- d) Inspection of vessel (in general)
- e) Monitoring offloading and transshipment operation
- f) Inspection of vessel (in general)

1200-1330 **Lunch**

1330-1400 ➤ 6.3 Capacity-building needs assessments, including target institutions, in support of the implementation of Port State Measures

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1400-1500 ➤ 6.4 Lessons learnt from developed countries/ relevant institutions on implementation of the PSM

- Australia
- Japan
- USA/ NOAA
- Others

1500-1530 *Coffee break*

1530-1700 **Agenda 7: Regional initiatives relevant to PSM implementation (by Dr.Somboon)**

- 7.1 ASEAN Catch Documentation Scheme
- 7.2 Regional Fishing Vessels Record (RFVR)

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AGENDA & TIMETABLE

Wednesday 9 November 2016 (Chairperson by Dr.Somboon Siriraksophon)

0900-1030 **Agenda 8: Review of the activities by partners in support of the implementation of PSM including e-CDS: issues/challenges and recommendations:**

- 8.1 FAO/RAP
- 8.2 USAID/RDMA
- 8.3 USAID/Oceans
- 8.4 Marino forum 21
- 8.5 FMO/TH
- 8.6 Others

1030-1100 *Coffee break*

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AGENDA & TIMETABLE

1100-1200	Continued agenda 8
1200-1330	<i>Lunch break</i>
1330-1530	Agenda 9: Future activities and work plan to support the implementation of PSM in the region ➤ 9.1 Group Discussions
1530-1600	<i>Coffee break</i>
1600-1700	➤ 9.2 Presentation the results from Group discussions

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Thursday 10 November 2016 (Chairperson by Mr. Bundit Chokesanguan)

0900-1030	➤ 9.3 Summarized the results on Future activities and work plan to support the implementation of PSM in the region
1030-1100	<i>Coffee Break</i>
1100-1200	Agenda 10: Discussion on future activities collaboration and cooperation from partners to support the implementation of PSM in the region
1200-1330	<i>Lunch</i>

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1330-1430	Agenda 10: Discussion on future activities collaboration and cooperation from partners to support the implementation of PSM in the region (Continued)
1430-1530	Agenda 11: Conclusion and way forward
1530-1600	<i>Coffee Break</i>
1600-1630	Agenda 12: Closing of the Workshop by SEAFDEC

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THANK YOU

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
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PROVISIONAL AGENDA

1. Opening of the Workshop
2. Introduction of the Workshop/ Adoption of the agenda
3. The FAO Port State Measures Agreement entered into force 5 June 2016
 - Introduction to perspectives and implications for the ASEAN Region
4. Review of the outputs from “The Expert Meeting on Regional Cooperation to Support the Implementation of PSM in Southeast Asian Region” in February 2016
 - Specification of surveillance sector for port state measure and control in each Member Countries and current legal system
 - Identification of issues in the PSM Agreement that would support the implementation of PSM in the region
 - Updated on the work plan as a basis for recommendations on Regional Cooperation to support the implementation of PSM
 - Identification of Capacity Building Requirements
5. Updating on implementation of relevant activities on Port State Measures by Member Countries
6. Strengthening of understanding on PSM implementation in the region
 - Applicable international law and national laws and regulation measures (Intensive)
 - Understanding on Port State Measures Agreement as applicable to the Southeast Asian the region, including institutional responsibilities to
 - Identification of the need to balance flag state and port state responsibilities
 - Receive advanced request to enter port
 - Support prioritizing vessels to be inspected
 - Inspection of vessel (in general)
 - Monitoring offloading and transshipment operation
 - Capacity-building needs assessments, including target institutions, in support of the implementation of Port State Measures
 - Lessons learnt from developed countries/ relevant institutions on implementation of the PSM
7. SEAFDEC activities relevant to PSM
 - ASEAN Catch Document Scheme (ACDS)
 - Regional Fishing Vessels Record (RFVR)
 - Others
8. Review of the activities by partners in support of the implementation of PSM including e-CDS (FAO, USAID, and others)
9. Future activities and work plan to support the implementation of PSM in the region
10. Discussion on future activities collaboration and cooperation from partners to support the implementation of PSM in the region
11. Conclusion and way forward
12. Closing of the Workshop

TIMETABLE

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7 November 2016	0830-0900	Registration
	0900-0930	Agenda 1: Opening Ceremony <ul style="list-style-type: none"> • Welcome by SEAFDEC • Remarks by FAO • Remarks by USAID/RDMA • Remarks by Marino-forum 21 • Opening Remarks by DOF-TH
<i>(Chairperson by SEAFDEC/SG)</i>	0930-0945	Agenda 2: Introduction of the Workshop/ Adoption agenda (by Mr. Kongpathai)
	0945-1010	Agenda 3: Introduction of the FAO PSMA entered into force on June 5th, 2016 (by FAO)
	1010-1040	<i>Coffee break and group photo</i>
	1040-1200	Agenda 4: Review of the outputs from last PSM Meeting (by Mr. Bundit)
	1040-1120	4.1 Specification of surveillance sector for port state measure and control in each Member Countries and current legal system
		4.2 Identification of issues in the PSM Agreement that would support the implementation of PSM in the region
	1120-1200	4.3 Updated on the work plan as a basis for recommendations on Regional Cooperation to support the implementation of PSM
		4.4 Identification of Capacity Building Requirements
	1200-1330	<i>Lunch</i>
<i>(Chairperson by SEAFDEC/DSG.)</i>	1330-1700	Agenda 5: Updating on implementation of relevant activities on Port State Measures by Member Countries (15 minutes/country)
	1330-1500	<ul style="list-style-type: none"> • Brunei Darussalam • Cambodia • Indonesia • Malaysia • Myanmar

	<i>1500-1530</i>	<i>Coffee break</i>
	1530-1700	<ul style="list-style-type: none"> • Philippines • Singapore • Thailand • Viet Nam
	<i>1800-2100</i>	<i>Reception Dinner</i>
8 November 2016	0900-1000	Agenda 6: Strengthening of understanding on PSM implementation in the region (by FAO)
<i>(Chairperson by FAO)</i>		<p>6.1 Applicable international law and national laws and regulation measures (Intensive)</p> <p>6.2 Understanding on Port State Measures Agreement as applicable to the Southeast Asian the region, including institutional responsibilities to:</p> <ul style="list-style-type: none"> a) Identification of the need to balance flag state and port state responsibilities b) Receive advanced request to enter port
	<i>1000-1030</i>	<i>Coffee break</i>
	1030-1200	<p>6.2 Understanding on Port State Measures Agreement as applicable to the Southeast Asian the region, including institutional responsibilities to:</p> <p><i>(Continued)</i></p> <ul style="list-style-type: none"> c) Support prioritizing vessels to be inspected d) Inspection of vessel (in general) e) Monitoring offloading and transshipment operation f) Inspection of vessel (in general)
	<i>1200-1330</i>	<i>Lunch</i>
	1330-1400	6.3 Capacity-building needs assessments, including target institutions, in support of the implementation of Port State Measures
	1400-1500	<p>6.4 Lessons learnt from developed countries/ relevant institutions on implementation of the PSM</p> <ul style="list-style-type: none"> • Australia • Japan • USA/ NOAA • Others
	<i>1500-1530</i>	<i>Coffee break</i>
	1530-1700	Agenda 7: Regional initiatives relevant to PSM implementation (by Dr.Somboon)

- 7.1 ASEAN Catch Documentation Scheme
- 7.2 Regional Fishing Vessels Record (RFVR)

9 November 2016 (Chairperson by <i>Dr.Somboon</i>)	0900-1030	Agenda 8: Review of the activities by partners in support of the implementation of PSM including e-CDS: issues/challenges and recommendations: <ul style="list-style-type: none"> 8.1 FAO/RAP 8.2 USAID/RDMA 8.3 USAID/Oceans 8.4 Marino forum 21 8.5 FMO/TH 8.6 Others
	<i>1030-1100</i>	<i>Coffee break</i>
	1100-1200	Agenda 8: Review of the activities by partners in support of the implementation of PSM including e-CDS: issues/challenges and recommendations: (Continued)
	<i>1200-1330</i>	<i>Lunch</i>
	1330-1530	Agenda 9: Future activities and work plan to support the implementation of PSM in the region <ul style="list-style-type: none"> 9.1 Group Discussions
	<i>1530-1600</i>	<i>Coffee break</i>
10 November 2016 (Chairperson by <i>Mr.Bundit</i>)	1600-1700	9.2 Presentation the results from Group discussions
	0900-1030	9.3 Summarized the results on Future activities and work plan to support the implementation of PSM in the region
	<i>1030-1100</i>	<i>Coffee break</i>
	1100-1200	Agenda 10: Discussion on future activities collaboration and cooperation from partners to support the implementation of PSM in the region
	<i>1200-1330</i>	<i>Lunch</i>
	1330-1430	Agenda 10: Discussion on future activities collaboration and cooperation from partners to support the implementation of PSM in the region (Continued)
1430-1530	Agenda 11: Conclusion and way forward	



Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

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Annex 8

1530-1600	<i>Coffee break</i>
1600-1630	Agenda 12: Closing of the Workshop by SEAFDEC

FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing:

History, Objectives, Status, Provisions

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Why do we care?

- Over 500 million people depend – directly or indirectly – on fisheries and aquaculture for their livelihoods
- Aquatic foods provide essential nutrition for 4 billion people and at least 50% of animal protein and minerals to 400 million people in the poorest countries.
- Fish products are among the most widely-traded foods, with more than 37% by volume of world production traded internationally

What are some of the main threats to fisheries?

- Overexploitation of the marine environment and overfishing (overcapacity etc)
- Environmental degradation of aquatic and coastal habitats
- Pollution and water quality
- Climate variability and change
- Illegal, unreported and unregulated (IUU) fishing

What is IUU?

Illegal, Unreported and Unregulated Fishing (IUU)

- I** Fishing and fishing-related activities conducted in contravention of national, regional and international laws
- U** Non-reporting, misreporting or under-reporting of information on fishing operations and their catches
 - Fishing by "Stateless" vessels
 - Fishing in convention areas of RFMOs by non-party vessels
 - Fishing activities which are not regulated by States
 - Fishing in areas or for fish stocks for which there are no conservation or management measures

Impact of IUU fishing ?

Undermines national and regional efforts to manage fisheries

- Inhibits stock rebuilding efforts
- Speeds up the decline of many fisheries

Increases costs for fishery administrations

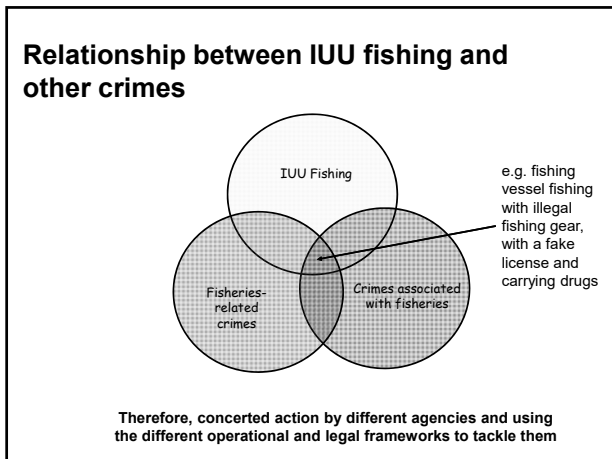
- Lost fishing revenue, funds spent combating it, MCS

It is unfair

- Disadvantages honest "authorized" fishers
- Potentially affects food and livelihood security for poor coastal communities in developing countries

How much fish is this and what is the cost?

- **Estimated global cost of IUU (2009)**
 - USD 10 - 23 billion per year
- **Asia-Pacific Fishery Commission (APFIC)**
 - Estimate of illegal fish catch by foreign vessels in Asia
 - 2.1 – 2.5 million tonnes
 - USD 3.7 - 5.2 billion per year
- **Other estimates Asia and Pacific (2009)**
 - 3.4 – 8.1 million tonnes
 - 8 -16% of the total reported catch
 - USD 5.8 billion per year



UNCLOS (1982)
UNCLOS defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

UN Fish Stocks Agreement (1995)
Aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks within the framework of UNCLOS. The Agreement also spells out the duties of flag States including those related to registration and records of vessels, authorisations, MCS and compliance and enforcement. Cooperation in international, regional and sub-regional enforcement is also addressed, along with boarding and inspection procedures and port State measures.

FAO Code of Conduct for Responsible Fisheries (1995)
Comprises principles and international standards of behaviour for responsible fishing practices and aquaculture development. The Code serves as a reference for national and international efforts, including the formulation of policies and other legal and institutional frameworks and instruments, to ensure sustainable exploitation of aquatic living resources in harmony with the environment. It also promotes, inter alia, responsible trade of fish and fishery products. The Code also includes provisions on the duties of all States, flag States, port States and market States, and the role of RFMOs, which are relevant to combating IUU fishing.

FAO Compliance Agreement (1993)
Aims to prevent the "re-flagging" of vessels fishing on the high seas under the flags of States that are unable or unwilling to enforce international fisheries conservation and management measures. The maintenance of records of fishing vessels, international cooperation, submission of data on fishing vessels to FAO and exchange of information, through FAO and RFMOs, are covered extensively by the provisions of the Agreement.

FAO International Plan of Action - IUU fishing (2001)
A toolbox to combat IUU fishing, for use by all States, in general, flag States, coastal States, market States, port States and RFMOs. The IPOA-IUU calls upon all countries to develop and implement a consistent National Plan of Action and to review it periodically. Implementation of flag State responsibilities, including those related to fishing vessel registration and records, fishing authorisation and MCS, as well as coastal State measures, port State measures and market-related measures, are core elements of the IPOA-IUU.

FAO Port State Measures Agreement (2009)
Aims to prevent vessels engaged in IUU fishing from using ports and landing their catches, thereby reducing the incentive of such vessels to continue to operate and blocking fishery products derived from IUU fishing from reaching national and international markets. The Agreement also covers the role of flag States and RFMOs in the implementation of port State measures.

FAO Voluntary Guidelines for Flag State Performance (2014)
Provides guidance to strengthen and monitor compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels. It covers the relevant responsibilities of flag States on the basis of elements contained in international law, including binding and non-binding international fisheries instruments. Fisheries management, registration and records of vessels, authorizations, MCS and cooperation between flag States and coastal States are among the central components of the Guidelines. RFMOs should play a role in using the Guidelines to strengthen flag State performance

FAO AGREEMENT ON PORT STATE MEASURES (PSMA)

Objectives

A key instrument in addressing IUU

- Intended to remove the economic incentive of IUU through denial of port access/services
- Aims to prevent, deter, and eliminate IUU fishing through the implementation of effective port State measures
- Will help ensure the long-term conservation and sustainable use of living aquatic resources and ecosystems.

Only part of the overall solutions

Abbreviated History

2001 IPOA-IUU

2005 Model Scheme on Port State Measures to Combat IUU Fishing

- September 2007: Expert Consultation
 - draft agreement elaborated by a group of international experts
- June 2008-August 2009 (4 sessions)
 - Technical Consultation negotiation of binding agreement
- November 2009
 - Agreement approved by FAO Conference
 - Opened for signature, remained open for 1-year, 23 countries signed
 - Signature did not bind the Members as Parties but constituted the obligation not to defeat the objective and purpose of the Agreement

Angola, Australia, Benin, Brazil, Canada, Chile, EU, France, Gabon, Ghana, Iceland, Indonesia, Kenya, Mozambique, New Zealand, Norway, Peru, Russian Federation, Samoa, Sierra Leone, Turkey, USA, Uruguay




Current status of PSMA

- Agreement came into force on 5th June 2016
30 days after the deposit of the 25th instrument with the FAO Director-General
- As of 30 August 2016, 36 FAO Members have ratified, accepted, approved or acceded to the Agreement

Australia, Barbados, Cabo Verde, Chile, Costa Rica, Cuba, Dominican Republic, European Union – Member Organization, France, Gabon, Gambia, Grenada, Guinea, Guyana, Iceland, Indonesia, Mauritius, Mozambique, Myanmar, New Zealand, Norway, Oman, Palau, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Seychelles, Somalia, South Africa, Sri Lanka, Sudan, Thailand, Tonga, United States of America, Uruguay, Vanuatu

 - 11 countries in Asia Pacific region have deposited instruments (excluding the EU, France and UK territories)
 - Several other countries are expressing an interest to accede to the agreement and FAO is supporting these efforts.
- Anticipated first meeting of parties to PSMA early 2017




The Agreement



Preamble

- Parties are deeply concerned about IUU and its detrimental effects
- Parties are conscious of the role of the port State in promoting sustainable fisheries
- Parties recognize the need to apply multiple measures – port, coastal, market related, flag state measures
- Parties recognize the PSM provide a powerful and cost-effective means for combatting IUU



- Parties are aware of the need for increasing coordination
- Parties acknowledge rapidly developing technology
- Parties recognized the need for assistance to developing countries to adopt and implement PSMA
- Parties bear in mind the right to adopt more stringent measures



Structure of the Agreement

The Agreement applies to vessels not flying the flag of the port State, seeking entry into or being in ports.

Part 1

- Objectives, definitions and scope of the Agreement
- Links to fundamental international law, instruments and practices
- Cooperation and exchange of information

Parts 2 - 4


- Step-by-step requirements and procedures for vessels and port States, from designation of ports and prior to entry into port of vessels
- Use of ports, inspections and follow-up actions

Parts 5 and 6

- Considerations regarding the role of flag States and the requirements of developing States

Parts 7 - 10

- Dispute settlement, non-parties, monitoring, review and assessment of final provisions, including entry into force



Highlights of key provisions

- At national level, coordination and integration of port State measures into a broader system of port controls and other measures to prevent IUU fishing. Exchange of information between national agencies and coordination of implementation activities.
- Cooperation and exchange of information among Parties to the Agreement and with relevant international and regional organizations. Electronic exchange of information among States and RFMOs, coordinated by FAO.
- Provisions for entry into port: designation of ports, prior notification of port entry, port entry authorisation and inspections to determine IUU-free status, and *force majeure* provisions.

Highlights of key provisions (2)

- Conditions for use of ports for landing, transhipping, packaging and processing of fish not previously landed, and other port services.

Conditions include:

- flag State and coastal State authorizations
- compliance with coastal State and RFMO requirements
- "IUU-free" status

Special exemptions include:

- safety or health crew
- safety of vessel
- scrapping of vessel

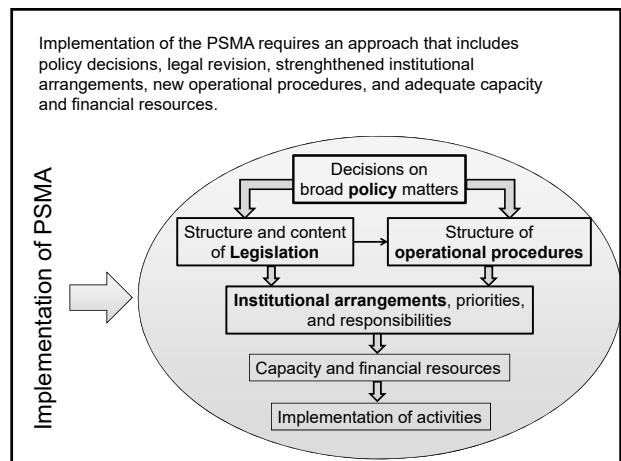
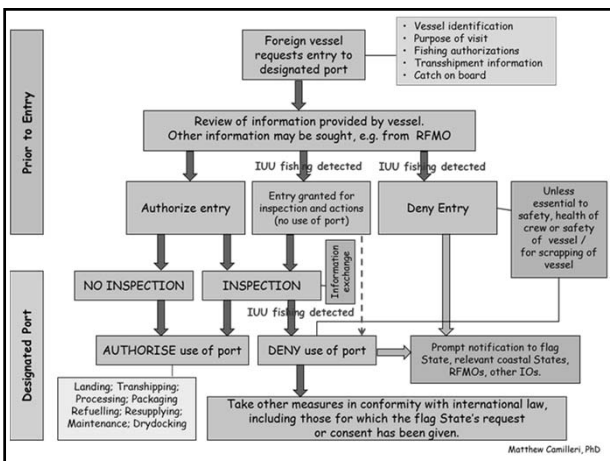
- Parties are to determine a sufficient level of annual vessel inspections and set priorities for which vessels to inspect. Inspectors must carry out functions in accordance with the set standards and should be allowed access to and inspect all relevant evidence.
- Inspection reports are to include a standard set of information and be transmitted to relevant Parties including concerned States, RFMOs and FAO.

Highlights of key provisions (3)

- Flag States are to require their vessels to:
 - cooperate with the port State during inspection
 - request the port State to inspect IUU-suspect vessels
 - encourage vessels to use ports of Agreement-compliant States
 - investigate and take enforcement action in cases of IUU fishing
 - report on actions taken towards vessels suspected of IUU activity
- Parties are to give due regard to special requirements of developing States and provide assistance, directly or through FAO and other international entities, to enhance their capacity to comply with the terms of the Agreement and facilitate their participation in international organisations that promote port State measures.

PSMA Inspection Process and Practices



- Levels and priorities for inspection (Article 12)
- Conduct of inspections (Article 13)
- Inspection procedures (Annex B)
Verification; Review and examination; Determination; Evaluation
- Inspection Results (Annex C)
Identification; RFMO status; Authorizations; Catch (offloaded and retained); logbooks and gear; findings, comments and signature.
- Transmittal of inspection results (Article 15)
Flag State; Coastal State, if evidence of illegal fishing; national State of vessel master; relevant RFMO; FAO; other international organizations
- Electronic exchange of information (Article 16)
Establish mechanism for direct electronic exchange; cooperate to establish an information-sharing mechanism; designate an authority as contact point; Annex D





PSMA is one set of measures to tackle IUU

Addressing IUU as part of the implementation of Code of Conduct for responsible fisheries (CCRF)

Thank you
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Agenda 4

REVIEW OF THE OUTPUTS FROM

“THE EXPERT MEETING ON REGIONAL COOPERATION TO SUPPORT THE IMPLEMENTATION OF PSM IN SOUTHEAST ASIAN REGION”

By
Bundit Chokesanguan
SEAFDEC/TD

BACKGROUND

- SEAFDEC/TD has been implemented the project of “Promotion of Countermeasures to Reduce IUU Fishing”
- The Experts Group Meeting on PSM in Southeast Asia (2012)
- The Expert Meeting on Regional Cooperation to Support the Implementation of PSM in Southeast Asian Region (2016)
- Identification of harmonized issues to support the implementation of PSM
- Recommendations for regional cooperation on PSM
- Identification of Capacity Building Requirements

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The Experts Group Meeting on PSM in Southeast Asia (2012)

The Expert Meeting on Regional Cooperation to Support the Implementation of PSM in Southeast Asian Region (2016)

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Agenda 4.1

SPECIFICATION OF SURVEILLANCE SECTOR FOR PORT STATE MEASURE AND CONTROL IN EACH MEMBER COUNTRIES AND CURRENT LEGAL SYSTEM

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CAMBODIA

- Laws and regulations support PSM implementation (*not full support and need some changes*)
- In the process to develop NPOA-IUU which will also include PSM
- PSM has not really applied since no foreign vessels unloading in the country
- No designated port for PSM

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INDONESIA

- Signed the PSMA and preparing to ratify the FAO PSMA
- Following the IOTC resolution on PSM to prevent, deter and eliminate IUU fishing
- 5 designated ports for PSM implementation (*Bitung, Bungus, Ambon, Jakarta and Palabuhanratu Fishing Port*)
- At present, no foreign or joint venture fishing vessels operating in the EEZ
- Requirement of foreign fishing vessels information prior to entering into port
- Implement the EC Regulation 1005/2008-Catch Certification, the CCSBT* CDS, and IOTC resolution on CDS for big-eye tuna statistic
- Decree laws and regulations to support PSM implementation
- NPOA-IUU linked to the implementation of PSM
- Conduct some capacity buildings on PSM and relevant activities for staff concern

*CCSBT = Commission for the Conservation of Southern Bluefin Tuna

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MALAYSIA



- Only one designated of port in Penang under IOTC requirement
- Domestic law supports the implementation of PSM
- Foreign fishing vessel is required to get written approval prior to land fish
- Continuous capacity building on PSM for officials from relevant agencies
- NPOA-IUU developed in 2013



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MYANMAR



- Signed for accession the FAO PSMA in 2010
- Decree for laws and regulations to support PSM implementation
- Local and foreign fishing vessel has to be inspected in check points before entering landing site
- Designated five port for foreign fishing vessel which operate in Myanmar EEZ
- Implement check point as one stop service to inspects the fishing vessel when they go to fishing ground and come back to the port
- Implementation of catch certification scheme for EU regulation
- Preparing NPOA-IUU linked to the PSMA

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PHILIPPINES



- One designated port for foreign vessel in Davao and is planning to designate on more port in General Santos
- Fishing vessel must submit prior notification information to the one-stop action center
- Enacted law and regulation to support PSM implementation
- Foreign fishing vessel is required to submit catch documentation in support to PSM implementation
- Develop the NPOA-IUU in 2013 which include PSM
- Sign the instrument of accession to the 2009 FAO PSMA in 2016
- Conducted capacity building training for PSM implementation for local inspectors



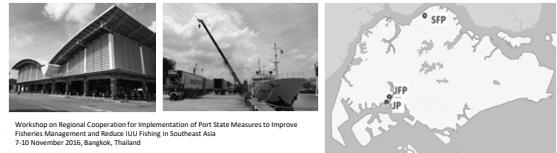
Davao Fish Port Complex,
Tori, Davao City, Philippines
Tel. No. +63 082 291-14-07; 291-07-32

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SINGAPORE



- 3 terminals for the import, export and transshipment of fish from fishing vessels and fish carriers: Jurong Fishery Port (JFP), Jurong Port (JP) and Senoko Fishery Port (SFP)
- Advanced notification of arrival required for all foreign fishing vessel and fish carriers
- Compliance with CCAMLR's Catch Documentation
- Collaboration with ICCAT issuance of re-export certificates for Big-eye Tuna and Swordfish



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THAILAND



- 27-ports have designated for PSM and on-going for revision
- Implemented pilot project on PSM at Phuket in 2012-2014
- Preparing for accession to the 2009 FAO PSMA
- Significant enforcement activities
- Requirement prior to port entry
- Relevant activities to PSM (Traceability system, MCS)
- Decree law and regulation to support PSM implementation
- Development of NPOA-IUU with support PSM implementation
- Developing Software "Processing Statement and PSM Linked System" (PPS)
- Updated inspection manual base on information provided by MoU and NPCI*



*NPCI = National Plan of Control and Inspection

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VIET NAM



- No designated port for foreign fishing vessels
- Requirement information prior to port entry
- Law, decree and regulation to support PSM implementation
- Development of NPOA-IUU with support PSM implementation



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SUMMARY OF CONSTRAINTS/PROBLEMS ON PSM IMPLEMENTATION

Constraints/Problems	CM	ID	MY	MM	PH	SG	TH	VN
Operational								
• Lack of standard operating procedure (SOP) in implementing PSM with any scale of vessel	X	X			X		X	X
• For port managed under different agency; insufficient inter-agency cooperation for port PSM implementation	X	X		X				X

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SUMMARY OF CONSTRAINTS/PROBLEMS ON PSM IMPLEMENTATION

Constraints/Problems	CM	ID	MY	MM	PH	SG	TH	VN
Legal								
• Challenge with regards to implementation of laws and regulations	X	X	X				X	X
• Challenge in interpretation of PSMA	X	X			X	X	X	X
Human resource								
• Limit of capacity of implementing facilities and officer concern	X	X		X		X	X	X
Infrastructure								
• Insufficient infrastructure and lack of budget for infrastructure to support PSM	X	X		X			X	

SUMMARY OF CONSTRAINTS/PROBLEMS ON PSM IMPLEMENTATION

Constraints/Problems	CM	ID	MY	MM	PH	SG	TH	VN
Information								
• Lack of fish landing data system and management, such as the IUU vessel list from RFMOs is not updated	X		X					
• Lack of regional network, MCS and information sharing in concern agencies among country	X	X	X	X	X		X	X
• Lack of awareness about PSM among the stakeholder	X	X						
• Limited traceability of some imports						X		
• Control of ports fall under different port authorities			X					

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SUMMARY OF CONSTRAINTS/PROBLEMS ON PSM IMPLEMENTATION

Constraints/Problems	CM	ID	MY	MM	PH	SG	TH	VN
Measures related to PSM implementation								
• Lack of vessels registration and fishing license system management	X							

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Agenda 4.2

IDENTIFICATION OF ISSUES IN THE PSM AGREEMENT THAT WOULD SUPPORT THE IMPLEMENTATION OF PSM IN THE REGION

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ISSUES IN THE FAO PSM AGREEMENT FOR REGIONAL COOPERATION

PART: ENTRY INTO PORT

- Article 7: Designated port
- Article 8: Advance request for port entry

PART: INSPECTIONS AND FOLLOW-UP ACTION

- Article 12: Levels and priorities for inspection
- Article 15: Transmittal of inspection results
- Article 16: Electronic exchange of information
- Article 17: Training of inspectors
- Article 18: Port State actions following inspection

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PART: ENTRY INTO PORT

Article 7: Designated port

- Encourage AMS to identify designated ports for foreign fishing vessel and encourage not to allow foreign fishing vessel to unload fish and fishery products in non-designated ports.
- The list of designed ports should include information of the name of the port, address of location, contact person and his/her designation as well as official website in English version.
- SEAFDEC shall publicize the information of AMS' s designated ports.

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PART: ENTRY INTO PORT

Article 8: Advance request for port entry

- AMS shall require, as a minimum standard, the information requested in **Annex A** or relevant document to be adopted by AMS to be provided before granting entry to a vessel to its port.
- To support the implementation by port State, database module of the list of vessels shall be expansion developed based on the existing Regional Fishing Vessels Record (RFVR).

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PART: INSPECTIONS AND FOLLOW-UP ACTION

Article 12: Levels and priorities for inspection

- Adopt the Standard Operating Procedures (SOP) on the risk assessment and inspection of vessels through the harmonization/consultation workshop.
- AMS may consider minimum levels for inspection of vessels through, as appropriate, agreement among all AMSs.
- To support inspection of the vessels, the historical data/information of vessel are required in the database module of vessels.

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PART: INSPECTIONS AND FOLLOW-UP ACTION

Article 15: Transmittal of inspection results

- AMS shall transmit the results of each inspection to the flag State of the inspected vessel
- AMS shall submit SEAFDEC the total number of inspection annually.
- When AMS flagged vessel has been denied entry, denied the use of port or denied the landing of fish, the port State needs to share the summary report of inspection to SEAFDEC.

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PART: INSPECTIONS AND FOLLOW-UP ACTION

Article 16: Electronic exchange of information

- To facilitate implementation of this Regional Cooperation, each AMS, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements. In addition, AMS should cooperate to establish an information-sharing mechanism by SEAFDEC to facilitate the exchange of information with existing database for this cooperation.

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PART: INSPECTIONS AND FOLLOW-UP ACTION

Article 17: Training of inspectors

- Request FAO, RFMOs, ASEAN, SEAFDEC and relevant agencies on training of trainer for port inspections including legal and operational aspects with an emphasis on practical hands-on component
- Develop a network/team among AMs on training of trainer 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.

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PART: INSPECTIONS AND FOLLOW-UP ACTION


Article 18: Port State actions following inspection

- Publicize and awareness building on standard inspection procedure

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Agenda 4.3

UPDATED ON THE WORK PLAN AS A BASIS FOR RECOMMENDATIONS ON REGIONAL COOPERATION TO SUPPORT THE IMPLEMENTATION OF PSM

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ACTIVITY	SCHEDULE	TARGETS
❖ Addressed the Importance of Regional Cooperation on PSM at the 18 th FCG/ASSP	26-27 NOV. 2015	Supported by the 18 th FCG/ASSP
❖ Expert Experts Meeting on Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region	2-4 FEB 2016	Final Draft Concept Proposal on Regional Cooperation on PSM
❖ Stakeholders Consultation Meeting: A preparatory process for the High-Levels Meeting in August 2016	1-2 MAR 2016	Comments on Regional Initiatives toward combating IUU fishing including Regional Cooperation on PSM
❖ Meeting of the Drafting Committee on ASEAN SEAFDEC Joint Declaration toward combating IUU Fishing	3-4 MAR 2016	Draft Joint Declaration toward combating IUU Fishing
❖ Address the Regional Cooperation on PSM together with Draft Joint Declaration to the 48 th Meeting of the SEAFDEC Council	4-8 APR 2016	Endorsement and comments
❖ Address the Regional Cooperation on PSM together with agreed Draft Joint Declaration resulted from 48CM to the 23 rd ASWGF	JUNE 2016	Endorsement and comments

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7-10 November 2016, Bangkok, Thailand

ACTIVITY	SCHEDULE	TARGETS
❖ Address the Regional Cooperation on PSM together with agreed Draft Joint Declaration results from 48CM and 23 rd ASWGF to the SOM Meeting	AUG 2016	Support from SOM
❖ Workshop on Regional Cooperation for Implementation of PSM to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia*	7-10 NOV 2016	Support AMS
❖ Technical workshop for the SOP on vessel inspection at port and information sharing for database system	FEB. 2017	Support AMS
❖ Development of the database system	JAN – OCT 2017	Support AMS
❖ Testing the system through pilot site demo	AUG 2017 – FEB 2018	Support AMS
❖ Adoption of the system by 50 th CM	APR 2018	

* Addition activities

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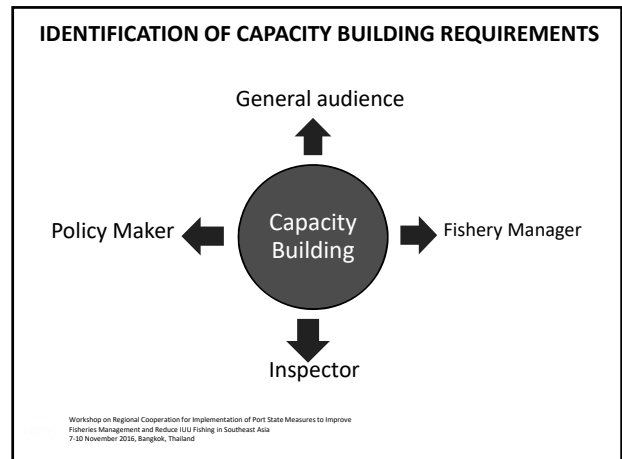
THANK YOU

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Agenda 4.4

IDENTIFICATION OF CAPACITY BUILDING REQUIREMENTS

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7-10 November 2016, Bangkok, Thailand



GENERAL AUDIENCE

LECTURE

- Fisheries situation and management scheme
- Applicable international law and national laws and regulation measures
- Introduction of Port State Measures Agreement
- Importance of implement on PSM
- Advanced request to enter port

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
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INSPECTOR

LECTURE

- Fisheries situation and management scheme
- Applicable international law and national laws and regulation measures
- Introduction of Port State Measures Agreement and especially focus on;
- Ethics of PSM inspector
- Health Safety & Security of PSM inspector
- Authority & Powers (Fisheries enforcement) of PSM inspector including the owned domestic laws and regulation (if applicable)
- Standard Operating Procedure (SOP)/ decision criteria
- Advanced request to enter port
- Prioritizing inspection based on the risk assessment

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INSPECTOR (CONT')

- Inspection of vessel (intensive)
- Commercial fishing gear, equipment and techniques
- Fish and product identification
- Monitoring offloading and transshipment operation
- Follow-up procedures information sharing including requesting for additional information from flag state and deny port entry and IUU list
- Legal process, rule of evidence and interviews

PRACTICE

- Field practical training

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7-10 November 2016, Bangkok, Thailand

FISHERY MANAGER

LECTURE

- Fisheries situation and management scheme
- Applicable international law and national laws and regulation measures
- Introduction of Port State Measures Agreement
- Ethics, Health Safety & Security, Authority & Powers (Fisheries enforcement) of PSM inspector
- Advanced request to enter port
- Prioritizing inspection based on the risk assessment
- Inspection of vessel

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FISHERY MANAGER (CONT')

- Commercial fishing gear, equipment and techniques
- Fish and product identification
- Monitoring offloading and transshipment operation
- Follow-up procedures information sharing including requesting for additional information from flag state and deny port entry and IUU list
- Legal process, rule of evidence and interviews
- Capacity needs assessments towards implementation of Port State Measures

ON-SITE STUDY

- Observation on fishing port and inspection activities

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7-10 November 2016, Bangkok, Thailand

POLICY MARKER

LECTURE

- Fisheries situation and management scheme
- Applicable international law and national laws and regulation measures (Intensive)
- Understanding on Port State Measures Agreement for apply in the region
- Advanced request to enter port
- Prioritizing inspection based on the risk assessment
- Inspection of vessel (in general)
- Monitoring offloading and transshipment operation
- Follow-up procedures information sharing including requesting for additional information from flag state and deny port entry and IUU list
- Legal process, rule of evidence and interviews
- Capacity needs assessments towards implementation of Port State Measures

ON-SITE STUDY

- Observation on fishing port and inspection activities

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THANK YOU

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Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

CURRENT STATUS

- Brunei Darussalam acknowledged the Agreement on Port State Measures (PSM) to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) Fishing was approved in November 2009 at the Thirty-sixth Session of the Food and Agriculture Organization (FAO) Conference;
- Brunei Darussalam is not a signatory to the FAO-PSM agreement. However regular coordination and collaboration with other national enforcement agencies through the Maritime Security Taskforce have been conducted;
- Brunei Darussalam is officially a member of the FAO of the United Nation in June 2013;
- Brunei Darussalam is a member of the Coordination Committee of the Regional Plan of Action (RPOA) to promote responsible fishing practices including combating IUU fishing in the Southeast Asian region since 2008 and any reports on any IUU fishing vessels activities will be shared amongst RPOA member countries.

CURRENT STATUS ... (continued)

- The existing national legislation also indirectly support of the FAO-PSM agreement as follows :-
 - Fisheries Order, 2009 and Brunei Fishery Limit Act Chapter 130 of the Department of Fisheries which are the backbone for fisheries management plan, policies and strategies;
 - Merchant Shipping Order, 2002 of the Marine Department which controls the flag state and port state of vessels in Brunei Darussalam;
 - Merchant Shipping (Registration of Fishing Vessels and Pleasure Crafts) Regulations, 2011 of the Marine Department which controls the registration of vessels in Brunei Darussalam;
 - Ports Act, 1984 (chapter 144) of the Marine Department which provide for the regulation and control of ports and waters of Brunei Darussalam.
- Brunei Darussalam will seek advice from Attorney General Chambers of Brunei Darussalam for any review related to existing legislations and legal framework to be inline with the FAO-PSM agreement;

CURRENT STATUS ... (continued)

- The implementation of Brunei Darussalam National Plan of Action (NPOA) to prevent, deter and eliminate IUU fishing was launched in 2011;
- The joint patrol operation with relevant enforcement agencies such as Royal Brunei Navy of the Royal Brunei Armed Forces and Marine Police of the Royal Brunei Police Force to monitor, control and conduct surveillance (MCS) within Brunei Darussalam Economic Exclusive Zone;
- Brunei Darussalam has only two (2) designated ports for local commercial fishing vessels and no designated port for foreign fishing vessels;
- However, currently there were no Foreign Fishing Vessels have ever applied to enter Brunei Darussalam Port of Fish Landing.

CURRENT SITUATION OF IUU FISHING IN BRUNEI DARUSSALAM

- illegal foreign fishing vessels encroachment;
- fishing in restricted zones;
- fishing without a licence;
- Misuse of fishing gear licence;
- fishing with prohibited gears, mesh sizes and fishing techniques;
- fishing with cyanide and blast fishing.

It is estimated by Department of Fisheries that losses from illegal fishing are significant and are likely to grow in the future.

NUMBER OF FOREIGN FISHING VESSEL (FFV) ARRESTED IN BRUNEI DARUSSALAM EZZ

According to the Department of Fisheries statistics :-

- two (2) FFV were arrested in 2014;
- one (1) FFV was arrested in 2015;
- Four (4) FFV were arrested until October 2016.

FISHERIES ORDER, 2009

Part VII - Foreign Fishing Vessels

Fishing etc. using foreign fishing vessels.

17. (1) No foreign fishing vessel shall be used or attempt to be used for fishing or for conducting any research or survey in relation to any fishery, in Brunei Darussalam waters unless –

- (a) it is authorized to do under any international fishery agreement between the Government of Brunei Darussalam and –
 - (i) the government of the country; or
 - (ii) any international organisations,
 to which such vessel is registered or to which it belongs; and
- (b) it is used for those purposes in accordance with a licence.

FISHERIES ORDER, 2009

Part VII - Foreign Fishing Vessels...(continued)

Innocent passage through Brunei Darussalam waters.

18. (1) Except as provided in this section, a foreign fishing vessel shall not enter or remain in Brunei Darussalam waters.

(2) A foreign fishing vessel may exercise the right of innocent passage in Brunei Darussalam waters in accordance with this section and international law.

(3) The master of a foreign fishing vessel which is entering Brunei Darussalam waters for the purpose of exercising the right of innocent passage shall notify by radio any authorized officer or any commanding officer of any Government naval vessel of the name, the flag state, location, route and destination of the vessel, the types and amount of fish it is carrying and the circumstances under which it is entering Brunei Darussalam waters.

(4) Every foreign fishing vessel entering Brunei Darussalam waters for the purpose of exercising the right of innocent passage shall, without prejudice to any other written law and to any lawful requirement made thereunder, return to a position outside Brunei Darussalam waters as soon as the purpose for which it entered those waters has been fulfilled.

FISHERIES ORDER, 2009

Part VII - Foreign Fishing Vessels...(continued)

Undertaking to be included in international fishery agreement.

19. Every international fishery agreement referred to in Section 17(1)(a) shall include an undertaking by the government of the country, or by the international organization, which is a party to the agreement with the Government of Brunei Darussalam, to comply or ensure compliance by its fishing vessels with the provisions of this Order.

MERCHANT SHIPPING ORDER, 2002 of the Marine Department

Part II - Brunei Darussalam Registry

Penalty for not showing colours.

37. (1) A Brunei Darussalam ship shall hoist the proper national colours on entering or leaving any port.

(2) If the master of a Brunei Darussalam ship fails without reasonable cause to comply with this section, he shall be guilty of an offence.

MERCHANT SHIPPING ORDER, 2002 of the Marine Department

Part XIII - Miscellaneous

Power to prohibit ship from entering or direct ship to leave territorial waters of Brunei Darussalam.

205. (1) The Director of Marine may prohibit any ship from entering and may direct any ship to leave the territorial waters of Brunei Darussalam if he is in his opinion that it would not be in the public interest for the ship to enter or remain within the territorial waters of Brunei Darussalam.

Enforcing detention of ship

206. (1) Where under this Order a ship is to be or may be detained, the Director of Marine, may detain the ship if it is in Brunei Darussalam and the ship may be detained until it complies with the provisions which it contravened.

MERCHANT SHIPPING ORDER, 2002 of the Marine Department

Part XIII - Miscellaneous...(continued)

Power to give effect to international agreements.

214. (1) In this section –

"international agreements" means any agreement which has been ratified by or on behalf of Brunei Darussalam and which, in the opinion of the Minister, relates to merchant shipping or to any matter incidental or connected with merchant shipping.

(2) The Minister may by order make, in relation to Brunei Darussalam, such provisions as appears to him to be requisite for enabling Brunei Darussalam to implement any international agreement.

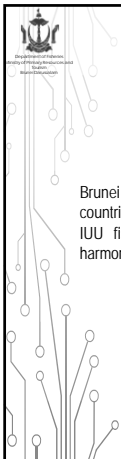
(3) The powers conferred by subsection (2) to make provision to implement an international agreement include power to provide for the provision to come into force although the international agreement has not come into force.



Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

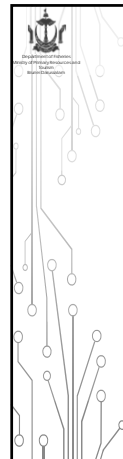
Annex 14

7-10 November 2016, Bangkok, Thailand



CONCLUSION

Brunei Darussalam would be highly committed to active collaboration with other countries in the region in assessing the status of fisheries resources, combating IUU fishing, developing appropriate regional and bilateral MCS measures, harmonised PSM and sharing fisheries-related information.



-
End
-

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
Bangkok, Thailand, 7-10 November 2016

Updating on PSM Implementation in Cambodia


by
Mr. CHHUON Kimchhea and Dr. KAO Sochivi
Fisheries Administration, Ministry of Forestry and Fishery, Cambodia

Outline

1. Background
2. Fisheries Policy
3. Current status of PSM implementation
4. Revision of legal framework
5. Problems and issues
6. Proposed actions for regional cooperation to support implementation of PSM

Background

- Total area of 181,035 Km²
- Population 15.33 M
- Coastline : 435 Km
- Wetlands: >30%
- The total production is about 700-800 thousand tons per year.
- Fish consumption is 52.4kg/ per/year and provides 81% of animal protein intake.
- Fisheries play a very important role in contributing to employment opportunities to about 6 million people working full-time and part-time in fisheries and fisheries related activities, providing people's livelihoods, national food security and adding approximately US\$1.5 Billion per year to economy, corresponding to 8-12% of GDP.




Fisheries Policy

1. Management and development of fisheries
 - managing and utilizing sustainable fisheries resources to enhance food security and food safety and to contribute to poverty alleviation.
 - promoting and encouraging fishing activities in the EEZ and in the international fishing grounds by strictly implementing the regional code of conduct for responsible fisheries and the laws of Kingdom of Cambodia.
2. Management of community fisheries and family fisheries
3. Management and development of aquaculture
4. Management and development of fish processing
5. Conservation of fisheries resources
6. Development of fisheries institutes and infrastructure
7. Budget and Fisheries Infrastructure

Current Status of PSM Implementation

- No designated fishing port for PSM.
- PSM are not being applied at the moment.
- Information on catch, fishing vessel, and gear of foreign vessels has not been collected.
- FiA, supported by EU financed programme, is preparing NPOA-IUU with support PSM implementation. The draft NPOA-IUU follow the structure of IPOA-IUU and RPOA-IUU. It is expected that the NPOA-IUU will submitted to MAFF soon for further consultation and eventual adoption by Government.



Revision of the Legal framework

- Conservation and management of living resources in high sea
 - MAFF has requested FAO to support the revision of the law through their TCP-Facility. MAFF proposes to co-finance the revision through OPE3 of the EU financed Programme.
 - Cambodia signed the United Nation Convention on the Law of the Sea (UNCLOS) in 1983 but has not yet ratified it, while the 1995 UN Fish Stocks Agreement (UNFSA) has not been signed (nor ratified). MAFF will endeavour to expedite the ratification by the Kingdom of Cambodia of the UNCLOS, and the signing and subsequent ratification of the UNFSA and the FAO Port State Measures Agreement .

Revision of Legal framework

- Registration of Fishing vessels
 - The Cambodian Government has recently notified the International Maritime Organization (IMO) that *"if they find [foreign] vessels with the Cambodian flag, they are illegal"*
 - Registration of foreign vessels has been assigned to the Ministry of Public Works and Transport (MPWT).
 - ✓ Boat registration under the responsibility of MPWT
 - ✓ Fishing licensing under the responsibility of FiA/MAFF
 - Cambodia is now considering developing its own registration system for non-IUU vessels to fish in other State's EEZs, on the high seas and RFMO areas.
 - FiA, in cooperation MPWT and with support from SEAFDEC and the EU supported programme, is launching an activity to register and licence the vessels operating in the EEZ. Initially the focus will be on registration and licensing of boats greater than 33hp, with the numerous small boats to follow later.

Revision of Legal framework

- Registration of Fishing vessels (cont)
 - MAFF intends to revise Cambodia's Law on Fisheries to comply with UNCLOS, UNFSA and other relevant conventions and agreements; this will be the objective of the requested support from FAO which will include the following specific areas:
 - ✓ Ecosystem Approach to Fisheries Management
 - ✓ Data Collection, Monitoring and Research
 - ✓ Management Plans
 - ✓ Fishing Vessel Registration
 - ✓ Flag State Authorisations to Fish and Effective Control over Nationals
 - ✓ Authorisations to fish by the Coastal State (licensing of foreign fishing vessels)
 - ✓ Monitoring, Control and Surveillance
 - ✓ Port State Controls
 - ✓ Catch Certification and other Trade Measures
 - ✓ Reporting Requirements.

Revision of Legal framework

- Sanction system
 - Cambodia's Law on Fisheries will be revised to comply with UNCLOS, UNFSA and other relevant conventions and agreements, e.g. the FAO Port State Measures Agreement; this will be the objective of the requested support from FAO. Secondary legislation will be developed and enacted to put in place appropriate deterrent sanction systems.
- Creation of a reliable inspection scheme, observer programme and supervision of transshipment and monitoring of landing catches
 - The focus of FiA is currently on strengthening the national systems for inspection, supervision of transshipment and monitoring of landings. This is detailed in the draft NPOA-IUU
- Vessels monitoring system (VSM) obligation
 - MAFF, through FiA will assess the options to established an effective vessel monitoring system for initially, the medium to large Cambodia vessels.

Major Problems and issues in the implementation of PSM in Cambodia

1. Weak inspection at landing sites (ineffective patrol vessel, lack of VMS/GIS tracking systems).
2. Ineffective registration and licensing.
3. Lack of standard operating procedure in implementation PSM with any scale of vessel.
4. Lack of fish landing data system and management
5. Lack of regional network, MCS and information sharing in concern agencies.
6. Limit of capacity of implementing facilities and officer concern.
7. Insufficient infrastructure and lack of budget for infrastructure to support PSM.
8. Lack of awareness about PSM.

Proposed Areas for Regional Cooperation to Support Implementation of Port State Measures among ASEAN Member States (AMS)

1. Strengthening bilateral/multilateral arrangement with Thailand and Viet Nam on all IUU activities and this could include PSM.
2. Sharing of information on catch, fishing vessel, gears and port inspection result/report and sharing of experiences in the implementation of port state measures among ASEAN Member States.
3. Capacity building to fisheries officers on PSM in the future.
4. Conduct some joint pilot implementation on the PSM management system.

THANK YOU FOR YOUR ATTENTION



Workshop on Regional Cooperation for Implementation of PSMA to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7 November 2016, Bangkok - Thailand

Indonesian Efforts to Implement PSMA for Reducing IUU Fishing and Improve Fisheries Management

Indonesian delegation

1. Mr. Izak Yehosua Siamiloy
2. Mr. Zulfikar
3. Mr. Fitrianto Dwi Setyawan

Background

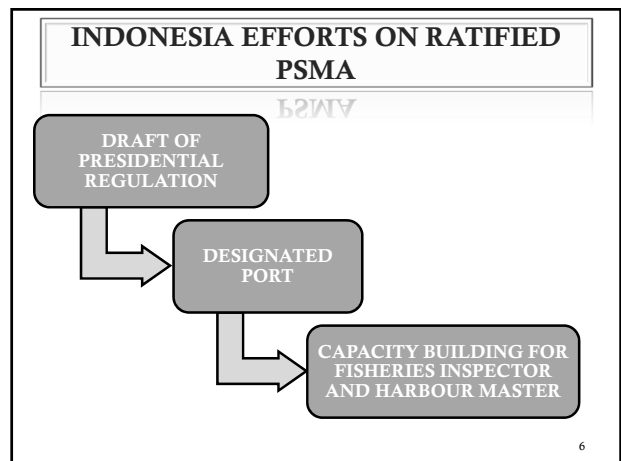
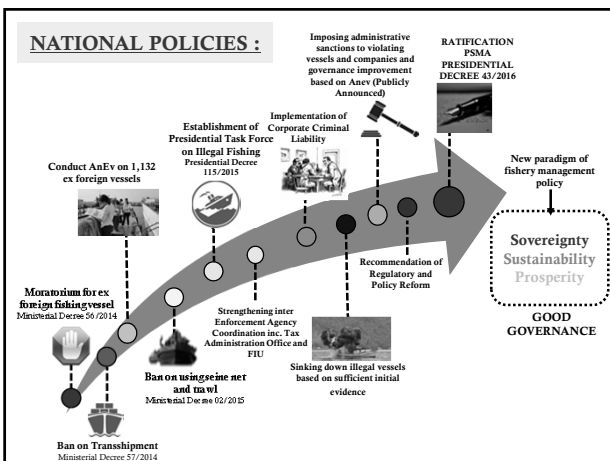
- The Agreement establishes a system for port State measures for the purpose of monitoring and controlling the activity of foreign fishing vessels and determining whether there is any involvement with IUU fishing.
- As a port service to vessels entering to port state, the services such as oil supply, logistics, loading and unloading fisheries products, replacement ship's crew, health services for ship's crew.

Fisheries issues and impact in Indonesia

- Indonesia already has a comprehensive Port State regime based on a closed port system, restricting foreign fishing vessels from entering Indonesia ports and shall continue to maintain our stronger domestic measures above that of the Agreement.
- Directorate General of Capture Fisheries has publish regulation 51/2012 about Depart and arival of Foreign Fishing Vessel

The advantage for implementing PSMA

- Foreign fishing vessels can entering to designed port of PSMA in Indonesia, with the result optimal surveillance apply;
- Indonesia government can get information about foreign fishing vessel which making IUU Fishing to prevent entering;
- Make an opportunities about training program for port inspector to get international standard Implementation PSMA;
- Open international cooperation in the implementation with capacity building to states.

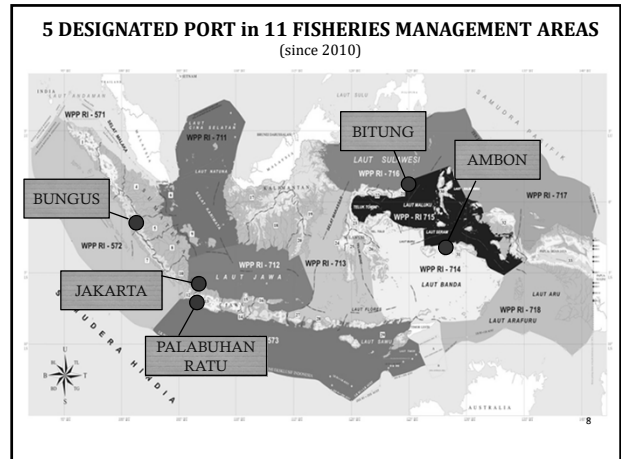


Ratification PSMA

Indonesia had signed Agreement on PSM to Prevent, Deter and Eliminate IUU Fishing on FAO Conference 22 November 2009 in Rome

↓

Indonesia had ratified PSMA in national law through Presidential Decree Number 43 Year 2016



Indonesia plan on action to Implement PSMA

- Prepare an implementation of procedure, facilities and infrastructure, human resource for support implementation of PSMA :
 - Prepare cooperation and coordination among agencies and institutions (Ministry of Finance, Ministry of Transportation, Ministry of Trade, Attorney General, Indonesia National Police, Marine, Coast Guard) with regulation and law enforcement.
 - Improvement of human resource and make operational standard, and procedure.

Indonesia plan on action to Implement PSMA

- Determine an publicize designated ports for impementation PSMA
 - Make draft regulations about designated ports of PSMA;
 - Make a priority to location of ports as a beach state where adjacent to high sea (Nizam Zachman Fishing Port, Bungus Fishing Port, Bitung Fishing Port, and Benoa Port)

Indonesia plan on action to implement PSMA

- Make a systematic cooperation and exchange of information intelligence data among national institutions incorporated in surveillance and control to port, beach state, RFMOs.
 - Give informations about the implementation of PSMA to FAO, include implementation *Global Record of Fishing Vessel, Refrigerated Transport Vessels and Supply Vessels (Global Record), Flag State, and officer state;*
 - Push to an online system for state concerned.

What's next?

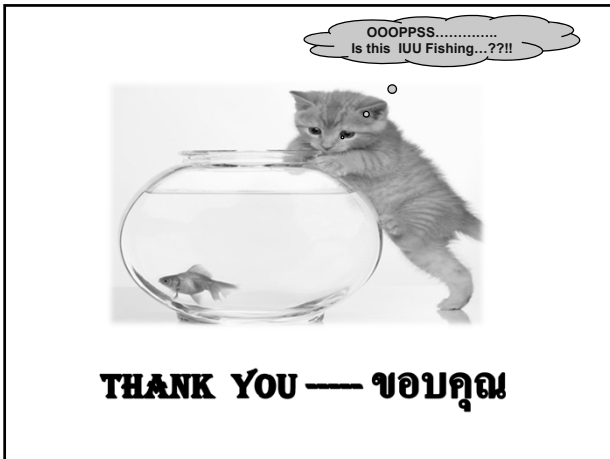
- ❖ Review on existing national regulation to support the implementation of PSMA
- ❖ Review the determination of the designated port after ratifying PSMA (possibly to develop more designated port)
- ❖ Improved infrastructure of designated port
- ❖ Improved human resources by capacity and capability building
- ❖ Enhancement regional and international cooperation
 - Regional Plan on Action of IUUF (RPOA – IUUF)
 - MoU between MMAF and FAO is ongoing for renewal (expired on May 2016)



Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November 2016, Bangkok, Thailand

Annex 16



Implementation Port State Measures in Malaysia

— an update since March 2016

By Department of Fisheries Malaysia, 2016

1

Port designation

- Has designated port in Penang & Langkawi under IOTC requirement for foreign fishing vessel to enter
- Entry taken place in several ports in peninsula Malaysia

2

Ports frequently called at...

- Penang
- Kuantan
- Klang
- Johor
- Langkawi

3

Legal basis

- i. Fisheries Act 1985;
- ii. Malaysian Maritime Enforcement Agency (MMEA) Act 2004;
- iii. Malaysian Quarantine And Inspection Services (MAQIS) Act 2011;
- iv. Fisheries Development Authority Act 1971;
- v. Customs Act 1967;
- vi. Merchant Shipping Ordinance 1952.

4

Fisheries Act 1985

- Prescribe prior notification

Section 15(2)

No foreign fishing vessel shall load or unload any fish, fuel or supplies or tranship any fish in Malaysian fisheries waters without the written approval of the Director General."

5

Fisheries Act 1985

- Offence for violated Section 15 (2) Fisheries Act 1985 can be prosecuted in court and if convicted to be punishable under Section 25 of the same Act.

OFFENCES

25. Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence and where no special penalty is provided in relation thereto, such person shall be liable—

- (a) where the vessel concerned is a foreign fishing vessel or the person concerned is a foreign national, to a fine not exceeding one million ringgit each in the case of the owner or master, and one hundred thousand ringgit in the case of every member of the crew;
- (b) in all other cases, to a fine not exceeding twenty thousand ringgit or a term of imprisonment not exceeding two years or both.

6

Fisheries Act 1985

Passage of foreign fishing vessel through Malaysian fisheries waters

- Section 16.(1)
Subject to subsections (2) and (3) a foreign fishing vessel may enter Malaysian fisheries waters, for the purpose of passage through such waters in the course of a voyage to a destination outside such waters.
- (2) Such passage, which shall be exercised in accordance with rules of international law of the sea relating to the relevant maritime regime applicable to such Malaysian fisheries waters, includes stopping and anchoring only—
 - (a) if the vessel is in distress;
 - (b) for the purpose of obtaining emergency medical assistance for a member of its crew; or
 - (c) to render assistance to persons, ships or aircraft in danger or distress.

7

Fisheries Act 1985

- The Minister may make regulations specifically or generally for the proper conservation, development and management of maritime and estuarine fishing and fisheries in Malaysian fisheries waters and in respect of related industries, for the proper conservation, development, management and regulation of turtles beyond the jurisdiction of any State in Malaysia, and for the implementation of the provisions of this Act, including but not restricted to regulations for all or any of the following purposes:..
 - to regulate the landing of fish, to provide for the management and control of fishing ports and fish-landing areas, and to appoint such agencies as may be required to effect such management and control;.....

8

What's new??

- June – appointment of the first 16 port inspectors
- October – request FAO to assist Malaysia in conducting gap analysis for becoming party to PSMA

9

competence building 2016

No.	Workshops/Training	Date	Participants
1	Capacity building and strengthening of the Implementation of IOTC Conservation and Management Measures, PICC Putrajaya	17-20 Sep 2016	15
2	The IOTC e-PSM Application in Penang	21-25 Nov2016	15
3	Educational/ technical visit to Phuket Fishing Port - for port inspector	16-18 Dec 2016	20

Thank you


11

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
7-10 November 2016
Bangkok, Thailand

Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Myanmar

Dr.Nyunt Wai(Director)
Daw Ei Myo Theint (Duputy Fishery Officer)
Department of Fisheries, Myanmar

General Information



- **Location:**
-Southeastern Asia, bordering with China, Laos, Thailand, Bangladesh and India
- **Geographic coordinates:**
- 22 00 N, 98 00 E
- **Map references:** Southeast Asia
- **Area:**
- land: 676,578 sq km
- **Land boundaries: total: 5,876 km**
border countries: China 2,185 km, Laos 235 km, Thailand 1,800 km, Bangladesh 193 km, India 1,463 km,

Port State Measure

Related Department

- Myanmar Port Authority
- Department of Fisheries
- Department of Marine Administration

Duty and Function

- Myanmar Port Authority**
 - registration of Jetty and landing site
 - inspection and port due and light due collection including the fishing vessel in public and private jetty or landing site
 - Pilotage for vessels (including fishing vessel calling to Yangon Port)

Department of Fisheries

- Registration of fish landing sites permitted by Myanmar Port Authority
- Inspection at landing site and check points for all fishing and fish carrier vessels
- permission of fishing vessel entering Myanmar EEZ

Department of Marine Administration

- Registration of all local vessel
- Tonnage Certificate for Foreign Fishing Vessel
- Inspection of Vessel Registration and Life Saving Appliance

Legislation

- ❑ For Foreign Fishing Vessel-
The Law relating to the Fishing Rights of the Foreign Fishing Vessel(1989)
- ❑ For local vessel and Joint venture vessel
Myanma Marine Fisheries Law (1989)

Law relating to the Fishing Rights of the Foreign Fishing Vessel(1989)

CHAPTER VI
Duties of the Master

23. Master of the foreign fishing vessel : ----

- (a) shall abide by the terms and conditions attached to the license ;
- (b) shall hang the license and registration certificate prominently at the wheel house of the vessel ;
- (c) shall maintain ship log-book and fishing data book as prescribed by the Department ;
- (d) shall report to the Department within the given time , all the particulars relating to the vessel, the route by which the vessel will be entering, arrival day and time, goods and commodities on board the vessel, fishing gear, list of persons on board the vessel of any foreign fishing vessel which has received the permit or the license enters the Myanmar fisheries waters;

Law relating to the Fishing Rights of the Foreign Fishing Vessel(1989)

Duties of the Master (Contd.)

- (e) shall directly proceed to the port or place as specified for inspection of the vessel if any foreign fishing vessel enters the Myanmar fisheries waters;
- (f) shall hoist the flag of the Union of Myanmar and the flag of the country , in which the foreign fishing vessel is registered , when it is in the Myanmar fisheries waters;
- (g) shall proceed to the port or place as specified to be inspected whenever the foreign fishing vessel leaves the Myanmar fisheries waters. After completion of the inspection, shall leave the Myanmar fisheries water, without fishing , as directed by the Department.

Law relating to the Fishing Rights of the Foreign Fishing Vessel(1989)

9. The rights of an entrepreneur are as follows:---

- (a) the rights to appoint agent who is capable of taking charge of the fishery;
- (b) in exceptional circumstances, the right to apply for special permission of the Director-General if desirous of operating a fishery in other Myanmar Fisheries waters;
- (c) the right to apply for permission of the Director-General if desirous of purchasing within the country articles and equipments relating to the fishery;
- (e) the right to repair a foreign fishing vessel at any internal port;

Implementation

- ❑ Local and foreign fishing vessel has to be inspected in check points before entering landing site.
- ❑ Myanmar has designated 5 landing sites for foreign fishing vessel.
- ❑ Patheingyi, Yangon, Myeik , Kauthaung , Thandwe
- ❑ For local fishing vessel, there are 14 check points along the coastal area and all local fishing vessels shall be inspected at any check points in their route.

Implementation

- To enter the Myanmar EEZ ,foreign fishing vessel shall inform to DOF at least one week in prior.
- All vessel has to inform their entrance of port or landing site in prior to 2 hrs to the check point or office of DoF.
- In check point or landing site, one stop service team which included members namely, DoF, Custom Department, Department of Marine Administration, Department of General Administration, Myanmar Port Authority, Department of Immigration and National Registration, Myanmar Police Force inspects the fishing vessel when they go to fishing ground and come in landing site.

Agreement on Port State Measure

- ❖ Myanmar signed the FAO Agreement on Port State Measure for accession on 22-11- 2010.

Issue and Constraints

National

- Market access (price and distance)
- lack of information of illegal fishing vessel (for landing or entering EEZ)
- Lack of MCS including PSM for illegal vessels
- information sharing among the related agency/ departments especially about rules and regulations and procedures
- Assessment of current implementation

Recommendation

- ❖ creation of market facilities
- ❖ enhancing the MCS in collaboration with related departments
- ❖ Installing the VMS system in all local fishing vessel
- ❖ Incentives for sighting reports of fishing vessels
- ❖ information sharing between related departments for assessment
- ❖ Development of rules and regulations for PSM
- ❖ Strengthening law enforcement
- ❖ Capacity building for related departments

Issue and Constraints

Regional

- Information sharing among the countries
- Implementation of PSM

Recommendation

- RFVR, black list of IUU vessel
- denial of illegal landing in country



UPDATES ON THE IMPLEMENTATION OF PORT STATE MEASURES IN THE PHILIPPINES

PETER ERICK M. CADAPAN
BEVERLY SAN JUAN
 Fishing Regulation Officers
 Bureau of Fisheries and Aquatic Resources - Central Office
 Fisheries Regulatory and Quarantine Division
 Fishing Vessel Policy and Licensing Section

Workshop on Regional Cooperation for the Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in the Southeast Asia
 7-10 November 2016
 Berkeley Hotel, Bangkok, Thailand

BACKGROUND INFORMATION ON COMMERCIAL FISHPORTS

COMMERCIAL FISHPORTS IN THE PHILIPPINES

There are eight (8) government-controlled fishports in the Philippines:

1. Sual Fish Port Complex
2. Navotas Fish Port Complex
3. Lucena Fish Port Complex
4. Camaligan Fish Port Complex
5. Iloilo Fish Port Complex
6. Zamboanga Fish Port Complex
7. Davao Fish Port Complex
8. General Santos Fish Port Complex

Only Davao and General Santos have confirmed landings from foreign-flagged fishing vessels.

COMMERCIAL FISHPORTS IN THE PHILIPPINES

Davao Fish Port Complex is the only fish port officially-designated for foreign-flagged fishing vessels landing sashimi-grade tuna.

Davao Fish Port Complex,
 Toril, Davao City, Philippines
 Tel. No. +63 082 291-14-07; 291-07-32

COMMERCIAL FISHPORTS IN THE PHILIPPINES

General Santos Fish Port Complex can accommodate landings of canning-grade tuna from foreign fishing vessels.

General Santos Fish Port Complex,
 Tambler, General Santos City, Philippines
 Tel. No. +63 082 394-34-74 / 552-08-35

COMMERCIAL FISHPORTS IN THE PHILIPPINES

Actual Number of **Port Calls** of Foreign Fishing Vessels in **Davao** and **General Santos Fish Port Complex** from **2011-2015**

YEAR	NUMBER OF PORT CALLS		TOTAL
	Davao	General Santos	
2011	316	39	355
2012	327	53	380
2013	297	48	345
2014	305	28	333
2015	291	46	337
TOTAL	1,536	214	1,750

✓ Foreign-flagged FVs in Davao include: TAIWAN & JAPAN.
 ✓ Foreign-flagged FVs in General Santos include: KOREA, PANAMA, etc.

COMMERCIAL FISHPORTS IN THE PHILIPPINES

Davao Fish Port Complex require **prior notification of only 24 hours before ETA** while General Santos require **72 hours before ETA**. This is usually done by Agents upon advise from the vessel captain. Prior notification are submitted to the One-Stop Action Center (OSAC) with the following required information:

1. Vessel name;
2. Registration number;
3. Estimated date and time of arrival;
4. Flag;
5. Length overall/Draft;
6. Name and nationality of the captain;
7. Number, names and nationality of crew on board;
8. Volume of catch per species and fishing areas;
9. Nature of sickness/injury of crew (if any)

07 November 2016 7

Regulations Governing the Implementation of Port State Measures in the Philippines

As of this date, the implementation of port state measure in the Philippines (especially in Davao City) is governed by **Fisheries Administrative Order No. 199, series of 2000** or the *"Guidelines on Fish Transshipment"*.

However, FAO 199 will soon be amended in accordance with the newly-signed law **Republic Act No. 10654** entitled *"An Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, Amending Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998", and for Other Purposes"* and its **Implementing Rules and Regulations** which took effect on **October 10, 2015**.

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UPDATES ON THE IMPLEMENTATION OF PSM

NPOA-IUUF

- ✓ Philippines have already developed the *"National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing"* which was adopted under Presidential **Executive Order No. 154** signed on **December 6, 2013**.
- ✓ Philippines' accession to the 2009 FAO Agreement on Port State Measures is stated in the NPOA-IUUF.

MALACANANG PALACE
NOTICE

BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER NO. 154

ADOPTING A NATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED, AND UNREGULATED FISHING, AND FOR OTHER PURPOSES

WHEREAS, Section 2 (3) of Republic Act (RA) No. 8550, or the "Philippine Fisheries Code of 1998," provides for the creation of the Bureau to ensure the sound and sustainable development, management, and conservation of the fishery and aquatic resources of Philippine waters, including the exclusive economic zone and the adjacent high seas, consistent with the principle of optimum utilization of a sound ecological, biological, and genetic, and enhancing the quality of the environment;

WHEREAS, illegal, unreported, and unregulated (IUU) fishing continues to pose an acute threat to the sustainability of the fishery and aquatic resources, particularly in the context of the growing demand for seafood, and threatens the food and livelihood security of coastal communities;

WHEREAS, there is a need to address the ecological, biological, and socio-economic challenges posed by IUU fishing in a coordinated and integrated manner through a national plan of action to prevent, deter, and eliminate illegal, unreported, and unregulated fishing;

WHEREAS, the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (IPAU) was endorsed by the United Nations Food and Agriculture Organization (FAO) Council on 23 June 2001; and

WHEREAS, there is a need for the Philippines, as a member of ISPAF, to develop and implement a national plan of action to address the objectives of the IPAU;

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Adoption of the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (NPOA-IUUF), the contents of which are attached hereto as Annex A, to be implemented.

SECTION 2. Establishment of the Philippine Committee Against IUU Fishing, to be headed by the Secretary of Agriculture, to coordinate and monitor the implementation of the NPOA-IUUF, which shall be composed of, but not limited to, the following representatives from the Office of the President, Department of Agriculture, Department of Environment and Natural Resources, Department of Justice, Office of the Ombudsman, and Department of Foreign Affairs and their respective offices and attached agencies, including concerned economic zone authorities, as well as

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UPDATES ON THE IMPLEMENTATION OF PSM

Philippines' Instrument of Accession to FAO PSMA:

- On **January 20, 2016**, President Benigno Simeon C. Aquino III finally signed the Philippines' **Instrument of Accession** to the **2009 FAO Agreement on Port State Measures**.

MALACANANG PALACE
INSTRUMENT OF ACCESSION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing to open for accession by any State or regional economic integration organization;

WHEREAS, the Agreement aims to prevent, deter and eliminate IUU fishing through the implementation of effective port state measures, and ensure the long-term, conservation and sustainable use of living marine resources and marine ecosystems;

NOW, THEREFORE, be it known that I, BENIGNO S. AQUINO III, President of the Republic of the Philippines, after having seen and considered the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, do hereby accede to and confirm the same and each and every article and clause thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Given under my hand at the City of Manila, this 20th day of January, 2016, in the year of our Lord Two Thousand and Sixteen.

A. G. O.

BY THE PRESIDENT:
FRANKLIN M. DRILON, JR.
Executive Secretary

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UPDATES ON THE IMPLEMENTATION OF PSM

Philippines' Instrument of Accession to FAO PSMA:

- The document was delivered to and received by the **Senate of the Philippines** on **January 25, 2016** for concurrence or ratification.

Office of the President
of the Philippines
Manila

20 January 2016

Mr. FRANKLIN M. DRILON
Senate President
Senate of the Philippines
Pasay City

Dear Senate President Drilon:

I am respectfully requesting the attached letter to the Senate President and the Members of the Senate signed by His Excellency, President Benigno S. Aquino III, according to the Instrument of Accession to the "Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing" for the Senate's consideration and concurrence.

For your information and appropriate action.

Very truly yours,
FRANKLIN M. DRILON, JR.
Executive Secretary

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UPDATES ON THE IMPLEMENTATION OF PSM

- ✓ Continued implementation of sharing of information on transshipment and landing of catches with the National Fisheries Authority of **Papua New Guinea**;
- ✓ Signing of bilateral agreement on the specific areas of cooperation between **Philippines and Thailand** on **04 April 2016**, including sharing of information on transshipment (at port or at sea) and landing of catches in each other's port of jurisdiction for purposes of traceability and catch certification.

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UPDATES ON THE IMPLEMENTATION OF PSM

- ✓ Philippines have also been cooperating with the FAO in Rome, Italy by attending the **2nd Meeting of the Global Record Informal Open-Ended Technical and Advisory Working Group** on **March 21-23, 2016** in Rome, Italy.



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UPDATES ON THE IMPLEMENTATION OF PSM

- ✓ On **June 30, 2016**, Philippines submitted the list of PH fishing vessels operating outside PH waters. The table below shows the number of PH fishing vessels submitted to the FAO Global Record.

Data Provider	Vessel		History		Authorizations		Insp. & Surveillance		Port Entry Denials	
	Records	Fields (52)	Records	Fields (8)	Records	Fields (13)	Records	Fields (18)	Records	Fields (6)
Spain	370	26	515	8	370	10	47	12	8	6
Iceland	204	28			61	10				
Philippines	73	5	229	3	73	10				
Ghana	67	25	34	1	55	9				
Seychelles	64	12								
Uruguay	5	17								
TOTAL	783	19	778	4	559	10	47	12	8	6

UPDATES ON THE IMPLEMENTATION OF PSM

Training/Capacity-Building

- ✓ Philippines have already trained **33 Fisheries Officers** to conduct port inspections. These Officers have also undergone training from the Food and Agriculture Organization in 2015.
- ✓ **Two (2) Policy/Regulatory Officers** in BFAR Central Office have also undergone training on port state measures in Singapore organized and sponsored by the Agri-Food and Veterinary Authority (AVA) in cooperation with the Australian Fisheries Management Authority (AFMA).

07 November 2016

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Thank you

07 November 2016

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Port State Measures in Singapore

Workshop on Regional Cooperation for Implementation of PSM to Improve Fisheries Management and Reduce IUU Fishing
In Southeast Asia
Bangkok, Thailand, 7-10 Nov 2016

Content

- Background
- Measure in Singapore
- Updates

Agri-Food & Veterinary Authority of Singapore (AVA)

- Ensure a resilient supply of safe food
- Ensure the health and safeguard the welfare of animals
- Safeguard the health of plants
- Facilitate agri-trade

In Singapore

- Designated Port: Port of Singapore
- 3 terminals account for most of fish imported, exported and transhipped by fishing vessels and fish carriers:
 1. Jurong Fishery Port (JFP):
 - Main port for foreign fishing vessels
 2. Senoko Fishery Port (SFP):
 - For our local fishing fleet
 3. Jurong Port:
 - General bulk cargo

Advanced Notification of Arrival

- Advanced notification of arrival (NOA) at least 12 hours before arrival.
- Vessels involved in IUU fishing activities denied entry.
- Port arrival approval at JFP or SFP within 24 hours

Other measures

- Collaboration with CCAMLR
 - Compliance with CCAMLR's Catch Documentation System
- Collaboration with ICCAT
 - Issuance of re-export certificates for Big-eye Tuna and Swordfish
- Collaboration with IOTC
 - Vessel information
- Collaboration with CCSBT
 - Observer

Interagency coordination on IUU fishing

- Close Interagency coordination between agencies:
 - Agri-Food & Veterinary Authority of Singapore
 - Attorney General Chambers
 - Maritime Port Authority of Singapore
 - Ministry of Foreign Affairs
 - Ministry of National Development
 - National Parks Board
 - Police Coast Guard
 - Republic of Singapore Navy



Singapore-FAO National Capacity Development Workshop on Port State Measures to Combat IUU Fishing

- SG-FAO MOU (2015)
- 13-16 June 2016
- Interagency workshop with 32 participants
- Identification of gaps, measures to address the gaps, strategies and timelines for implementation of PSM in SG



Thank you

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing

**7-10 November 2016
Bangkok, Thailand**

Port State Measure (PSM)

Thailand

Current Situation of PSM implementation in Thailand

- ❖ Designed ports for the foreign vessels
 - First official launch on the 1st Sep. 2015
 - There were 46 designed ports along the coastal, but now can reduce to 27 ports
 - Pilot Project has been set up in Phuket
- ❖ Thailand has been implemented PSM but not very effective especially on the traceability aspect
- ❖ So that presently, DOF Start to work and focus more on the traceability
 - DOF plan to build up capability and knowledge of the officers and industry operators concern through Human Resource Development program such as training courses

Current situation of PSM implementation in Thailand

- ❖ Requirement prior to port entry
 - Advance Request Entry into Port (AREP) must be submitted to FIOs in advance 48 hours prior to entry by master or agents of the vessel
 - To verify a vessel's background prior to it entering port.
 - Foreigner fishing vessel and bulk carrier of 10 ton gross and over.

Supported law and regulated.

- Royal Ordinance on Fisheries 2015.
- Notifications of Command Center for Combating Illegal Fishing (CCCLF).
- Notifications on National Council for Peace and Order.
 - NPOA – IUU / FMP / NPCL.
 - IOTC Resolution 10/11.

Function which relates to PSM :

1. Licensing services import/export of fish . To control and monitor fish trade inspection. The inputs and management of fisheries resources.
2. Check the import/export of aquatic animals and products on animals.
3. Surveillance smuggling Aquatic products import /exports.
4. Monitor foreign fishing vessels (Port State Measure)

Refers to case of implementation of PSM of Phuket Ports

Main areas Responsible

- ✓ Phuket Port
- 3 Port

Phuket Port : Location

- Phuket Province Fish Inspection Office
- Phuket Srithai Port
- Phuket Fish Market Organization Port
- Phuket Deep Sea Port

I. FOREIGN FISHING VESSEL AND TRANSSHIPMENT VESSEL

Procedures :

1. Notify of port entry (before 48 hr.) (AREP)
2. Inspect the vessel (PIR)
3. Submit permit
4. Inspect transshipment /import
5. Inspect the manufacturing
6. Inspect the export process

Remark:
1-4 responds by Fish Inspection office
5-6 responds by Fish Inspection and Quality Control Division

Advance Request For Port Entry AREP. form

Link.....Check IUU list

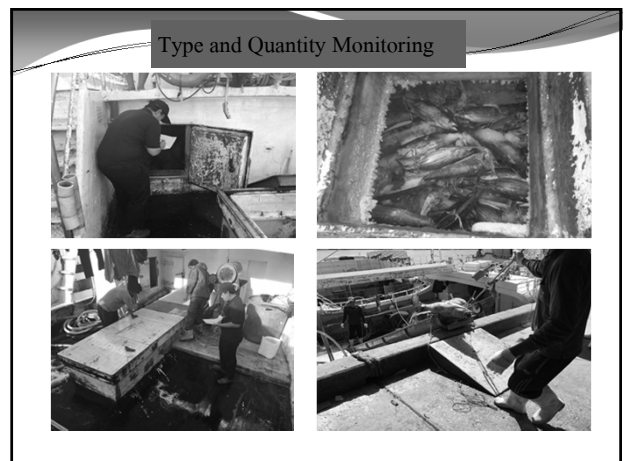
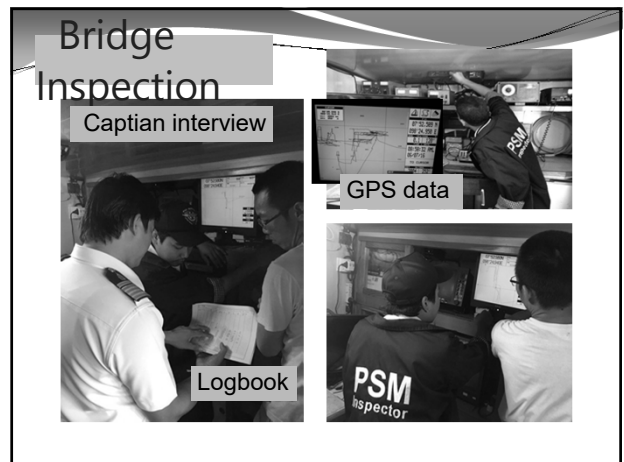
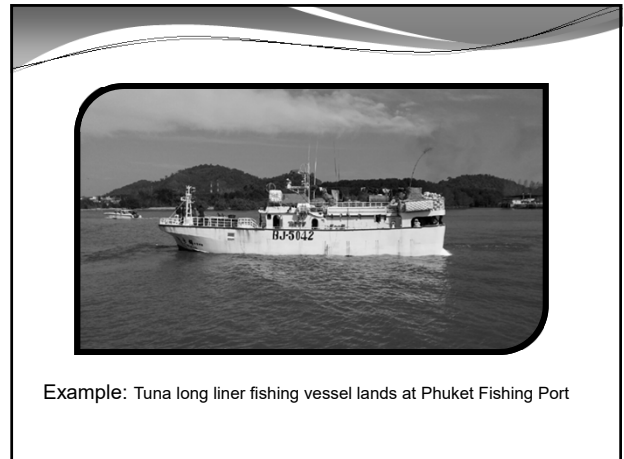
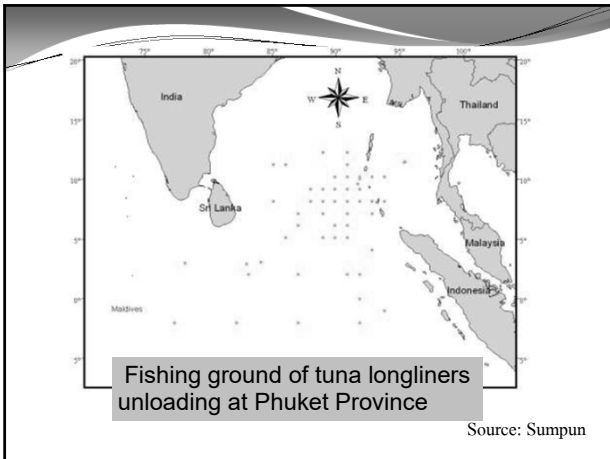
List of illegal fishing vessels can be checked from following websites:

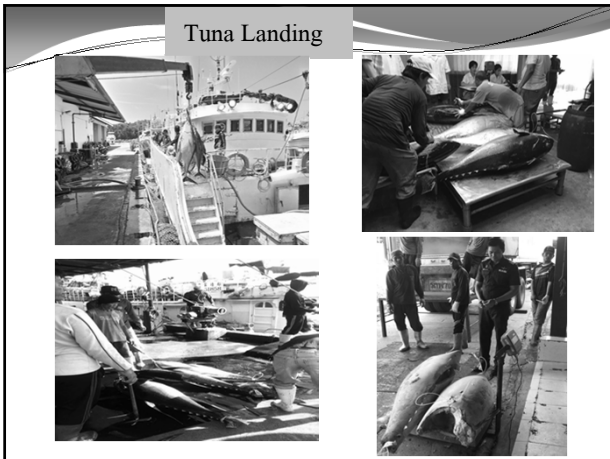
- EU website: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.199.01.0012.01.ENG
- IOTC website: <http://www.iotc.org/vessels#iuu>
- WCPFC website: <http://www.wcpfc.int/wcpfc-iuu-vessel-list>
- IATTC website: <https://www.iattc.org/VesselRegister/IUU.aspx?Lang=en>
- ICCAT website: <http://www.iccat.int/en/IUU.asp>

Resisted fishing vessels can be checked from the following list:

- Indian Ocean: <http://www.iotc.org/vessels/currrent>
- Pacific Ocean: <https://www.wcpfc.int/record-fishing-vessel-database>
- Atlantic Ocean: <http://www.iccat.int/en/vesselsrecord.asp>

<http://www.wcpfc.int/wcpfc-iuu-vessel-list>

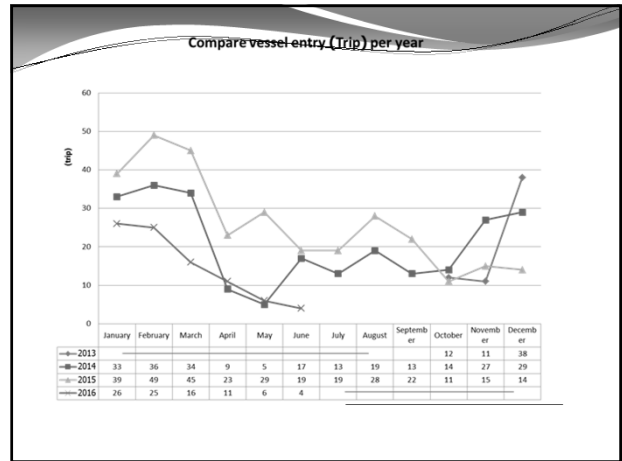




Pilot Port State Measure Project:
(under mainly supported FAO)

Performance : 42 Vessel 130 Trip

Month	Vessel entry (Trip)			Vessel	Flag State				
	Phuket Fish market Org. Port	Private Port	Total		Taiwan	Indonesia	Bolivia	Belize	India
Oct. 2013	9	3	12	Long line	6	4	2	-	-
Nov. 2013	2	9	11	Long line	3	5	1	2	-
Dec. 2013	13	25	38	Long line	17	11	8	2	-
Jan. 2014	21	12	33	Long line	15	13	4	1	-
Feb. 2014	19	17	36	Long line	18	7	5	3	3
Total	64	66	130	Long line	59	40	20	8	3



Fishing vessels landed at Phuket Ports

STATE	Year 2015			Year 2016 (Jan.-June)		
	Total Vessel	trip	Inspection	Total Vessel	trip	Inspection
TAIWAN	91	184	136	41	80	78
INDONESIA	35	89	71	3	5	5
BELIZE	8	16	11	0	0	0
BOLIVIA	5	12	6	0	0	0
INDIA	1	6	4	0	0	0
JAPAN	3	4	4	3	3	3
Total	143	311	232	47	88	86

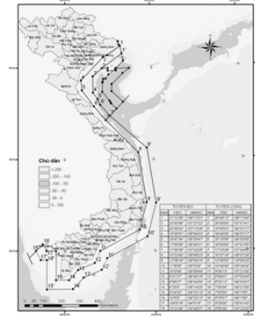


Workshop on Regional Cooperation for Implementation of Port State measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia
(Bangkok: 7- 10 November 2016)

Thanh Ha- Department of Legislation & Inspection,
Directorate of Fisheries

Current situation of Port State Measures implementation in Viet Nam

- ❖ 83 fishing ports:
- ❖ no designated ports for foreign fishing vessels



I. National Legislative Framework

In Viet Nam policies are defined in Laws, Decrees, Ordinances, Circulars and Regulations

1. Fisheries Law, 2003 (Management of the capture fisheries and aquaculture sectors)
2. Decree No 80/2012/ND-CP dated October 08, 2012 on the Management of Fishing Ports and Sheltering Harbors for Fishing Vessels.
3. Decree No 103/2013/ND-CP dated September 12, 2013 on Administration Sanctions in the Fisheries Activities.

I. National Legislative Framework

4. Decision No 930/QĐ-BNN-TCTS dated May 5, 2014 on approval of national Plan of Action to prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
5. Decree No. 33/2010/ND-CP dated March 31, 2010 of the Government on the management of fishing activities in sea areas by Vietnamese organizations and individuals.

I. National Legislative Framework

6. Decision No 3562/QĐ-BNN-TCTS, dated September 1st 2015 on National Tuna Management Plan in Viet Nam.
7. Decision No. 1690/QĐ-TTg, dated September 16, 2010 of the Prime Minister approving the development strategy of Vietnamese Aquaculture to 2020.
8. Decision No. 787/QĐ-BNN-TCTS, dated April 21st, 2014 on Approval of National Plan of Action on managing Fishing capacity

I. National Legislative Framework

9. Circle No. 50/2015/TT-BNNPTNT, dated December 30, 2015 Regulations on Validation of Catch Certificates, Statements.
10. Circle No 25/2013/TT-BNNPTNT, dated May 10, 2013 Regulating details on implementing some articles of Decree No. 33/2010 / ND - CP dated 31/3/2010 of the Government on the management of fishing activities of Vietnamese organizations and individuals in the sea zones and Regulating details on Article 3 of Decree No. 53/2012/ ND - CP dated 20/06/2012 of the Government on amending and supplementing some articles of the Decree on the fisheries sector

II. International Conventions, Agreements is ratified by Viet Nam Government

1. United Nations Convention on the Law of the Sea 1882 (UNCLOS).
2. Convention on International Trade in Endangered Species(CITES)
3. The Torremolinos International Convention for the Safety of Fishing Vessels
4. The International Convention for the Safety of Life at Sea (SOLAS), 1974

III. Viet Nam Government will ratify in the near future

1. Agreement on Straddling Fish Stocks and Highly Migratory Fish
2. Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Responsibility of VN Government in Promulgating Legal documents in accordance to the provisions of International Law (Convention, Agreement)

1. Fisheries Law, 2003

a) Viet Nam government is amending Fisheries law, 2003 in order to harmonize with the regulations of International Law (United Nations Convention on the Law of the Sea 1882 (UNCLOS, Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,...)

1. Fisheries Law, 2003.

b) Amended Draft Law stipulates:

- Conservation and Fisheries resources development
- illegal, Unreported and Unregulated Fishing Exploitation
- Administration Sanctions in the Fisheries Activities (Decree No 103/2013/ND-CP)
- Fishing License: based on quota.

2. Decree No 80/2012/ND-CP dated October 08, 2012 on the Management of Fishing Ports and Sheltering Harbors for Fishing Vessels

a) The main contents prior to entering into port :

- Enter the fishing ports identified in the fishing license
- Provide related information including fishing vessel name, signal, registration number, length overall, services requirement and others to Port management unit before entering 24 hours
- Follow the regulation of fishing ports and provide relevant information:
 - + Pass port of fishers/seaman books
 - + Fishing license
 - + Logbook/document

2. Decree No 80/2012/ND-CP dated October 08, 2012 on the Management of Fishing Ports and Sheltering Harbors for Fishing Vessels

a) The major contents :

- Follow regulations of Vietnam on immigration, custom regulation, disease control and others
- Provide the departure time for the port manager before leaving **24** hours.
- In emergency cases, inform the port manager on the status of the fishing vessel and numbers of crew on the board and provide relevant evidences.

*** The Decree has not stipulated about the denial of landing vessels, particularly to foreign vessels as well as regulations on concrete punishment to fishing vessels not inform before entering Port.**

3. Monitoring, Control and Surveillance

- Fisheries Law, 2003 hasn't stipulated specific and concrete about Monitoring, Control and Surveillance on fisheries exploitation.

Major Constraints/Problems in implementing the PSM

- Not have any official designated ports for foreign fishing vessels
- Lack human resources/skills



Human capacity/resources to carry out port inspections

- 120 inspectors in 28 coastal provinces
- Inadequate to carry out port inspections
- Shortage of port inspection skills and facilities



Proposed Regional Cooperation among the ASEAN Member States

Developing the regional Network to share experiences on Implementation of Port State Measures.

MOVIMAR SYSTEM

- MOVIMAR system is a joint project between Vietnam and Collecte Localisation Satellites Company (CLS), a worldwide leader of satellite-based environmental data collection, location and ocean observations by satellite of the French Space Agency. With satellite images collected from Envisat, Radasat-1, and Radasat-2 (starting from July 2007), this project is going to provide continuous updated activities in the South China Sea to the Vietnamese government and its corresponding agencies and to help in the search and rescue process of missing boats and fishermen in case of natural disasters. This is again a satellite-based project, which provides the broadest and best coverage.



Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November 2016, Bangkok, Thailand

Annex 23

**UPDATING OF SUMMARY OF CONSTRAINTS/PROBLEMS,
CHALLENGES AND PRIORITY ACTIVITIES ON PSM
IMPLEMENTATION**

**UPDATING OF SUMMARY OF CONSTRAINTS/PROBLEMS, CHALLENGES AND PRIORITY ACTIVITIES
ON PSM IMPLEMENTATION**

Constraints/Problems	BN	CM	ID	MY	MM	PH	SG	TH	VN	Challenges	Priority activities
<u>Support for becoming a Party</u>											
<ul style="list-style-type: none"> • Process (How to go about becoming a party) 		X									<ul style="list-style-type: none"> • Technical support on how to go about the process of becoming a party
<u>Operational</u>											
<ul style="list-style-type: none"> • Issues relating to standard operating procedure (SOP) in implementing PSM with any scale of foreign vessel (i.e. Lack of, incomplete or out of date) 	X	X	X		X	X	X		X	<ul style="list-style-type: none"> • Renew and reorganize fishing port operational procedure to support PSM • Development and updating of harmonized SOP on vessel inspection at port for more comprehensive and guidance of all AMS • Identify needs and capacity building for staff concern on relevant PSM implementation • Difficulties in verification of vessel documentation and inspection 	<ul style="list-style-type: none"> • Training and guidelines on how to come up with a robust PSM inspection and surveillance system. E.g. How to determine, which are the high risk vessels and how many vessels to inspect? • Specific request for training support for whole set of SOP on vessel inspection at port • Activities (e.g. National workshops) that pull together agencies involved in PSM to develop National SOPs for interagency coordination. • Updating of exist SOP on fishing vessel and fish carrier inspection at port to harmonize with law which support implementation of PSM
<ul style="list-style-type: none"> • For port managed under different agency; insufficient inter-agency cooperation for port PSM implementation 	X	X			X	X			X	<ul style="list-style-type: none"> • Sharing information on vessel entry permit among concerned agencies is importance such as DOF, Harbor Department, Custom, FMO • Establishment of ASEAN Fish Market Federation (AFMF) to promote and implement ACDS 	<ul style="list-style-type: none"> • Good coordination between enforcement agencies and different concern agencies. • Strengthening of cooperation with other government agencies and with the owners of private ports.

Constraints/Problems	BN	CM	ID	MY	MM	PH	SG	TH	VN	Challenges	Priority activities
<u>Legal</u>											
<ul style="list-style-type: none"> Challenge with regards to implementation of laws and regulations (insufficient legal provision) 	X	X	X	X			X	X	X	<ul style="list-style-type: none"> Inconsistent law interpretation Amendment/ updating existing regulation Reviews and updating Fishery Act 	<ul style="list-style-type: none"> Gap analysis to identify the gaps in current legislation. Technical assistance from FAO to help review legislative system. National meeting on updating of laws and regulation to support PSM
<ul style="list-style-type: none"> Challenge in interpretation of PSMA 	X	X	X	X	X	X	X	X	X	<ul style="list-style-type: none"> Interpretation of non-fisheries stakeholder is not comprehensive. Need MOU between concerned government agencies. Need assistance from legal officers of FAO in the correct interpretation of the provisions of PSMA for the law enforcement officers and managers. Need assistance in the correct translation of PSMA into local language. 	<ul style="list-style-type: none"> To clarify if the following are covered under the PSMA. If they are, what are we expected to do and to provide workshops that cover inspections in these area. <ul style="list-style-type: none"> Are land and air port-of-entries included in the PSMA? Are container ships included in the PSMA? Training on implementation of PSMA for audience, aims to acknowledge them understand importance of implementation of PSMA
<u>Human resource</u>											
<ul style="list-style-type: none"> Limited capacity of implementing facilities and officer concern 	X	X	X	X	X	X	X	X	X		<ul style="list-style-type: none"> Require help develop capabilities across all levels. E.g. Policy makers, port managers, inspectors etc. Technical support on how to e.g. operate communication equipment
<u>Infrastructure</u>											
<ul style="list-style-type: none"> Insufficient infrastructure for PSM Infrastructure for port Infrastructure for information systems 	X	X	X	X	X	X	X	X	X		<ul style="list-style-type: none"> Assistance to help set up or upgrade electronic databases and systems e.g. electronic catch documentation scheme, databases to record catch records, VMS, MCS, GPS/AIS/other communication systems. Understanding on requirement and criteria of appropriate designate port
<ul style="list-style-type: none"> Insufficient of budget for infrastructure to support PSM Infrastructure for port 	X	X	X	X	X	X	X	X	X		<ul style="list-style-type: none"> Budget to help set up or upgrade electronic databases and systems e.g. electronic catch documentation scheme, databases to record catch records, VMS, MCS, GPS/AIS/other

Constraints/Problems	BN	CM	ID	MY	MM	PH	SG	TH	VN	Challenges	Priority activities
- Infrastructure for information systems											<ul style="list-style-type: none"> communication systems. Requests FAO to help finance the development and implementation of their port management system.
<u>Information</u>										<ul style="list-style-type: none"> Encourage “traders” to cooperate with AMS through information and education campaigns Sharing of information such as catch, fishing vessel, fishing gear through sharing of experience in PSM implement among AMS Information sharing on rules and regulations for inter-agency collaboration and implementation Create “rapid alert system” for ASEAN (through Mobile Application if available) Establishment of the ACDS 	<ul style="list-style-type: none"> Standard of information sharing in Southeast Asia Fisheries Language for Universal Exchange (FLUX) for Propose for FAO to publish a consolidated list of IUU fishing vessels on its website, to remove the need for countries to check various RFMO or international organization websites. Capacity building and awareness raising among government agencies and relevant stakeholders Development of the electronic ACDS
<ul style="list-style-type: none"> Lack of fish landing data system and management 	X	X	X	X*	X	X	X	X	X		
<ul style="list-style-type: none"> IUU vessel list from RFMOs is not updated 	X	X	X	X*	X	X	X	X	X		
<ul style="list-style-type: none"> Lack of awareness about PSM among the stakeholder and concern agencies 	X	X	X	X**	X	X	X	X	X		
<ul style="list-style-type: none"> Limited traceability of some imports 	X	X	X	X	X	X	X	X	X		
<ul style="list-style-type: none"> Lack of sharing between agencies where control of ports fall under different port authorities 		X	X			X					<ul style="list-style-type: none"> Assistance from FAO to help propose the roles and responsibilities of the various agencies for PSM.
<u>Measures related to PSM implementation</u>											
<ul style="list-style-type: none"> Ineffective vessels registration and fishing license system management (flag state role in PSMA) 		X									<ul style="list-style-type: none"> Requests for FAO to help provide finance to implement their vessels registration and fishing license system management

Note : * 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

WORKSHOP ON REGIONAL COOPERATION FOR IMPLEMENTATION OF PORT STATE MEASURES TO IMPROVE FISHERIES MANAGEMENT AND REDUCE IUU FISHING IN SOUTHEAST ASIA

7-10 November 2016,
Bangkok, Thailand

OVERVIEW – WHY PORT STATE MEASURES, and HOW?

LEGISLATION – PROCEDURES – RFMOs – COST EFFECTIVENESS - CASE STUDIES

Judith Swan

SUMMARY

WHY PORT STATE MEASURES?
LEGISLATION, PROCEDURES, RFMOs
COST EFFECTIVENESS and CASE STUDY


WHY PORT STATE MEASURES?

WHY PORT STATE MEASURES?

AIM

Prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing and thereby to ensure the long-term conservation and sustainable use of living marine resources and ecosystems.

PORT STATE MEASURES




- Port State Measures are one of the
 - *most forceful*
 - *least dangerous*
 - *most cost-effective*

tools available to combat IUU fishing.

- It can mean real economic hardship and criminal proceedings for IUU vessel operators, and have a deterrent impact on IUU vessel operators generally.


PORT STATE MEASURES



Port State Measures involve cooperation in:

- *Laws and Procedures*
- *Communications, information exchange*
- *Inspections*
- *Enforcement*

PORT STATE MEASURES




PSM are part of the ANTI-IUU ARSENAL

Linkages and integration with:

- the broader national system of port controls for all vessels – merchant and fishing
- Flag State control
- Vessel monitoring systems
- Observer programmes
- Traceability and catch documentation schemes
- Databases
- RFMO measures


PORT STATE MEASURES



Linkages with PSMA obligations as **Flag States** of vessels used for fishing, related activities:

- Where flag vessels are in foreign ports e.g. request Port State to inspect, encourage vessels to use ports of compliance, action inspection reports, report to other Parties.
- Generally, flag States must ensure that measures applied to flag vessels are *at least as effective* in combating IUU fishing/related activities as measures applied to foreign vessels.
- Control of flag vessels can be linked to market access.

PORT STATE MEASURES




Port State Measures may result in:

- Denying entry into port
- Denying use of port
- Detection of IUU fishing activities

where clear evidence of IUU fishing exists for fishing vessels or vessels that support IUU fishing (e.g. transshipment, carrier, supply)


PORT STATE MEASURES



PSM may lead to:

- Seizure, forfeiture of catch
- Criminal, civil, administrative proceedings
- Cooperation with flag State, RFMO on enforcement, deterrence
- Coordinated system of controls with health, security, pollution, safety, transnational criminal matters

PORT STATE MEASURES




Developing State parties are eligible for assistance in implementation in relation to:

- Developing PSM
- Developing capacity
- MCS activities
- Costs in proceedings for settlement of disputes

PORT STATE MEASURES

CHALLENGES



- "Ports of Convenience"
- Weak flag State control
- Weak regional cooperation
- Unsupervised transshipments at sea
- Unclear procedures, lack of coordination
- Weak human capacity development: training, qualifications
- Weak linkages with tools such as VMS, information systems
- Need for strong legal regime at all levels, with adequate enforcement measures, fines, penalties

LEGISLATION, PROCEDURES, RFMOs

INTERNATIONAL FISHERIES INSTRUMENTS



- International law has ignored or played down port State measures for fishing vessels until relatively recently; it unsuccessfully relied on all flag States to control and enforce their vessels.
- BUT...for merchant vessels, port controls have played an important role in controlling ship-based labour, safety and pollution since 1982.
- Since 1995, the international community has placed increasing importance on PSM as a cost-effective and powerful means of combating IUU fishing.

INTERNATIONAL FISHERIES INSTRUMENTS




Some international fisheries instruments:

- 1982 UN Law of the Sea Convention
- 1993 FAO Compliance Agreement
- 1995 FAO Code of Conduct for Responsible Fisheries
- 1995 UN Fish Stocks Agreement
- 2001 FAO International Plan of Action - IUU Fishing
- 2005 Model Scheme on Port State Measures
- 2009 FAO Agreement on Port State Measures


INTERNATIONAL FISHERIES INSTRUMENTS

2009 FAO PSM Agreement
Ratifications, acceptances, approvals, accessions (36) November 2016



- Australia, Barbados, Cape Verde, Chile, Costa Rica, Cuba, Dominica, European Union – Member Organization, France, Gabon, Gambia, Grenada, Guinea, Guyana, Iceland, Indonesia, Mauritius, Mozambique, Myanmar, New Zealand, Norway, Oman, Palau, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Seychelles, Somalia, South Africa, Sri Lanka, Sudan, Thailand, Tonga, United States of America, Uruguay, Vanuatu

REGIONAL FISHERIES MEASURES



IOTC RESOLUTION 16/11

- Almost identical to the FAO Agreement
- Legally binding on 32 members, 4 cooperating non-contracting parties
- Members include
 - Indonesia
 - Malaysia
 - Philippines
 - Thailand

LEGISLATIVE TEMPLATE, PROCEDURES, RFMOs

IMPLEMENTATION OF PORT STATE MEASURES

<http://www.fao.org/3/a-15801e.pdf>



BACKGROUND
Explains the background and context for the development of port State measures

LEGISLATIVE TEMPLATE
Provides a comprehensive, generic basis for use in the preparation of national legislation to implement the FAO Agreement and IOTC Resolution, including:

Core provisions

Supporting provisions

FRAMEWORK FOR PROCEDURES
Facilitates integration of legislation with the
* necessary procedures
* wider system of port controls
* information systems
* other compliance tools

ROLE OF RFMOs
Elaborates the
* Role of RFMOs in the FAO Agreement
* Measures taken by RFMOs
* Recommendations and impact of performance reviews on RFMO measures

LEGISLATIVE TEMPLATE
FRAMEWORK


- Generic approach – can be applied in different legal systems, instruments, institutions etc (*Model IOTC Regulation at <http://www.iotc.org/compliance/port-state-measures>*)
- Approach to evidentiary standards
- Core provisions (15)
- Supporting provisions (7 categories – 41 provisions)

LEGISLATIVE TEMPLATE
FRAMEWORK – CORE PROVISIONS

- Use of terms
- Objective
- Application
- Designation of ports
- Prerequisites for entry or use of port
- Denial of entry into port and use of port
- Force majeure or distress

LEGISLATIVE TEMPLATE


FRAMEWORK – CORE PROVISIONS



- Denial of use of port after entry
- Withdrawal of denial of use of port
- Conduct of inspections of vessels in port
- Denial of use of port after inspection
- Prohibited to use or assist, etc. in the use of port in absence of authorization or after denial

LEGISLATIVE TEMPLATE


FRAMEWORK – CORE PROVISIONS



- Requirements in relation to [country] vessels in other port States
- Fines, penalties, sanctions
- Duties of the [e.g., Minister/Secretary]


LEGISLATIVE TEMPLATE

FRAMEWORK – SUPPORTING PROVISIONS



- ✓ General
- ✓ Fisheries conservation and management
- ✓ Information, data and records
- ✓ Monitoring, control and surveillance
- ✓ Evidence
- ✓ Jurisdiction
- ✓ Compliance

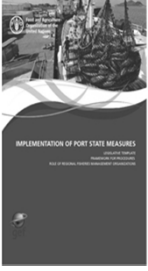
FRAMEWORK FOR PROCEDURES



- Role of Interagency Cooperation – Elements of an interagency MOU.
 - *(Model Interagency Memorandum of Understanding at <http://www.iotc.org/compliance/port-state-measures>)*
- Framework for Procedures

FRAMEWORK FOR PROCEDURES


ELEMENTS OF INTERAGENCY MOU



- Establish a process to develop interagency procedures, fisheries to facilitate.
- Agree to implement procedures.
- Annual work plan to identify priorities for implementation.
- Procedures for coordination (meetings, focal points).
- Information and data exchange.
- Conduct of inspections, system of referrals.
- Training.
- Resolution of interagency legal/policy issues.


FRAMEWORK FOR PROCEDURES

FRAMEWORK FOR PROCEDURES



- ✓ General - information, communication
- ✓ Advance request for entry into port (AREP)
- ✓ Permit/deny entry into port
- ✓ Decision to deny use of port/inspect
- ✓ Inspections
- ✓ Flag State responsibilities


ROLE OF RFMOS



- PSMA terms that relate to RFMOs
 - (e.g. IUU fishing, CMMs)
- Assessment of evidence of IUU fishing
 - (e.g. vessel lists, transshipments and landings, CDS, reporting)
- Facilitating identification of "ports of non-compliance"
 - RFMOs are to develop procedures
- Communication and notification requirements
 - of Parties to RFMOs
- Role of the RFMO Secretariat
 - RFMOs have adopted various roles, e.g. posting information on website, regional information system, reporting

COST EFFECTIVENESS and CASE STUDY

COST EFFECTIVENESS



NO BIG TICKET ITEMS

- No at-Sea MCS Platforms – e.g. patrol vessels, operational costs
- No observer training and deployment
- No expensive technology

COST EFFECTIVE INTEGRATION

- With existing port procedures and teams (minimum capacity building, personnel)
- With other MCS tools
- With information networks

EVIDENCE

- At your doorstep

LEGAL

- Should elaborate requirements, fines, penalties

CASE STUDY

Case study: F/V PREMIER

Demonstrates the exercise of sovereignty, extraterritoriality against a F/V registered and owned in South Korea by Dongwon Industries.

November 2011 – May 2012	Operating in Liberian waters
	Charged with unlicensed fishing in Liberia territorial sea – forged license
May–November 2012	Operating from Abidjan, Ivory Coast
November 2012	Videoted in South Africa, en route to Indian Ocean
January–March 2013	Licence denial: Kenya, Mozambique
	Offloading denial: Seychelles
April 2013	Licence renewal denied: Tanzania
	Offloading denial: Mauritius (twice)
VESSEL PAID FINE TO LIBERIA: 2 Million US Dollars, offloaded in Sri Lanka, returned to Busan, South Korea, changed name	

CASE STUDY

F/V PREMIER

KEY EVENTS

- **February 2012** – SIF reports on illegal fishing named the Premier as one of the vessels monitored by the Trygg Mat Foundation fishing illegally in Liberian waters.
- **December 2012** – facilitated by FISH-I Africa and SIF, Liberia officially requests Mauritius for assistance and inspection of the Premier. During inspection several documents are found that confirm illegal fishing in Liberian waters.
- **January 2013** - Several FISH-i Africa countries in the Western Indian Ocean deny a fishing licence to the Premier due to the on-going IUU case in Liberia.

CASE STUDY

F/V PREMIER

KEY EVENTS

- **January 2013** - A Dongwon Industries employee forwards two letters to Kenya, supposedly addressed from the Liberian Authorities to South Korea, implying that the IUU fishing suspicion was a misunderstanding.
- **January 2013** - Liberia confirms the letters were forged.
- **February 2013** – As a result of this and other stories, the UK government raises concern over imports of canned tuna that may contain illegally caught fish from West Africa.

CASE STUDY

F/V PREMIER

KEY EVENTS

- **March 2013** - The Government of Liberia releases a press statement refuting allegations made by Dongwon Industries that they are a “victim of fraud” by officials in Liberia.
- **March 2013** - Seychelles denies the Premier’s request to offload its catch in their port.

CASE STUDY

F/V PREMIER

IMPACT

- Fine
- Denial of fishing opportunities by three countries
- Denial of port use by two countries
- Port fees, fuel costs
- Loss of economic benefit from catch

COOPERATION

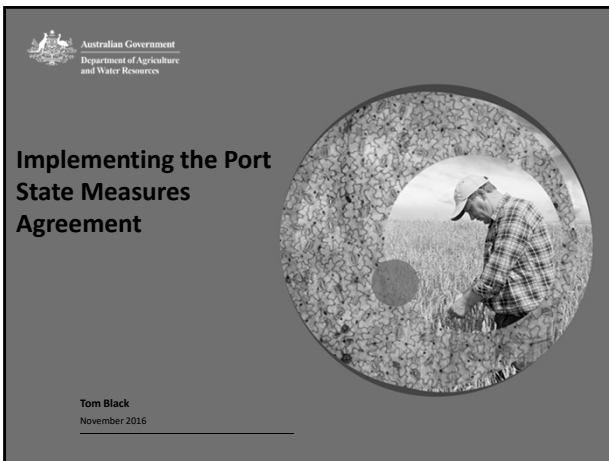
2 RFMOs, 7 port/coastal States, 1 market State
NGOs (Trygg Mat Foundation, Stop Illegal Fishing, Fish-i Africa)

CASE STUDY

STRENGTHENED LEGISLATION

Initiatives are currently under way in the following States involved in the F/V Premier to strengthen national PSM legislation, based on the minimum standards in the FAO Agreement and relevant RFMOs, and including extraterritorial reach.

- Liberia
- Kenya
- Mauritius
- Mozambique
- Seychelles
- Tanzania



IUU Fishing

- IUU fishing is extremely detrimental to the flag States and port States which are targeted by IUU Operators
- The costs of IUU fishing continue to rise, and the implications for States which inadvertently support IUU fishing are also rising
- Meanwhile, offshore IUU operators make millions in profit

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The PSM Agreement and IUU fishing

- Port State control is part of the frontline in the fight against IUU fishing.
- 36 countries party to the Agreement (as at 30 August 2016)
- All States encouraged to ratify the Agreement to help close the loopholes exploited by IUU fish
- Strengthened port State measures are being encouraged through the RPOA

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Key requirements for implementation

- Robust domestic legislation covering both port State and flag State requirements
- Information sharing
- Appropriately trained officers to conduct inspections and investigations
- Inter-agency cooperation
- Ongoing regional cooperation

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Australia and the PSM Agreement

Legislative Framework

- All foreign fishing vessels wishing to enter an Australian Port must submit a pre arrival notice.
- AFMA publishes Port Access Guidelines to assist foreign fishing vessels seeking access to an Australian port.
- Information provided will be cross checked before any port permit will be issued
- If sufficient proof of IUU fishing exists the port permit will be revoked.
- Trained Inspectors to conduct inspections of foreign fishing vessels entering its ports

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Australia and the PSM Agreement

Interagency cooperation – Article 5

- AFMA is a client of the Civil Maritime Surveillance program co-ordinated by Maritime Border Command
- All Government departments involved in maritime security are a part of the Civil Maritime Surveillance program
- All incidents involving Foreign Fishing Vessels, AFMA is the lead agency
- Communication is the key challenge

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Ongoing regional cooperation

- Several RPOA examples to combat IUU utilising port state measures:
- Perlon – denied port access by Singapore in 2012. Apprehended by Malaysia in 2015. Master and crew were fined and catch forfeited



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Regional cooperation cont'd

- Viking - through the RPOA network, Australia and Indonesia identified that the IUU vessel "Viking" was in Indonesia
- February 2016 - Indonesian Authorities detained the Viking and it was destroyed



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Conclusion – Key Messages

- There has been good progress in implementing effective port State measures, but there is more work to be done.
- Like most elements of combatting IUU fishing, improving domestic legislation and a coordinated national approach is key.
- Regional MCS cooperation is vital to detect the movement of IUU vessels and share information to assist port States to take action.

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Fisheries management systems in Japan related to Port State Measures

Yo Soma, Overseas Fisheries Consulting Activity
Marino-Forum 21
November 8 in 2016

Fisheries management systems in Japan related to Port State Measures

Japan has not ratified it yet (as of November, 2016)

However,

There are various fisheries management systems in Japan. Some of them are particularly related to Port State Measures

- 1 Registration of fishing vessels & Fishing License
- 2 Fisheries Management & Fish Catch Report
- 3 Catch Documentation Scheme & Catch Certificate
- 4 Port inspections of fishing vessels
- 5 Regulation on foreign fishing

1 Registration of fishing vessels & Fishing License

152,998 fishing vessels are registered in 2013 (Source: MAFF)

【Fishing Vessel Act (1950)】

- All fishing vessels (except for one-ton non-power boats) must be registered on Fishing Boat Register Book falling within the jurisdiction of the prefectural governor.
- A person who intends to build a powered fishing vessel (with a length of more than 10 meters) or remodels a vessel into a powered fishing vessel, shall ask for permission of the Ministry of Agriculture, Forestry and Fisheries (MAFF).

1 Registration of fishing vessels & Fishing License

Relationship between “Fishing license” and “Registration of fishing vessels”

We need both

<p style="text-align: center;">National fishing license: 1,329 <small>(2016, MAFF)</small></p> <ul style="list-style-type: none"> • Fishing vessels must obtain the “Fishing license” first, then go through “registration of fishing vessels” later <p style="font-size: small;">(e.g. ◦ Deep-sea skipjack tuna fishery ◦ Deep-sea trawl fishery, etc.)</p>	<p style="text-align: center;">Prefectural fishing license: 91,228 <small>(2013, MAFF)</small></p> <ul style="list-style-type: none"> • Fishing vessels must go through both “registration of fishing vessels” and “Fishing license application procedure” at the same time. <p style="font-size: small;">(e.g. ◦ Gill net ◦ Medium-sized purse seine ◦ Trawl Fishery by Small Boats, etc.)</p>
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Guarantee system for compliance of resource management

Patrol and conduct surveillance effectively

- ① by strengthening collaboration with related organizations.
- ② by deploying fishery patrol vessels intensively in fishing active seasons and sites by foreign fishing vessels.
- ③ by increasing the number of fishery patrol vessel with the most advanced equipment.

- In 2015, the Fisheries Agency captured 12 foreign fishing boats and conducted 111 on-board inspections.

Develop local resource management system and strictly implement it, besides national resource management measures and fishing business stability measure

Utilize VMS and arrange the meetings and reconcile related parties as necessary in order to facilitate the regulation of fisheries in waters around Japan

Promote the mutual understanding between related parties such as coastal fishermen and offshore fishermen and arrange the consultations based on scientific information

2 Fisheries Management & Fish Catch Report

Promotion of resource management in high seas

1. Focus on researches of tunas, and develop the technology and try to improve resource evaluation and prediction accuracy. Also, reinforce the necessary regulation for the resource management, and provide its guidance to fishermen.
2. By collecting and analyzing fish catch data, conduct appropriate fisheries management and abide by international agreement and regulations.
3. Ensures the traceability of tuna species, and contributes to compliance of the regulations and prevention of distribution of products violating the regulations in RFMOs.

2 Fisheries Management & Fish Catch Report

e.g. Compliance matters in southern bluefin tuna fishery

In order to comply with rules in CCSBT, we conduct various management measures, including:

- Submit southern bluefin tuna fishery notification form to MAFF
- Report to MAFF in case of the entry into specified waters and the exit from them within three days
- Report to MAFF about fishing location with VMS (Vessel Monitoring System) in case of above situation
- Report to MAFF about fish catch at the end of the every fishing season. In case of the false report or the delay, the boat captain is subject to take administrative punishment for it
- Fax fishing location and fish catch result by RTMP (Real Time Monitoring Program) to MAFF every day
- Submit "Fish Catch Report" and "By-catch Questionnaire in Tuna Fisheries" to MAFF within 30 days after the call, etc

3 Catch Documentation Scheme & Catch Certificate

- Catch Documentation Scheme (CDS) :
 - Trade-based measure based on the regulation in RFMOs (ICCAT, CCSBT, CCAML, etc.)
 - It is necessary for the export
 - Issued by MAFF
 - e.g. bluefin tuna, bigeye tuna, swordfish, southern bluefin tuna
- Catch Certificate :
 - Document that proves the fish was caught in an appropriate way based on the EU regulation against IUU fishing
 - It is necessary for the export from outside of EU to inside of the EU.
 - Issued by MAFF

4 Port inspections of fishing vessels

Land fish catch

Conduct no-notice inspections

Check whether actual fish catch corresponds to the fish catch report

In case of the false report in fish catch report, the boat captain is subject to take administrative punishment for it.

Resident official office at Shimizu fishing port

5 Regulation on foreign fishing

【Act on Regulation of Fishing Operation by Foreign Nationals (1967)】

Permission for Calling

Article 4 (1): Captains of foreign fishing vessels, including those who serve on captain's duty on their behalf, hereinafter the same shall apply, shall ask for permission of the Minister of Agriculture, Forestry and Fisheries, as provided by Ordinance of Ministry of Agriculture, Forestry and Fisheries, to call the port of Japan of the said fishing vessels except in the cases when purpose of the calling falls under any of the following actions:

- (i) Actions necessary for preventing maritime disasters or ensuring safety of navigation or human life.
- (ii) Landing to Japanese ports or transhipment to other vessels of catches, shipped from foreign states, limited to those with attached document as provided by Cabinet Order. Hereinafter referred to as "foreign shipped catches."
- (iii) Landing of catches other than foreign shipped catches but provided by Cabinet Order as there is no risk of posing problem for preservation of normal order of Japanese fishery.

5 Regulation on foreign fishing

◦ Article 4 (2): Captains of foreign fishing vessels shall not have the said foreign fishing vessels call the Japanese ports for the purpose of landing to Japan or transshipping to other vessels, of the "specified catches" which means, as provided by Cabinet Ordinance, those catches that have or likely to have a risk of harm to preservation of normal order of Japanese fishery by the landing to the Japanese ports..

Prohibition of Transshipping of Catches

◦ Article 6 (1): Foreign fishing vessel shall not transship catches from the said foreign fishing vessel to other vessels or ship from other foreign fishing vessels to the said foreign fishing vessel except foreign shipped catches in the waters of Japan except waters of the Japanese ports.

Thank you



2 IMPLEMENTATION OF PORT STATE MEASURES IN MORE EFFECTIVE MANERS IN SEA REGION

Aim is to *“prevent illegally caught fish from entering international markets through ports”*

Actions on restriction to **FOREIGN-VESSEL :**

- entry into port,
- use of port, access to port services,
- inspection
- other enforcement activities

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia 3

3 USE OF PORT & ACCESS TO PORT

FOR foreign Vessel operated in RFMO Areas/ high seas

Supports to port State :

- ✓ IUU-fishing vessel list from RFMOs, organizations/ institutions; EU, IOTC, WCPFC, IATTC, ICCAT, etc.
- ✓ Global records (not yet established),
- ✓ RFMOs CDS.

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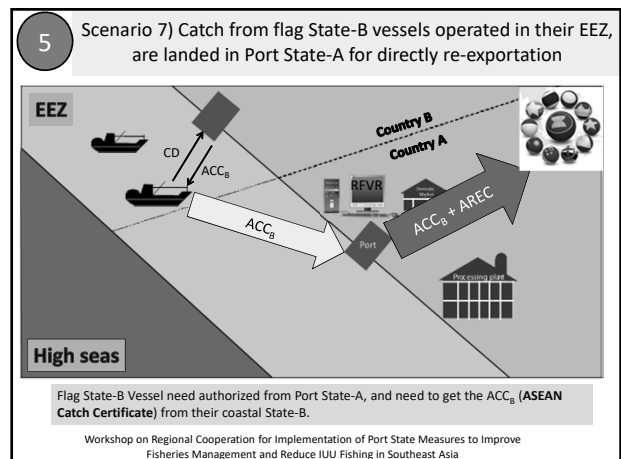
4 USE OF PORT & ACCESS TO PORT

FOR AMS foreign Vessel

Existing supports to port State :

- ✓ Regional Fishing Vessels Record;
- ✓ ASEAN CDS
- ✓ Other matters: through the Harmonization among AMSs

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia



6 Scenario 8) Catch from AMS flag State-B vessels operated in their EEZ, are landed in Port State-A for processing and exportation to other AMS

Flag State-B Vessel need authorized from Port State-A, and need to get the ACC_B (ASEAN Catch Certificate) from their coastal State-B.

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7 **REGIONAL FISHING VESSELS RECORD FOR VESSELS 24 M IN LENGTH AND OVER**

Information on fishing vessels	Information on fishing vessels
1) Name of vessel	15) International Radio Call sign
2) Vessel Registration Number	16) Engine Brand
3) Owner Name	17) Serial number of engine
4) Type of fishing method/gear	18) Hull material
5) Fishing License number	19) Date of registration
6) Expiration date of fishing licenses	20) Area (country) of fishing operation
7) Port of registry	21) Nationality of vessel (flag)
8) Gross tonnage (GRT/GT)	22) Previous name (if any)
9) Length (L)	23) Previous flag (if any)
10) Breadth (B)	24) Name of captain/master
11) Depth (D)	25) Nationality of captain/master
12) Engine Power	26) Number of crew (maximum/minimum)
13) Shipyard/Ship Builder	27) Nationality of crew
14) Date of launching/Year of built	28) IMO Number (if available)

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8 **ACCESS TO DATABASE SYSTEM**

AMIS requires:

- ✓ www.seafdec.or.th/rfvr/index.php
- ✓ User account & Password for login
- ✓ Registration

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

9 **ASEAN CATCH DOCUMENTATION SCHEME (ACDS) FOR MARINE CAPTURE FISHERIES**

OBJECTIVES ARE TO:

- Provide unified framework that will enhance traceability of fish and fishery products for effective marine fisheries management in AMS
- Enhance the credibility of fish and fishery products for intra-regional and international trade
- Prevent entry of fish and fishery products from IUU fishing activities into the supply chain

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

Development of ACDS


- taking into accounts the format, standard and information requirements of importing countries, but simplified for small-scale fisheries in the region.
- integrated the lessons learned from SwAM/EU-Sweden, Indonesia and Thailand.
- Catch Declarations: electronic and paper types (cost-effective)
- ACDS required country database such as fishing vessel database, buyers, processing plants, etc

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia


WAY FORWARD

1. To increase the efficiency of the Regional Fishing Vessels Record (RFVR), the system should cover all size of fishing vessels that fly its AMS Flag, (except for the artisanal fishing boat as mentioned in Article 3.1 (a).
2. Promote the use of RFVR at all relevant port Authorities.
3. Promote the use of ACDS for all fishing vessels, starting from large fishing vessels.
4. Strengthening the routine MCS

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia



Food and Agriculture Organization of the United Nations



FAO Review of the activities by partners in support of the implementation of PSM including e-CDS: issues/challenges and recommendations. (Agenda 8.1)


Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November, 2016

David Brown
Cassandra DeYoung
FAO RAP

The work of FAO

- Achieving food security for all is at the heart of FAO's efforts – to make sure people have regular access to enough high-quality food to lead active, healthy lives.
- Three main goals :
 - the eradication of hunger, food insecurity and malnutrition;
 - the elimination of poverty and the driving forward of economic and social progress for all;
 - the sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations.
- Support member countries through a wide range of work in Agriculture, fisheries, forestry
- Climate change, 1 Health, Blue Growth (Regional initiatives RAP)
- www.fao.org



Food and Agriculture Organization of the United Nations



TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

1 NO POVERTY

2 ZERO HUNGER

3 GOOD HEALTH AND WELL-BEING

4 QUALITY EDUCATION

5 GENDER EQUALITY

6 CLEAN WATER AND SANITATION

7 AFFORDABLE AND CLEAN ENERGY

8 DECENT WORK AND ECONOMIC GROWTH

9 INDUSTRY, INNOVATION AND INFRASTRUCTURE

10 REDUCED INEQUALITIES

11 SUSTAINABLE CITIES AND COMMUNITIES

12 RESPONSIBLE CONSUMPTION AND PRODUCTION

13 CLIMATE ACTION

14 LIFE BELOW WATER

15 LIFE ON LAND

16 PEACE, JUSTICE AND STRONG INSTITUTIONS


17 PARTNERSHIPS FOR THE GOALS



Food and Agriculture Organization of the United Nations

Implementing the Code of Conduct for responsible fisheries (CCRF) : addressing IUU and implementing PSMA


- FAO work on Fisheries guided by the Committee on Fisheries (COFI), regional Fisheries Bodies and entities, requests from regional partners and member country requests
- FAO FIA has an ongoing an substantial programme of work in fisheries and aquaculture
 - CCRF and IPOA's
 - IPOA IUU and IUU Guidelines, Support to Regional plans of Action – IUU (RPOA),
 - National Plans of Action – IUU (NPOA)
- The Global Record (FLUX)
- RFB's (FAO)
- Voluntary guidelines on Flag state responsibility
- FAO – Port Lex : database of countries regulations that support PSM
- Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
- Certification, labeling and trade systems
- Areas Beyond National Jurisdiction (ABNJ) programme



Food and Agriculture Organization of the United Nations

Importance of implementing PSMA

- The **implementation of the PSMA** will strengthen international efforts to curb IUU fishing and strengthen fisheries management and governance at all levels.
- For the PSMA to be effective**, parties need to move ahead with developing implementation strategies, supported by sound policy, legal and institutional frameworks, as well as operational mechanisms sustained by sufficient human and financial resources.
- Through the appropriate use of the funding mechanisms to be established under Article 21 of the PSMA, developing States will be better placed to combat IUU fishing.




Food and Agriculture Organization of the United Nations

Current status of PSMA

- Agreement came into force on 5th June 2016
30 days after the deposit of the 25th instrument with the FAO Director-General
- As of 30 August 2016, 36 FAO Members have ratified, accepted, approved or acceded to the Agreement

Australia, Barbados, Cabo Verde, Chile, Costa Rica, Cuba, Dominica, European Union – Member Organization, France, Gabon, Gambia, Grenada, Guinea, Guyana, Iceland, Indonesia, Mauritius, Mozambique, Myanmar, New Zealand, Norway, Oman, Palau, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Seychelles, Somalia, South Africa, Sri Lanka, Sudan, Thailand, Tonga, United States of America, Uruguay, Vanuatu

 - 11 countries in Asia Pacific region have deposited instruments (excluding the EU, France and UK territories)
 - Several other countries are expressing an interest to accede to the agreement and FAO is supporting these efforts.
- Anticipated first meeting of parties to PSMA early 2017



Food and Agriculture Organization of the United Nations

FAO actions at Global level

- FAO encourages states to become parties to the agreement
 - Model agreements
 - Analysis of governance frameworks/policy law
- Ongoing actions include
 - Capacity development
 - Support to review governance frameworks
 - Partnership development



FAO Capacity Building Programme (Ongoing)

FAO delivered a global series of regional capacity development workshops between 2012-2016 to:

- facilitate the accession to the PSMA in order to bring it into force as soon as possible and to ensure that it is accepted internationally in the widest possible manner.
- contribute to the development of national capacity to maximize the benefits available through the effective use of the Agreement.
 - promote bilateral, subregional and/or regional coordination for the effective implementation of PSM.



FAO Capacity Building Programme (Ongoing)

103 countries participated in the regional workshops



FAO capacity development umbrella programme (2016 -)

FAO is broadening its capacity development programme to combat IUU fishing by....

- supporting the cohesive implementation at national and regional levels of the provisions of the PSMA and complementary international instruments and regional mechanisms.
- Identification, prioritization and planning of activities will be country-led, informed and participatory. Special attention will be given to countries affected by the EU yellow/red carding scheme.



FAO : IUU-PSMA Global Umbrella programme (draft)

Goal: To achieve cohesive implementation at national and regional levels of the provisions of the PSMA and complementary international instruments to combat IUU fishing.

Output 1. National and regional policy and legislative frameworks to combat IUU fishing strengthened.

- 1.1. Global, regional and national consensus for the adoption of the provisions of the PSMA and complementary international instruments and regional mechanisms increased.
- 1.2. Identification, prioritization and planning of interventions and associated Programme support is country-led, informed and participatory.
- 1.3. Capacity of national entities and RFBs to devise and adopt appropriate policies and laws consistent with the provisions of the PSMA and complementary international instruments and regional mechanisms improved.

Output 2. Regional and country level means and competencies to carry out coordinated MCS operations to combat IUU fishing through PSMs and complementary MCS tools and measures strengthened.

- 2.1. Norms, procedures, processes and capacities to effectively enforce PSMs and complementary measures to combat IUU fishing institutionalized within relevant national institutions and entities.
- 2.2. Regional framework for combatting IUU fishing through MCS systems' harmonization, regional cooperation, coordination and networking improved.

Output 3. Results based Programme implementation and Programme derived best practices taken up and replicated.

- 3.1. Programme/projects' outputs and outcome targets achieved on time, to the specified quality, performance and cost.
- 3.2. FAO, MCS and concerned stakeholders' access to relevant experiences, instruments, tools and knowledge to combat IUU fishing through PSMs and complementary international instruments and regional mechanisms increased.



FAO : IUU-PSMA Global Inter Regional TCP

- FAO is in the process of implementing the IRTCP
- 18 countries globally (Thailand and Myanmar)
- Support limited but can focus on gap analysis and analysis of policy/legal framework.
- Work in partnership with RFMO's, regional organisations, Civil Society, NGO's



The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Ongoing)

- The Global Record is one of the latest tools being developed by FAO to combat IUU fishing by making readily available **information on vessels engaged in fishing and fishing-related activities**, including, inter alia, on their operations, physical characteristics, ownership, flag history, track record and previous convictions.
- The Global Record is expected to strengthen MCS schemes and serve as an important facilitating tool in the implementation of international instruments such as the PSMA and VGFSP.



FAO actions underway in the Asia Pacific region

Partnerships : All work carried out in partnership with regional organizations for example:

- SEAFDEC/ASEAN (Sweden and Japan) : Initiatives to strengthen fisheries management, address IUU and develop catch documentation/traceability.
- USAID - OCEANS Partnership
- Asia Pacific Fisheries Commission (APFIC)
- RFMO's and RFB's
- RPOA
- National plans of action



Regional Support Programme (TCP)

- Development of a programme to support for the implementation of the 2009 FAO Agreement on Port State Measures and complementary instruments to combat illegal, unreported and unregulated fishing in the Asia Pacific Region.
- Based on APRC request for action by countries.
- Outcome : Improved food and nutrition security in the region through improved management of fisheries and marine resources and reduced IUU fishing.
 - Output 1. Enhanced regional cooperation in support to addressing IUU and PSMA implementation
 - Output 2. Strengthened national capacity for the implementation of the IPOA-IUU and PSMA.

Time frame : 18 months
Funding : 300,000 USD

Link to outputs of this meeting ?



Other FAO actions to support countries in combatting IUU and implementing PSMA

- PSM awareness raising workshops ongoing (global and regional, including with SEAFDEC/ASEAN and APFIC)
- Workshops on implementation planning (regional and global)
- Integration into regional and country level capacity development projects and technical support (BOBLME-2 and 2, ISLME), national projects
- Blue Growth Initiative
- FAO – Port Lex : database of countries regulations that support PSM
- Support to Regional cooperation UNODC, SEAFDEC RFMO's
- Significant gaps remain and much more is needed in the region.



Towards the development of a methodology to estimate the magnitude of IUU fishing ?

- FAO, in collaboration with international partners and experts, has initiated the process of developing a “toolbox” of validated and standardized methods to estimate the magnitude of IUU fishing.
- Periodic assessments using these methods would allow for the construction of IUU fishing trends and identification of hotspots around the globe, which, in turn, allow for better designed and targeted responses against IUU fishing.
- A global estimate of IUU fishing may be determined exclusively or on the basis of integrated national and regional estimates.



Closing thoughts

- IUU fishing is a significant problem for us all and we need to work together to solve it. There is momentum now to address the issue.
- IUU/PSMA are part of a bigger picture. We must continue to support countries and regional partners in their efforts to address IUU and improve the management of their fisheries (EAFM, Co management) as a priority.
- Fishing communities, small scale fisheries are key to the solution in Asia Pacific. Article 3 ?
- Gender and the role of women needs to be recognized.
- Consumers around the world have a role to play in the choices we all make.



Implementation of The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

Office of Law Enforcement


Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

08 November 2016
Bangkok, Thailand

The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing


The Agreement entered into force on 05 June 2016, after 29 countries and the European Union ratified the Agreement.

Parties:
http://www.fao.org/fileadmin/user_upload/legal/docs/037s-e.pdf




The PSMA

- Requires commitment to exercising existing authorities.
- Cost-effective tool to fight IUU fishing by:
 - Closing “ports of convenience.”
 - Denying IUU fish and fish products from entering global markets.



Objective

To prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.



What Measures May a Port State Take?

Restriction of:


- Entry into port
- Use of port
- Access to port services
- Inspection
- Other enforcement activities



Port States have broad authority to take such measures, subject to certain limitations, including *force majeure*.

Scope

Primary obligations apply to foreign-flagged vessels seeking entry to, or in, the port of a Party.



(with exceptions for artisanal vessels and container ships)

Key Obligations

- Designation of ports
- Advanced request for port entry
- Denial of entry into port and access to port services
- Inspections
- Flag State control
- Information sharing
- Capacity building



Implementing the Key Obligations of the PSMA: For Consideration

- Legal authorities for carrying out the obligations of the PSMA should be defined for each involved ministry/agency.
- Clear designation of roles and responsibilities for each governmental agency/ministry should be defined through legal rules/regulations.



Implementing the Key Obligations of the PSMA: For Consideration

- Development of standard operating procedures for duties requiring coordination among multiple agencies/ministries.
- Inter-agency/ministry communication plans for carrying out PSMA responsibilities need to be clearly outlined.



Implementing the Key Obligations of the PSMA: For Consideration

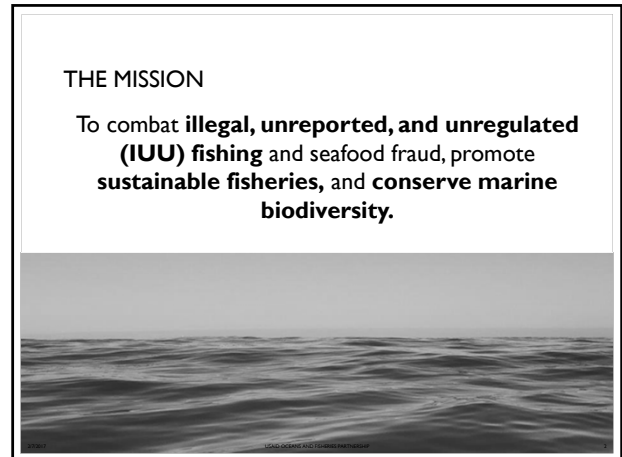
- Reference materials for instructors on inspection guidance (matrix, pocket guide, boarding officer check lists, job aid, etc.) and relevant RFMO CMMs are highly desired.



For more information:

FAO Report and Agreement text:
<ftp://ftp.fao.org/FI/DOCUMENT/tc-psm/2009/report.pdf>

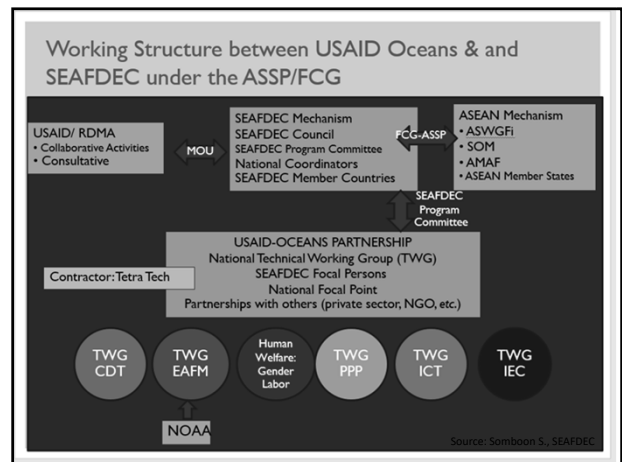
Todd Dubois: Todd.Dubois@noaa.gov



OBJECTIVES AND STRATEGY

Aims to improve marine biodiversity conservation and increase the sustainability of Asia-Pacific's international seafood trade through:

- Catch Documentation and Traceability
- Ecosystem Approach to Fisheries Management
- Human Welfare: Labor Rights and Gender Equality
- Public-Private Partnerships



TECHNICAL LEADS

Geronimo Silvestre, Chief of Party

Nives Mattich, Deputy Chief of Party

Arlene Satapornvanit, Human Welfare

Len Garces, EAFM Specialist

Supol Singhapoom, M&E

Timothy Moore, Partnerships Advisor

Melinda Donnelly, Communications

Farid Maruf, CDT Specialist

LEARNING AND EXPANSION SITE ENGAGEMENT STRATEGY

Learning Site	Expansion Sites - 1	Expansion Sites - 2
Bitung, Indonesia FMA 716	Songkla, Thailand*	Vietnam Cambodia Myanmar Brunei Darussalam Singapore Lao PDR
General Santos, Philippines	Kelantan, Malaysia* <i>*proposed sites, to be finalized</i>	Papua New Guinea Solomon Islands Timor Leste

ENDGAME: THE BIG PICTURE

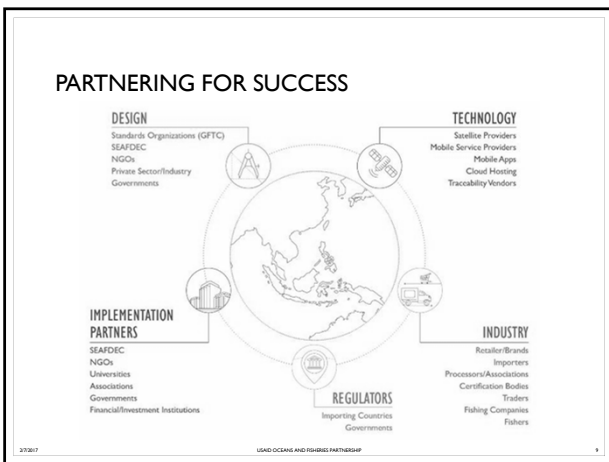
By 2020, USAID Oceans will deliver:

- A fully functioning **electronic CDT system/ACDS**, demonstrated at 2 learning sites (and implemented through the complete supply chain – from catch to import) Integration of CDT node with national Fisheries Information Systems (FIS)
- EAFM Plans** developed for Sulu Suluwesi and learning sites
- ACDS/CDT Guidelines** developed and applied (include Key Data Elements; CDT Electronic Architecture; Roadmap for Implementation)
- Concrete **public-private partnerships**, with at least 8 partnerships formed and \$4 million leveraged from private sector
- Incorporation of **labor and gender considerations** into CDTs to capture Key Data Elements, as appropriate for each country
- TWG member network** developed to support regional cooperation

PARTNERING FOR SUCCESS

Partnerships at the regional, national, and local levels:

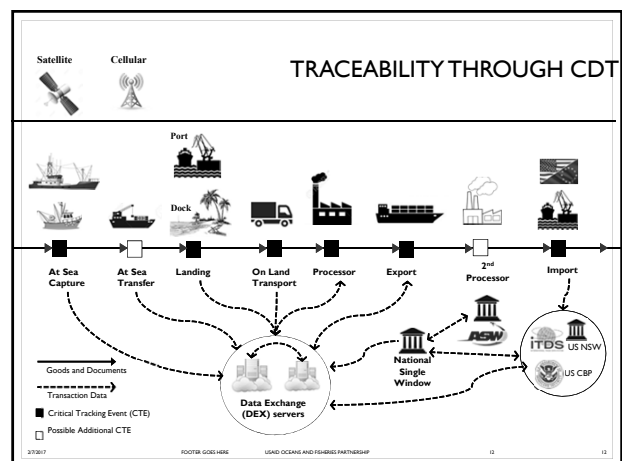
- Support an approach with shared interests and benefits
- Ensure sustainable impacts through 2020
- Prepare for regional expansion and replication



CATCH DOCUMENTATION AND TRACEABILITY

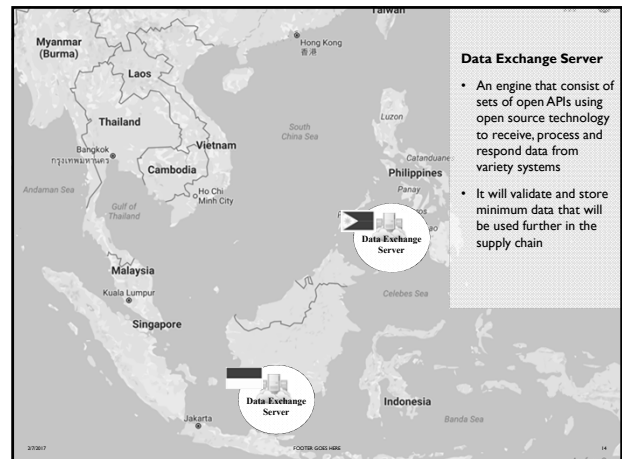
TRANSPARENT, INTEGRATED, and SHAREABLE data is enabled by traceability and can:

- Deter illegal trade** by protecting and potentially enhancing the value of legally caught fish.
- Improve the efficiency of fish purchasing and processing**, enhancing industry profitability and reducing risks.
- Provide more accurate information** about harvesting levels, strengthening sustainable fisheries management.
- Enhance evidence-based policy** and decision-making for enforcement, management, and port security.
- Assist in safeguarding fisher rights** and well-being on fishing vessels.



SAMPLE KEY DATA ELEMENTS

KDE	Ideal	WWF	U.S.	EU	ACDS	Oceans
Scientific Name (Species)	•	•	•	•		•
Common Market Name			•			•
ASFIS #/Product Code			•		•	•
Est. Weight					•	
Location of Catch	•	•	•		•	•
Catch Description				•		•
Date of Departure						
Catch Date & Time	•	•	Date Only	Date Only		•
Date of Landing						•
Gear/Method	•	•	•	•		•
Name of Fisher(s)	•					•
Name of Captain/Master				•	•	•
Nationality(ies) of Fishers/Crew						•
Company Name	•		•			



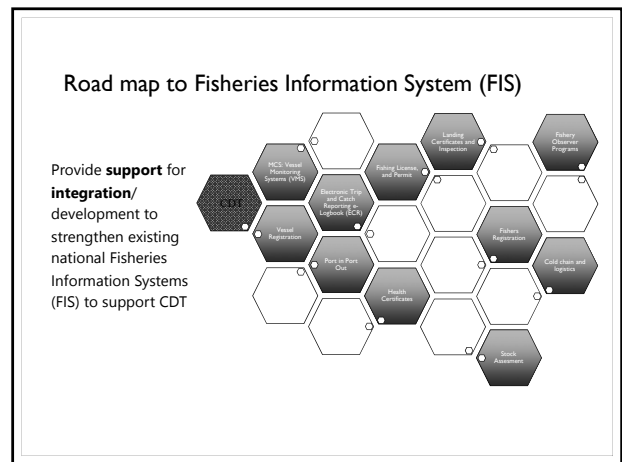
Fisheries Operations Centers

At the Activity's learning site ports, General Santos City and Bitung, USAID Oceans will install a government-sanctioned and port-based National Fisheries CDT Monitoring Operations Center

This monitoring system will provide dashboards of information needed to manage port activity including:

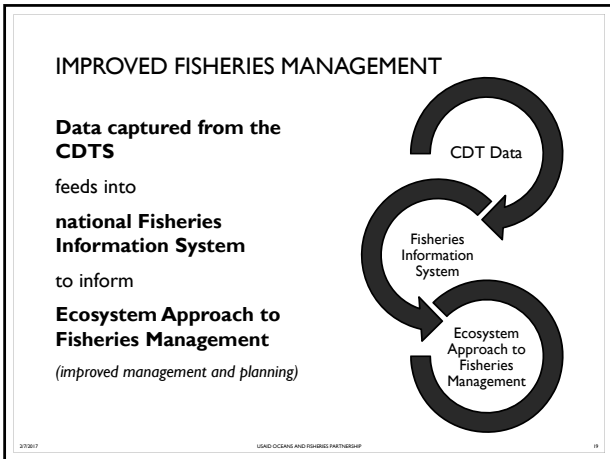
- port in/port out schedule and clock in
- inspection planning and roster
- logistic management
- Emergency / response center
- CCTVs
- information in related to sustainable fisheries management (stock status, harvest control rule)

Terrestrial VSAT WIFI



HUMAN WELFARE

- Labor Rights and Gender Analysis Studies** to be conducted in project learning sites to identify areas of concern, gaps, opportunities for intervention
- Human Welfare Key Data Elements** to be incorporated into the CDT System
- CDT Technology** to enhance current communications systems at sea and increase worker access to communications and grievance mechanisms



Areas for Collaboration w/ SEAFDEC on PSM activities

- Collaboration in information exchange / sharing / systems
- Application/testing of CDT system for PSMA implementation
- Capacity building opportunities
- Linking ACDS / e-ACDS with CDT and other databases

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Specifically ...

<ul style="list-style-type: none"> • Capacity building support for: <ul style="list-style-type: none"> - National TWG travel to regional / site level trainings, workshops - CDT roadmap workshop - Software, training, guidance on data exchange server 	<ul style="list-style-type: none"> • CDT learning exchanges with learning sites conducted • Relevant technical assistance • Networking and Regional Exchanges
--	---

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Maraming salamat po **Thank you** **Terima kasih**

Oh'khun **Cám Ơn**

Xiè xiè **khàwp jai**

Khop khun kha **cè-zù tin-ba-deh**

Photo credit: <http://www.azoth.blogspot.com>


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**Activity of Marino-forum21 (MF21)
&
Japanese Fisheries Network**

Yo Soma, Overseas Fisheries Consulting Activity
Marino-Forum 21
November 9 in 2016

Foundation and History

- Marino-Forum 21 (MF21) was founded in October 1985 as a voluntary organization and became an incorporated association on July 1, 1986.
- It merged with the Overseas Fisheries Consultants Association (OFCA) established on February 28, 1989 on October 1, 2009.




Objectives:

- Development and dissemination of technologies for fish cultivation
- Contribution to the healthy development of overseas fisheries through international fisheries cooperation
- Contribution to the development of fisheries in Japan and the stable supply of marine products.

Organizational Structure



```

graph TD
    GA[General Assembly] --> BD[Board of Directors]
    GA --> AU[Auditors]
    BD --> PR[President]
    PR --> SEC[Secretariat]
    subgraph SEC [Secretariat]
        CE[Chief Engineer]
        GAD[General Affairs Department]
        DEV[Development Department]
        OFCA[Overseas Fisheries Consulting Activity (OFCA) Department]
    end
    
```



Main projects:

- Development and dissemination of technologies for fish cultivation
- Research and studies for the promotion of fisheries, particularly fish cultivation
- Research and studies regarding overseas fisheries cooperation including project development
 - Provision of guidance and advice to relevant consulting companies and organizations
- Gathering and providing information related to the above-mentioned projects to those

Project Implementation Structure of MF21

```

graph TD
    MF21((MF21))
    U[Universities (Academic)] --- MF21
    OIA[Other incorporate administrative associations] --- MF21
    FRA[Fisheries Research Agency (Research)] --- MF21
    IO[International organizations (e.g. SEAFDEC)] --- MF21
    ODA[Official Development Assistance (ODA) relevant organizations (e.g. JICA)] --- MF21
    PC[Private companies] --- MF21
    LG[Local government, etc.] --- MF21
    CC[Consulting companies] --- MF21
    MF21 -- Coordinate & Manage --> PI((Project Implementation))
    
```

1) Support Project for Specifying Overseas Fisheries Cooperation Needs (Subsidized by MAFF)

Objectives:

- Contribution to the healthy development of fisheries in Japan and the development of fishing industries in developing countries.

Activities:

- Dispatch fisheries experts to developing countries and conducts surveys
- Compile recommendations for the creation of cooperation projects which meet each country's fisheries development needs
- Provide technical guidance to the government and fishermen, etc. in each country concerning urgent issues identified during the field studies.

e.g. In the 2015 fiscal year, we dispatched study missions to seven developing countries in Africa, Latin America, Asia and Oceania



e.g.) Feasibility Study for Overseas Fisheries Cooperation in FY2016
Summary of the mission findings: States of Micronesia

The government requests the improvement of Takatik fishing port and grounds in Pohnpei



2) Assistance for the Southeast Asian Fisheries Development Center (SEAFDEC) (Outsourced by SEAFDEC)

Objectives:

- Contribution to the appropriate and smooth implementation of work at SEAFDEC.

Activities:

- Gather and provide the necessary information
- Operate technical support committee consists of Japanese experts
- Provide trainings to SEAFDEC department staffs in Japan

	2015	2014	2013	2012
AQD	High density culture Phytoplankton method	Production of feed for fish in tropical area		Production of feed for fish and
MRDMD	Collection and utilize oceanographic information affecting to fishing and distribution of pelagic			System and
TD	Measures to prevent IUU activities	Fisheries Resource Management and Fisheries Information	Fishery Item identification	Technology for Energy Saving and Fish Freshness Keeping for Fisheries Operation
Secretariat	High density culture of Marine Phytoplankton using Photobioreactors	Project planning, monitoring and evaluation Fisheries Resource Management and Fishing Ground Improvement/Creation	Co-management	
IFRDMD	Visit the organization/institute of inland fisheries in Japan then collect the information about the inland fisheries in Japan and exchange opinion with the scientists in the institute.			

e.g.) Inland Fishery Resources Development and Management Department (IFRDMD)

Training topics:	- Fish stock assessment - Studies of anguillid eels
Goal of the training:	To acquire necessary skills and knowledge related to the above fields
Duration:	From October 10 to November 2
Acceptance organization:	- Hokkaido University - Kitasato University - Nihon University - Research Center for Bioinformatics and Biosciences, National Research Institute of Fisheries Science etc.

3) Training for the Japan International Cooperation Agency (JICA) in Japan (Outsourced by JICA)

Objectives:


- Contribution to the appropriate and smooth implementation of JICA's Training Programs in the fisheries sector

Activities:

- Create training schedules (including the training content) and coordinate lecturers and hosting organizations.
e.g. In 2016, we coordinate five JICA's Knowledge Co-Creation Programs

e.g.) Knowledge Co-creation program “Application of Good Practices on Co-management of Coastal Fisheries”


Participating countries:	Eritrea, Samoa, Solomon Islands, Papua New Guinea, Philippines, and Sri Lanka
Training objectives:	To enhance their capacity to systematically apply useful lessons learnt and experiences gained from good practices of coastal fisheries management for practical solution of fisheries related issues in their own countries.
Duration:	From July 26 to August 25 in 2016
Visit places:	<ul style="list-style-type: none"> - Fisheries Agency - Fisheries Research Agency - Fisheries Cooperative Associations (FCAs) - Fish markets etc.



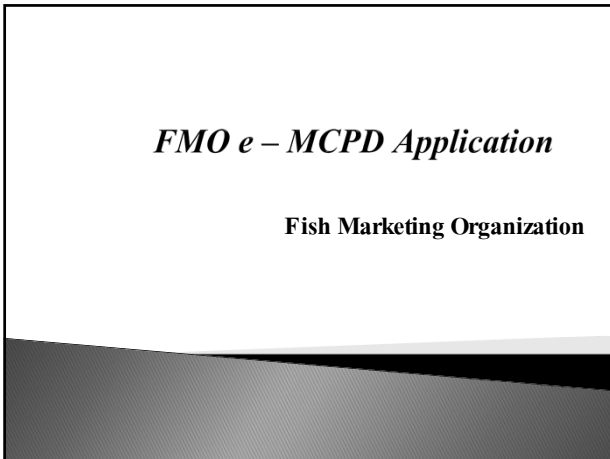
Marino-forum21

e.g.) Knowledge Co-creation program “Policies and Countermeasures against Illegal, Unreported and Unregulated (IUU) Fishing”

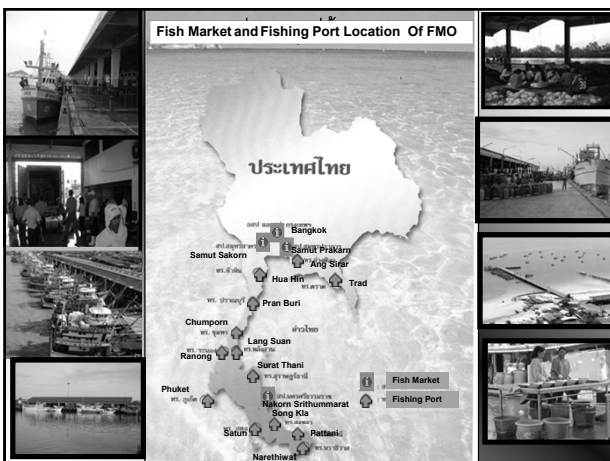
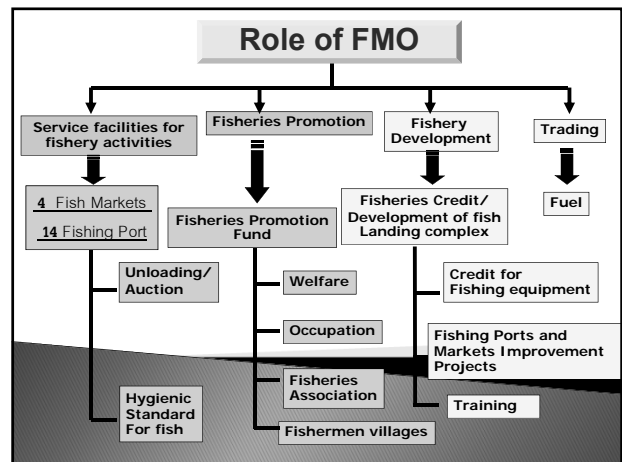
Participating country:	Timor-Leste
Training objectives:	To provide concerned officials of Timor-Leste an opportunity to improve their policy and system for countermeasures against IUU fishing in Timor-Leste by learning about Japanese system, laws & regulations, patrol operations, way to collaborate within related organizations, and the problems
Duration:	From December 4 to 23 in 2016
Visit places:	<ul style="list-style-type: none"> - Fisheries Agency - Japan Coast Guard - Fisheries Cooperative Associations (FCAs), etc.



Marino-forum21



► The Fish Marketing Organization (FMO) a state enterprise under Ministry of Agriculture and Cooperative was established by Law under The Act Organizing the activities of fish market BE 2496(1953)



Thailand Fisheries Reform
 under the Royal Ordinance on Fisheries B.E. 2015

- Overhaul of fisheries legislation and management
- Tackling overfishing and overcapacity in Thai water
- Stricter control on oversea fishing fleet of Thailand
- Upgrading monitoring, control and surveillance (MCS)
- Ensuring traceability of fishery products
- Regularization and protection of migrant workers
- Strict law enforcement and sanction
- Forging international partnership

Enhanced traceability system

- ▶ Fishing ports are required to record data on every fishing vessels berthed at port, as well as prepare a marine catch purchasing document (MCPD) for a buyer and submit a copy to the Department of Fisheries
- ▶ The MCPD is also required for every subsequent transaction involving the catch

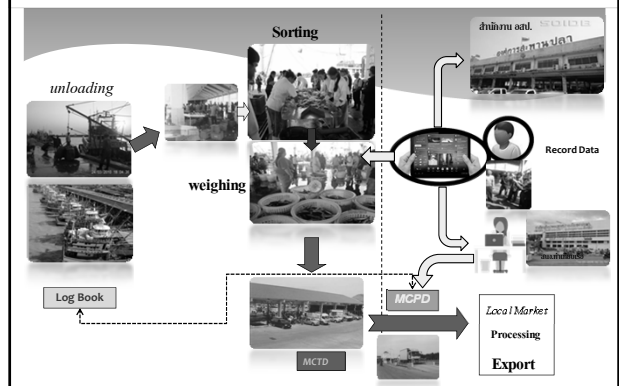
Operation of FMO e-MCPD Application



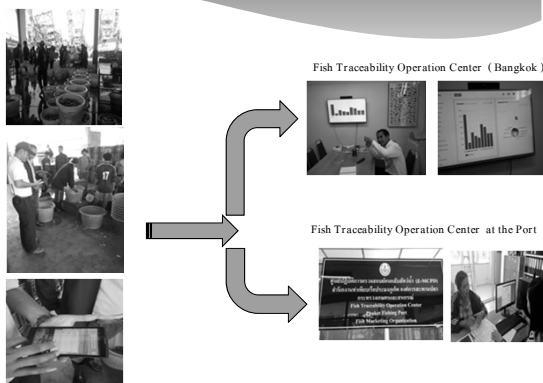
Operation of FMO e - MCPD Application



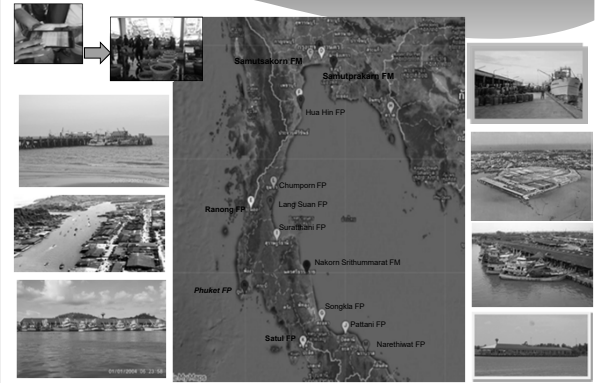
Operation of FMO e- MCPD at Landing Site

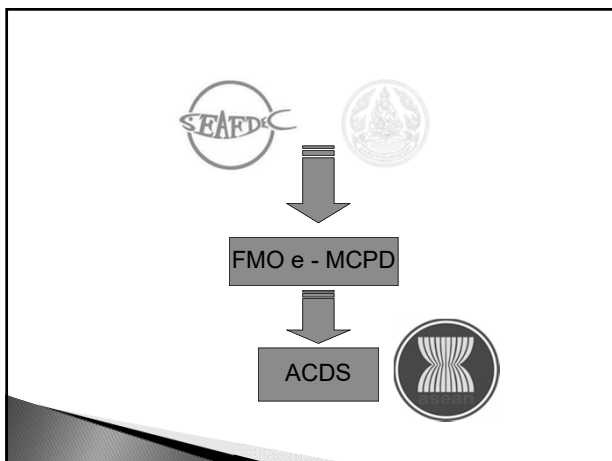
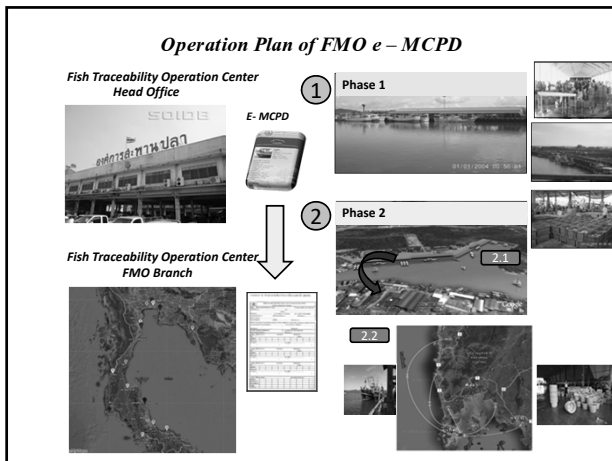


Linkage Data for FMO e - MCPD App.



Location of FMO e- MCPD Application Operation





Thank You



Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November 2016, Bangkok, Thailand

Annex 33

ACTIONS AND NEEDS FOR REGIONAL COOPERATION TO SUPPORT THE IMPLEMENTATION OF THE PORT STATE MEASURES

**ACTIONS AND NEEDS FOR REGIONAL COOPERATION TO SUPPORT
THE IMPLEMENTATION OF THE PORT STATE MEASURES**

Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Status of AMS	Actions and Needs
PART	Article No.			
Entry Into Port	Article 7: Designated port	<ul style="list-style-type: none"> ❖ Encourage AMS to identify designated ports for foreign fishing vessel and encourage not to allow foreign fishing vessel to unload fish and fishery products in non-designated ports. 	<ul style="list-style-type: none"> ❖ BN, CM, VN no have designate port and need to know criteria for designate port ❖ ID is planning to add more designate port ❖ PH is planning to review and evaluate then add more designate port ❖ The designated port ready in FAO website 	<ol style="list-style-type: none"> 1. AMS to share the Information on ports to be shared with FAO, SEAFDEC 2. For those without designate port, need to know criteria, identification and analysis for designate port 3. Guidance for port designation include procedure, dissemination information and <i>etc.</i>
		<ul style="list-style-type: none"> ❖ The list of designed ports should include information of the name of the port, address of location, contact person and his/her designation as well as official website in English version. 	<ul style="list-style-type: none"> ❖ Countries ready to translate in English version such as Malaysia, Indonesia 	<ul style="list-style-type: none"> ❖ SEAFDEC shall publicize the information of AMS's designated ports.

Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Status of AMS	Actions and Needs
PART	Article No.			
	Article 8: Advance request for port entry	<ul style="list-style-type: none"> ❖ AMS shall require, as a minimum standard, the information requested in Annex A¹ or relevant document to be adopted by AMS² to be provided before granting entry to a vessel to its port. 	<ul style="list-style-type: none"> ❖ ID, MY, PH, SG, TH follow Annex A ❖ All AMSs agreed to follow the Annex A1 	<ul style="list-style-type: none"> ❖ The Member Countries should provide information on RFVR to SEAFDEC as a tool to support the implementation of PSM in 24 meters and over and also below 24 meters as plan in the future ❖ Expansion of existing RFVR to support the Annex A1 includes history of compliance. ❖ The RFVR should include the vessel less than 24 meters, especially those that use foreign port, but not artisanal vessels: (considering the near-real time updating of the existing RFVR)
	Article 9: Port entry, authorization or denial	<ul style="list-style-type: none"> ❖ Information exchange on the country laws and regulations shall be shared among the AMS taking into accounts that some AMSs (e.g. Malaysia and Indonesia) do not allow its fishing vessel excluding carriers to unload catch at other country ports. 		<ul style="list-style-type: none"> ❖ Regional workshop to share and discuss laws and regulation ❖ Develop the regional database/website system to share legal /regulations of all AMS (in English) ❖ Encourage to use the existing Port lex (FAO database), SEAFDEC website and RPOA-IJU website for sharing law and regulations ❖ Translate National Law and

¹ Refers to ANNEX 1 of the 2009 Agreement of the port State measures

² SEAFDEC to provide a simplified document for small fishing vessel for adoption by AMS

PART	Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Status of AMS	Actions and Needs
	Article No.				
			<ul style="list-style-type: none"> ❖ To encourage AMS 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 port State can decide whether to authorize or deny the entry of this vessel into their port. Decision to deny shall be communicated to the flag state 	<ul style="list-style-type: none"> ❖ Decision making process to deny is clear for ID, MY, PH, SG, TH ❖ Communication of denial, sometime is problematic 	<p>Regulation into English for wide audience, the resources and support can request to FAO</p> <ul style="list-style-type: none"> ❖ Regional Training on PSM implementation for BN, CM, VN to understand the process of PSM ❖ Develop Minimum Standard of Pre-Arrival information (e.g. ACDS) ❖ In case of transmitted or deny the vessels, the communicating the results of port entry should be shared among coastal states and flag states and regional organizations such as FAO, SEAFDEC and RPOA-IUU ❖ Discussion on black list ❖ Develop Training of Trainers ❖ Workshops (train to how to, target stakeholders, etc) multi-media (posters, IEC) and apply to local contexts. ❖ Create Communication Strategy and roadmap such as development of PSM webpage contains country profile, law and
			<ul style="list-style-type: none"> ❖ To provide the awareness building to relevant stakeholders (e.g. fishing boat owner, importer, port authority, etc.) at national level to enhance the better understanding the country laws and regulations, and other procedure on Inspections. 	<ul style="list-style-type: none"> ❖ ID is ongoing and need more effective public campaign for relevant stakeholder and officers ❖ MY selected only so far plan to stakeholder and officer outreach ❖ PH, SG, TH is sufficient awareness building for relevant stakeholder 	

Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Status of AMS	Actions and Needs
PART	Article No.			
				<ul style="list-style-type: none"> ❖ regulation, FAO Materials and lessons) ❖ Training on PSM implementation for general audience, fishery manager, fishery policy, and inspector
Inspections and Follow-Up Action	Article 12: Levels and priorities for inspection	<ul style="list-style-type: none"> ❖ Adopt the Standard Operating Procedures (SOP) on the risk assessment and inspection of vessels through the harmonization/consultation workshop. 		<ul style="list-style-type: none"> ❖ Regional workshop on development SOP for risk assessment and inspection of vessel in collaboration with relevant Partners: (focus the target group from port managers, operational level, inspectors, technical level) ❖ Prior the development of SOP, Countries should prepare vessel information for the development of SOP on Risk Assessment
		<ul style="list-style-type: none"> ❖ AMS may consider minimum levels for inspection of vessels through, as appropriate, agreement among all AMSs. ❖ To support inspection of the vessels, the historical data/information of vessel are required in the database module of vessels. 		<ul style="list-style-type: none"> ❖ Promote the Use RFVFR, e-ACDS ❖ Create Application of RFVFR-database system for field work.
	Article 15: Transmittal of inspection results	<ul style="list-style-type: none"> ❖ AMS shall transmit the results of each inspection to the flag State of the inspected vessel ❖ AMS shall submit SEAFDEC the 	<ul style="list-style-type: none"> ❖ Countries to share information to SEAFDEC 	<ul style="list-style-type: none"> ❖ In case of transmission or deny the vessel, the communicating the results of port entry should be

Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Status of AMS	Actions and Needs
PART	Article No.			
		<p>total number of inspection annually.</p> <ul style="list-style-type: none"> ❖ When AMS flagged vessel has been denied entry, denied the use of port or denied the landing of fish, the port State needs to share the summary report of inspection to SEAFDEC. 		<p>shared among coastal states and flag states, FAO, SEAFDEC and RPOA-IUU</p> <ul style="list-style-type: none"> ❖ SEAFDEC to facilitate regional center for sharing of the data for ASEAN region.
	Article 16: Electronic exchange of information	<ul style="list-style-type: none"> ❖ To facilitate implementation of this Regional Cooperation, each AMS, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements. In addition, AMS should cooperate to establish an information-sharing mechanism by SEAFDEC to facilitate the exchange of information with existing database for this cooperation. 		<ul style="list-style-type: none"> ❖ Development of the PSM website /database system to support the Regional center for sharing of the data for all ASEAN Member States. ❖ Development two-ways and effective communication ❖ Create the networks on PSMA across different levels (high level and working level) through Email group, Social media, Whatapp, etc.
	Article 17: Training of inspectors	<ul style="list-style-type: none"> ❖ Request FAO, RFMOs, ASEAN, SEAFDEC and relevant agencies on training of trainer for port inspections including legal and operational aspects with an emphasis on practical hands-on component ❖ Develop a network/team among AMSs on training of trainer for port inspections ❖ Consider an existing training module developed by RPOA-IUU in 	<ul style="list-style-type: none"> ❖ Countries request to support TOT for inspector ❖ No focal point in place for PSMA implementation ❖ Training modules have been developed by PSM Workshop in Feb 2016 for different target levels such as 1. Stakeholders, 2. Managers, 3. Policy decision maker, and 4. Inspector 	<ul style="list-style-type: none"> ❖ TOT for inspector to support PSM implementation and development of network ❖ SEAFDEC, FAO and partner should facilitate and support model port as a training site ❖ Establishment on network of inspectors ❖ Making a main standard for inspectors in the region

Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Status of AMS	Actions and Needs
PART	Article No.			
		collaboration with the Australian Maritime on port inspections to support the TOT programs.		❖ Regional guideline for port inspection
	Article 18: Port State actions following inspection			❖ Sharing information to relevant organization ❖ Develop Guidelines and Inspection Manual (how to do, what to do after inspection retained it) with the support from FAO.



CLOSING REMARKS

By *Dr. Kaoru Ishii*

SEAFDEC Deputy Secretary-General

Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia

7-10 November 2016, Bangkok, Thailand

Distinguished Delegates from the ASEAN-SEAFDEC Member Countries;

Representatives from Collaborating Organizations and Agencies such as FAO, USAID/RDMA, Swedish Embassy, relevant embassies, RPOA-IUU Secretariat and Marino Forum 21 of Japan;

My colleagues from SEAFDEC;

Ladies and Gentlemen, Good Afternoon!

While this Meeting is coming to an end, please allow me to express my appreciation to all of you for your cooperation and support during our deliberations. Firstly, I would like to thank the representatives from the participating countries as well as the collaborating organizations and agencies for providing information on the implications of the entry into force of the PSM Agreement. Your inputs had indeed led to the development of detailed activity plans for the implementation of the PSM Agreement in the Southeast Asian region. Secondly, I would also wish to thank the representatives from other organizations such as FAO, USAID/RDMA, Swedish Embassy, relevant embassies, RPOA-IUU Secretariat, Resource persons and others for your very valuable inputs, and for sharing your experiences and insights on the sustainable development and management of fisheries in this region.

Lastly, please allow me to acknowledge the continued support of the Fisheries Agency of Japan through its Trust Fund Programs and the SEAFDEC-Sweden Project that enabled SEAFDEC to organize this Workshop in order that the ASEAN Member States would be enlightened on the need for strengthened cooperation for the Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia. I would also wish to thank the Meeting Secretariat for their support, technically and administratively, which contributed considerably to the success of the Workshop.

Considering that our four-day Workshop has been very successful, I am indeed very grateful to all of you and allow me now to declare this Workshop closed. Thank you once again, and for those who will be travelling back to your countries, I wish you all safe journey. Thank you!



TRAINING DEPARTMENT
Southeast Asian Fisheries Development Center
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