

REPORT

of The
Experts Group Meeting on
PORT STATE MEASURES IN SOUTHEAST ASIA



12-14 November 2012 Bangkok, Thailand



TRAINING DEPARTMENT
Southeast Asian Fisheries
Development Center

TD/RP/165
January 2013

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The Experts Group Meeting on Port State Measures
in Southeast Asia

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PREPARATION AND DISTRIBUTION OF THIS DOCUMENT

Report of the Experts Group Meeting on Port State Measures in Southeast Asia, Bangkok, Thailand, 12 - 14 November 2012 was prepared by the Training Department to participants of the meeting, SEAFDEC member countries, SEAFDEC Departments and concerned institutions.

BIBLIOGRAPHIC CITATION

SEAFDEC. 2013. Report of the Experts Group Meeting on Port State Measures in Southeast Asia, Bangkok, Thailand, 12-14 November 2012, Southeast Asian Fisheries Development Center, 74 pp.

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**REPORT OF THE EXPERTS GROUP MEETING ON
PORT STATE MEASURES IN SOUTHEAST ASIA
12 – 14 November 2012
Bangkok, Thailand**

I. INTRODUCTION

1. The Experts Group Meeting on Port State Measures in Southeast Asia was organized by the SEAFDEC Training Department (TD) in Bangkok, Thailand from 12 to 14 November 2012. The Meeting was attended by representatives from Japan, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam as well as from the SEAFDEC Secretariat, TD, MFRDMD, and other organizations/agencies concerned with Port State Measures. The List of Participants appears as **Annex 1**.

Opening of the Meeting

2. The Secretary-General of SEAFDEC, *Dr. Chumnarn Pongsri* welcomed the participants and thanked them for coming to Bangkok for the Meeting. He explained that the promotion of sustainable fisheries management and countermeasures to reduce and combat IUU fishing is important for the sustainable utilization and long-term conservation of marine living resources for food security. More specifically, he emphasized that by exchanging experiences and ideas, recommendations could be developed in order to come up with the ways and means of promoting Port State Measures as a tool in combating IUU fishing in the region. His Opening Statement appears as **Annex 2**.

3. The Deputy Secretary-General of SEAFDEC, *Mr. Kenji Matsumoto* presented the policy and direction of the Japanese Trust Fund (JTF), especially on the JTF projects implemented by SEAFDEC which include the Promotion of Sustainable Fisheries and IUU Fishing Related Countermeasures in Southeast Asia. This project covers three sub-projects, namely: Promotion of Fishing License, Boats Registration and Port State Measures; Promotion of Monitoring, Control and Surveillance (MCS) to Combat IUU Fishing in Southeast Asia; and Preventing the Export of IUU Fishing Products. While the first two sub-projects are being implemented by TD, the third is being carried out by MFRDMD. He reiterated that the objectives of the project are: 1) to promote fishing license, boats registration and port state measures, 2) to promote MCS management for sustainable fisheries in the region, 3) to prevent IUU fishing and its products from being exported, and 4) to assist the SEAFDEC member Countries in the application and implementation of IUU fishing related countermeasures. Moreover, he also presented the policy and direction of the implementation of the said project for 2013.

Background and Rationale of the Meeting

4. The Project Leader and Head of the Information and Training Division of TD, *Mr. Bundit Chokesanguan* presented the rationale and objectives of the Meeting. He mentioned that the Experts Group Meeting on Port State Measures (PSM) is one of the important activities of the project on Promotion of Sustainable Fisheries and IUU Fishing Related Countermeasures in Southeast Asia which is under the Fisheries Consultative Group/ASEAN-SEAFDEC Strategic Partnership Mechanism and supported by the Japanese Trust Fund. This Experts Group Meeting therefore aims to identify the obstacles encountered by the Member Countries that hinder the implementation of Port State Measures (PSM) and to chart suitable and tangible activities on PSM and other surveillance activities that could be implemented in the region.

5. The Agenda of the Meeting together with the arrangements was adopted and shown in **Annex 3**.

II. CURRENT SITUATION OF PORT STATE MEASURES

6. The representative from FAO Regional Office for Asia and the Pacific, *Dr. Simon Funge-Smith* presented the status of implementation of the 2009 Agreement on Port State Measures (**Annex 4**), and explained the background and rationale of the PSM Agreement focusing on the need to combat IUU fishing. He also explained the regulations on the use of ports, as well as the necessary actions following the inspection at ports.

7. He added that the 2009 PSM Agreement contains minimum standards for port States to combat IUU fishing, although States can adopt tougher measures as deemed necessary. He emphasized that the implementation of the Port State Measures Agreement must be underpinned by strong political commitment and would need well-targeted programs for capacity building and institutional strengthening in order that its implementation would be successful.

8. The status of the application of Port State Measures in the Southeast Asian region (**Annex 5**) was presented by *Ms. Pounghong Onoora* from the Ministry of Agriculture and Cooperatives of Thailand. She provided the results of case studies related to national coordination and implementation of Port State Measures in Thailand, Philippines and Indonesia, including information on annual port calls, number of major fishing ports, legal requirements as well as institutional mechanisms/practices for implementing the FAO PSM Model Scheme. She explained that it is necessary to identify and evaluate national-level mechanisms for the legal and administrative implementation of Port State Measures, assess the strengths and weaknesses in the implementation of the Port State Measures in each country, and develop recommendations on how to overcome the constraints.

III. REVIEW OF THE PROBLEMS AND CHALLENGES ON THE IMPLEMENTATION OF PORT STATE MEASURES IN THE REGION

9. Representatives from the SEAFDEC Member Countries, in-charge of the implementation of Port State Measures in their respective countries, presented the problems and challenges encountered in the implementation of the Port State Measures.

3.1 Malaysia

10. The implementation of Port State Measures in Malaysia (**Annex 6**) was reported by *Mr. Abdul Rahman bin Abdul Wahab*, representing the Department of Fisheries Malaysia. He explained the current situation of the implementation of PSM in Malaysia taking into consideration the legal frameworks, current practices, and the issues concerning PSM. Specifically, he mentioned that the issues that hinder the implementation of PSM include multiple jurisdictions of ports and multiple authorities on maritime enforcement, *e.g.* the Malaysian Maritime Enforcement Agency (MMEA), Malaysian Quarantine and Inspection Services (MAQIS), Lembaga Kemajuan Ikan Malaysia (LKIM) or the Fisheries Development Authority of Malaysia, and the Marine Department; inconsistent interpretation of laws (non-binding nature of the IPOA-IUU) and legal implications to implement RFMOs' measures which Malaysia is not a party to; difficulties in contacting with flag states; and un-updated list of IUU fishing vessels. In order to address this issue, coordination should be enhanced among the various agencies and jurisdictions in the development and promotion of SOPs for the use of Malaysian ports to transship catch by IUU fishing vessels, continuous capacity building for relevant officers and staff, and establishment and implementation of sub-regional and regional fishing vessels record.

3.2 Myanmar

11. The representative from the Department of Fisheries of Myanmar, *Mr. Khin Maung Aye* presented the status of implementation of the Port State Measures in Myanmar (**Annex 7**). There are nine designated ports along the coasts of Myanmar and foreign fishing vessels are required to inform the port authorities at least 7-10 days in advance prior to landing. He also presented the flow chart of the country's catch certification system including the issuance of catch certificates, and ports inspection procedures. He mentioned that the main constraints in the implementation of PSM in Myanmar include inadequate MCS system, deficiencies in communication facilities, long coastal area that could not be covered, lack of port and landing facilities, inadequate knowledge of port officers on international fishing port inspection system and management, and prevalence of poaching by foreign fishing vessels.

3.3 Philippines

12. The Regional Director of the Philippine Bureau of Fisheries and Aquatic Resources (BFAR) Region 7, *Mr. Andres M. Bojos* presented the status of implementation of Port State Measures in the Philippines (**Annex 8**). He cited the problems encountered in the implementation of PSM, which include: lack of competent manpower, inadequate monitoring/tracking instruments, and limited networking mechanism. He also presented the expected activities that could address the problems, such as improvement of networking mechanism with other parties in order to share relevant information related to IUU fishing, enhancement of the capability of fishery law enforcement agencies and monitoring centers through training, and improvement of fishing vessel tracking capability through the acquisition of state-of-the-art tracking instruments.

3.4 Singapore

13. The representative from the Fishery Port Division of the Agri-Food and Veterinary Authority of Singapore, *Mr. Adrian Lim* presented the country's perspectives and the challenges in implementing the FAO Agreement on Port State Measures (PSMA) to Combat IUU Fishing (**Annex 9**). He informed the Meeting on the country's national legislation which deals with Port State Measures including the PSM requirements and status of implementation to date. He added that the main problem of PSM implementation is the multiple agencies and the multi-stakeholders involved in PSM activities. For the successful implementation of PSM, human resources and capacity building should be enhanced including the development of infrastructures necessary for the PSM activities.

3.5 Thailand

14. A review of the problems and challenges in Port State Measures implementation in Thailand (**Annex 10**) was presented by *Ms. Adhinand Indrapim*, representing the Department of Fisheries (DOF) of Thailand. She also outlined the activities of Thailand with regards to PSM activities including the Catch Certification and Simplified Catch Certification processes. She added that Thailand has set up its Catch Certification Coordination Center to gather information and coordinate with other relevant agencies to address the issues related to PSM. Moreover, she also explained the tools to combat IUU fishing and also the means to support export of fisheries product to the European Countries such as fishing logbooks and Marine Catch Purchasing Document. DOF of Thailand also has established a Control and Inspection Section which is tasked to inspect the country's ports for fish and fishery products landed, and also presented the procedures for inspection of imported fisheries products.

3.6 Vietnam

15. A review of the problems and challenges on the implementation of Port State Measures in Vietnam (**Annex 11**) was reported by *Mr. Pham Ngoc Tuan*, Head of Logistics and Services for

Fisheries. The report included excerpts from the country's Fisheries Act. He added that in the country's 28 coastal provinces, there are 15 fishing ports classified as level I, 96 fishing ports level II, and 100 small fishing ports and landing sites. As of the moment, 66 fishing ports and 100 small fishing ports and landing sites are operational, while 21 other fishing ports are still being developed and constructed.

16. The problems and obstacles encountered in the implementation of PSM in Vietnam include difficulties in managing many small fishing ports, inadequate laws and frameworks to manage fishing ports, insufficient financial and human resources in local fisheries port management authorities and in the conduct of MCS activities, and lack of compliance of the regulations among relevant stakeholders. The challenges and expected activities to address the problems and obstacles have been proposed to the Prime Minister for the re-organization of fisheries (project proposal already submitted), specifically to forecast the marine fishing grounds, effectively implement programs on re-organization of the national inspection system, review and reform national legal and policy frameworks in relation to MCS activities and the FAO Port State Measures Agreement for the establishment of national port state measures, as well as to develop a decree for the effective management of fishing ports, and enhance cooperation with other countries in the region to widely conduct MCS activities and to reduce, prevent and eliminate IUU fishing.

IV. LESSONS LEARNED PORT STATE MEASURES AND OTHER MEASURES

4.1 Introduction of Catch Documentation Scheme and Catch Certification

17. Catch Documentation/Certification as MCS Tools to Combat IUU Fishing (**Annex 12**) was presented by *Dr. Somboon Siriraksophon* of the SEAFDEC Secretariat. He explained that specifically, the Catch Documentation Scheme (CDS) as MCS tool for combating IUU fishing continues to evolve since 2010 from national/regional-based CDS such as the EU Regulation. In this connection, he also explained the flow chart of catch documentation procedures.

18. The objectives of the proposed CDS are to: monitor the international trade in fish and fishery products, identify the origins of fish imported into or exported from the countries, determine whether fish imported into or exported from the countries are legally fished, and gather catch data for the scientific evaluation of the stocks. He suggested that the way forward to promote CDS and Certification could include better integration of commercial and artisanal fisheries into CDS and/or Catch Certification, development of guidelines for smooth operation, sharing of experiences for the best practices on the promotion of logbooks or landing data recording systems, consider alternative device for better tracking such as electronic tags, link the issue to licensing system, enhance capacity building activities, and develop a Regional Record of Fishing Vessels.

4.2 Lessons Learnt on Port State Measures and Other Measures in Japan

19. The representative from the Fisheries Agency of Japan, *Mr. Kazuhiko Nagao* presented the status of implementation of Port State Measures and other measures in Japan (**Annex 13**). His presentation covered landing inspection for long-line tuna vessels including the procedures, measures being undertaken by Japan as a port state, FAO Port State Measures Agreement, landing inspections, and other measures such as CDS for proper fishery management, specifying that MCS is an effective means to combat IUU fisheries.

20. While adding that port state measures are also effective means of combating IUU fishing which should be implemented with priority, landing inspections in conjunction with RFMO's measures such as CDS, VMS, and other measures through the management capacity of each State including cooperation and sharing of information on IUU fishing activities, should be considered and

implemented. Moreover, he mentioned that modern technologies such as the use of VMS, e-CDS, and individual tagging could strengthen the performance of port states.

V. INITIATIVES/ACTIVITIES RELEVANT TO THE PROMOTION AND IMPLEMENTATION ON PORT STATE MEASURES IN THE REGION

5.1 Fish Marketing Organization, Thailand

21. The Deputy Director of the Fish Marketing Organization (FMO) of Thailand, *Mr. Pramua Rugjai* discussed the operations of the Phuket Fishing Port Fishing Marketing Organization (**Annex 14**). His presentation focused on Phuket Fishing Port as an international fishing port which has adequate port as well as hygiene facilities as a part of the PSM requirements. Many foreign vessels unload tuna and use the facilities of Phuket Fishing Port. In unloading tuna in this port, registration and loading forms should be accomplished to support the PSM requirements.

5.2 SEAFDEC-Sida

22. Strengthening Sub-regional Cooperation on Port Monitoring (**Annex 15**) was presented by *Ms. Pattaratjit Kaewnuratchadasorn* representing the SEAFDEC-Sida project, focusing on the project activities related to port monitoring in collaboration with sub-regional countries such as Indonesia, Malaysia, Myanmar, and Thailand supported by the SEAFDEC-Sida project. The presentation included the areas of promoting the effectiveness of management of fishing capacity, importance of port monitoring to fisheries management, and sub-regional collaboration to facilitate efficient port monitoring.

5.3 SEAFDEC/MFRDMD

23. The representative from SEAFDEC/MFRDMD, *Ms. Mazalina Ali* presented the status of the activity on Preventing Export of IUU Fish and Fishery Products in SEAFDEC Member Countries (**Annex 16**), which is part of the project on the Promotion of Fishing Licensing, Boat Registration and Port State Measures in Southeast Asia. This activity aims to collect information regarding export of fish and fishery products, and develop the Regional Guidelines to prevent IUU fish and fishery products from being exported. Moreover, the progress of activities related to PSM activities was also presented.

5.4 FAO/RAP

24. Representative from FAO/ RAP, *Dr. Simon Funge-Smith* presented the status of implementation of the PSM Agreement in the region (**Annex 17**). The activities undertaken by FAO to promote the implementation of the PSM Agreement in the Southeast Asian region include awareness and capacity building on fisheries management and combating IUU fishing, workshops on PSM, promotion on flag state performance, and development of the global fishing vessels record.

VI. DISCUSSION ON FUTURE ACTIVITIES TO SUPPORT THE IMPLEMENTATION OF PORT STATE MEASURES AND OTHER MEASURES IN THE REGION

25. The problems and constraints in the implementation of PSM in the region, and the proposed solutions to the problems were summarized country by country in a matrix format (**Annex 18**). The inputs consisted of problems/constraints, proposed solutions, regulations/legislations, and agencies involved. Moreover, the PSM activities plan (**Annex 19**) that will be implemented by SEAFDEC/TD

in 2013 to 2017 was discussed including the establishment of experts' group network for information exchange and coordination of activities related to the implementation of PSM in the region.

VII. CONCLUSION AND RECOMMENDATIONS

26. After the discussions, the Meeting adopted the conclusion and recommendations including the regional common issues and constraints which appear as **Annex 20**.

VIII. CLOSING OF THE EXPERTS GROUP MEETING

27. The Experts Group Meeting was closed by the Deputy Secretary-General of SEAFDEC, *Mr. Kenji Matsumoto* who also thanked the participants for their active participation during the Experts Group Meeting on Port State Measures in Southeast Asia. He stressed that the Meeting has indeed served as useful avenue for sharing and exchanging information, as well as in discussing and brainstorming on the problems and challenges that impede the implementation of Port State Measures and other measures. He added that the ways and means of addressing such problems and challenges could be used as inputs for the development of Port State Measures and other measures in the region. With that note, he declared the meeting closed. His Closing Statement appears as **Annex 21**.

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OPENING ADDRESS

Dr. Chumnarn Pongsri
SEAFDEC Secretary General & Chief of TD
Experts Group Meeting on Port State Measures in Southeast Asia
Bangkok, Thailand, 12 – 14 November 2012

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

It is indeed with great pleasure that I welcome you all to this Experts Group Meeting on Port State Measures in Southeast Asia. We are all aware that many countries and regional organizations are now focusing their efforts in promoting sustainable fisheries management to combat IUU fishing for food security. It is therefore an opportune time to convene this Meeting so that we could relate all our initiatives towards creating a harmonized system of Port State Measures as our contribution to the overall efforts of reducing if not completely putting an end to IUU fishing in our region.

We must also recall that many international fora have issued calls to combat IUU fishing by promoting diverse sets of measures for flag states, coastal states and port States. As a result, many RFMOs have been adopting Port State Measures and expressed their strong support on the proposal to develop a legally binding instrument for Port State Measures based on the 2001 FAO IPOA-IUU and the FAO Model Scheme. In the Southeast Asian Region, discussions have also been conducted for the development of the Draft Agreement on Port State Measures to Combat IUU Fishing, more particularly during the April 2008 Regional Workshop which was co-organized by the FAO, APFIC and SEAFDEC.

During such workshop, SEAFDEC was requested to coordinate with the Member Countries to assess their requirements for capacity building that would enable them to address the issues impeding the promotion of Port States Measures in the their respective countries. In response to such request, the SEAFDEC Training Department has implemented the project on the Promotion of Fishing License, Boats Registration and Port State Measures to Combat IUU Fishing in the Region with funding support from Japanese Trust Fund. One of the activities under the project is this three-day Experts Group Meeting on Port State Measures in Southeast Asia, which we hope would be able to determine such obstacles and identify suitable tangible activities relevant to the promotion of Port State Measures and other measures in our region.

Although the task of forestalling IUU fishing in our region is colossal, we are confident that we could work effectively together towards attaining our common goal by setting our sights towards the sustainability of the fishery resources for the food security of all peoples in our region. Through this Meeting, we are confident that we could develop the regional implementing guidelines on Port State Measures and other measures such as Catch Documentation Scheme and Catch Certification. Your concrete recommendations therefore, would surely help SEAFDEC and the Member Countries in expediting the promotion of Port State Measures in our region.

With that Ladies and Gentlemen, I take great pleasure in declaring this important meeting open. Thank you once again and good day!

PROVISIONAL PROSPECTUS

THE EXPERTS GROUP MEETING ON PORT STATE MEASURES IN SOUTHEAST ASIA

BACKGROUND

Since the late 1990s, a number of international fora issued calls to combat IUU fishing, and in March 2001, the FAO Committee on Fisheries (COFI) adopted the International Plan of Action to Prevent, Deter and Eliminate IUU fishing (IPOA-IUU) which was applied on a voluntary basis. A large and diverse set of measures for States was bounded to combat IUU fishing, individually and in collaboration with other States. Some of these measures are designed for use by all States; others are tailored for application by flag States, coastal States and port States.

Improved strength and coordination of port State measures and other surveillance activities will be necessary to maximize the benefit from such surveillances. FAO has played a leading role in this regard, culminating in the acknowledgement by COFI at its Twenty-sixth Session in 2005 that there was a need to strengthen port State measures as a means of combating IUU fishing in a more substantive manner given that the lack of agreed, binding measures provided a loophole. The Committee endorsed the FAO Model Scheme on Port State Measures to Combat IUU Fishing, and agreed that follow-up work should be undertaken, especially with respect to operate the FAO Model Scheme.

Port State measures have been increasingly adopted by RFMOs, and are also addressed in a number of international instruments. This culminated at the Twenty-seventh Session of COFI in March 2007 when the Committee acknowledged the urgent need for a comprehensive suite of port State measures and the strong support expressed on the proposal to develop a legally binding instrument for port State measures which were based on the 2001 FAO IPOA-IUU and the FAO Model Scheme.

In the Southeast Asian Region, there were discussion and clarification to enhance awareness of the importance of the port State measures, update on the FAO Model Scheme and the progress in the development of the Draft Agreement at the Regional Workshop on Port State Measures to Combat IUU Fishing co-organized by the FAO, APFIC and SEAFDEC during 31 March to 4 April 2008. Taking into accounts on the instrument, SEAFDEC was requested to coordinate with the Member Countries and consolidate their capacity building requirements in order to further develop a policy brief document on the issue, outlining the background, status, key required strategies (areas that need to be addressed) and seek the support from the ASEAN to help the Member Countries in the implementation. Therefore, the Training Department (TD) under implement the project on the Promotion of Fishing License, Boats Registration and Port State Measures to Combat with IUU Fishing in the Region, with funding support from Japanese Trust Fund will organize the Experts Group Meeting on Port State Measures (PSM) in Southeast Asia to find out the obstacle and suitable tangible activities on PSM and other surveillance activities implementation in the region. The output of the meeting and the information provided by the national experts will be compiled and used to develop the implementing guide of Port State Measures and other measures such as Catch Documentation Scheme (CDS) and Catch Certification as onward activities in the region.

OBJECTIVES

1. Reviewing the problems and challenges on implementing the Port State Measures
2. Identifying the key issues needed to be improved by country in implementing the Measures;

3. Sharing the lesson learnt among the SEAFDEC Member countries;

PARTICIPANTS

1. A selected/ nominated expert who involve in/and responsible for Port State Measures from Indonesia, Japan, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam
2. Selected/ nominated experts who involve in Port State Measures and other measures such as Catch Documentation Scheme and Catch Certification from regional/international organizations; and
3. Representatives from SEAFDEC Secretariat, Training Department and MFRDMD.

DATE AND VENUE

12 – 14 November 2012 at the Ambassador Hotel, Bangkok, Thailand

EXPECTED OUTPUT

1. Identified problems and challenges on implementation of the Port State Measures;
2. Established the regional experts network for information sharing and strengthening the regional cooperation to implement the Port State Measures;
3. Find out the way forward on Port State Measures and other measures such as Catch Documentation Scheme and Catch Certification in the region

PROVISIONAL AGENDA

1. Opening of the meeting
2. Introduction of the meeting
3. Adoption of the agenda and arrangements
4. Current situation of Port State Measures
5. Review the problems and challenges on Port State Measures implementation by Member Countries
6. Lesson learnt on Port State Measures and other measures such as Catch Documentation Scheme and Catch Certification implementing by Member Countries
7. Initiative activities to promote and implement on Port State Measures in the region
8. Discussion on way forward for future activities to support the implementation of the Port State Measures and other measures in the region
9. Conclusion and recommendation
10. Closing of the meeting

TIMETABLE

Monday 12 November 2012	
0830-0900	Registration
	Agenda 1. Opening of the Meeting
0900-0910	<ul style="list-style-type: none"> • Opening Address <i>by SG</i>
0910-0920	<ul style="list-style-type: none"> • Policy and direction of Japanese Trust Fund <i>(by DSG and Japanese Trust Fund Project Manager)</i>
0920-0940	Agenda 2: Introduction of the meeting
0950-1000	Agenda 3: Adoption of the agenda and arrangements
1000-1030	Coffee/tea break and group photo
1030-1100	Agenda 4: Current situation of Port State Measures <ul style="list-style-type: none"> • Current situation of Port State Measures <i>(by FAO/RAP)</i>
1100-1200	<ul style="list-style-type: none"> • How to apply Port State Measures model to SEA region <i>(by Ms.Poungthong)</i>
1200-1330	Lunch break
1330-1600	Agenda 5: Review the problems and challenges on Port State Measures implementation by Member Countries (20 min./country, answer 10 min.) <ul style="list-style-type: none"> • Malaysia • Myanmar • Philippines • Singapore
1600-1615	Coffee/tea break
1615-1715	Agenda 5: Review the problems and challenges on Port State Measures implementation by Member Countries (Cont'd) (20 min./country, answer 10 min.) <ul style="list-style-type: none"> • Thailand • Vietnam
1800-2000	Reception dinner
Tuesday 13 November 2012	
0900-1000	Agenda 6: Lesson learnt on Port State Measures and other measures such as Catch Documentation Scheme and Catch Certification implementing by Member Countries <ul style="list-style-type: none"> • Introduction of Catch Documentation Scheme and Catch Certification (SEAFDEC/Secretariat) • Lesson learnt on Port State Measures and other measures in Japan
1000-1030	Coffee/tea break
1030-1200	Agenda 7: Initiative activities to promote and implement on Port State Measures in the region <ul style="list-style-type: none"> • FMO • SEAFDEC/Sida • SEAFDEC/MFRDMD • FAO/RAP

1200-1400	Lunch Break
1400-1700	Agenda 8: Discussion on way forward for future activities to support the implementation of the Port State Measures and other measures in the region
Wednesday 14 November 2012	
0900-1030	Agenda 9: Conclusion and Recommendation
1030-1100	Coffee/tea break
1100-1145	Continued Agenda 9: Conclusion and Recommendation
1145-1200	Agenda 10: Closing of the meeting
1200-1300	Lunch break



Implementing the 2009 Agreement on Port State Measures

Simon Funge-Smith

FAO Regional Office for Asia and the Pacific

Based on a presentation by David J. Doulman, FAO, Rome

BACKGROUND

- Port State measures in support of fisheries management started with UNCLOS
 - 1982 UN Convention on the Law of the Sea (UNCLOS)
- A strong global interest for more responsible stewardship of natural resources
 - after UNCED in 1992
 - encouraging new approaches to resource management and utilization
 - overriding goal of long-term sustainability and improved oceans governance

Organized IUU fishing is increasing

Recent interest to strengthening Port State Measures in support of fisheries management because:

- Rise of IUU fishing and its impact on fisheries and their management
- Lack of effective Flag State control by some States
 - flags of non compliance (formerly known as flags of convenience)
- Growth of ports of non-compliance (formerly known as ports of convenience)



Rise of IUU fishing

- IUU fishing is not new
 - Become more visible
 - More valuable in the past 20 years
 - It is observed in all capture fisheries
- IUU fishing involves a wide range of activities
 - Unauthorized fishing in EEZs and in RFMO convention areas
 - Taking juvenile and protected species
 - Using prohibited gear
 - Failing to report catches, etc
- IUU fishing is motivated by economic gain
 - in industrial fisheries often associated with organized crime
- IUU fishing exploits weak management & governance
 - takes advantage of developing countries

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
- IUU is now considered a trans-boundary environmental crime
 - Combatting IUU requires strong "political will" and concerted and consistent action
 - often at a regional level

Lack of effective flag state control

- Some States do not exercise effective Flag State control over their fishing vessels operating beyond areas of national jurisdiction
 - in EEZs of other countries and on the high seas
 - unable (lack of capacity)
 - unwilling (flags of non compliance)
- Flags of non-compliance vessels
 - do not observe responsible standards of behaviour and international fisheries management norms
 - e.g. conservation and management measures put in place by RFMOs
 - Regulations of access agreements
- Development of International criteria for the assessment of Flag State performance

Increase in ports of non-compliance

- What is a port of non-compliance?
- A port which:
 - Does not monitor fishing vessels using their ports
 - Does not exercise control over the handling of catches, including catches taken by IUU fishing vessels
 - Hosts companies that own or manage IUU fishing vessels or support their operations
- Often located in developing countries
 - Weak law or controls
 - Financial considerations (e.g. the sale of goods and services to fishing vessels)
- Ports of non-compliance undermine fight against IUU
 - Do not assist Flag States meet their obligations under international law
 - Do not prevent IUU caught-fish entering international trade:
 - Facilitate landing, transshipment, processing and laundering of IUU-caught product

Instruments & initiatives

- States that have accepted or ratified binding-international instruments have an obligation to implement them
- Many States already have obligations to implement Port States Measures through international instruments
 - 1995 UN Fish Stocks Agreement and RFMO conventions
- Port State Measures increasingly referred to in international agreements (addressed directly, or indirectly)
 - 1982 UN Convention on the Law of the Sea (binding, in force)
 - 1992 Agenda 21 adopted by UNCED (non binding)
 - 1993 FAO Compliance Agreement (binding, in force)
 - 1995 UN Fish Stocks Agreement (binding, in force)
 - 2006 Review Conference on Fish Stocks Agreement (non binding)
 - 2009 Agreement on Port State Measures (binding, not in force)
- Voluntary or non-binding instruments should be implemented as a demonstration of political commitment to international fisheries initiatives but there is no obligation to do so

UNGA Fisheries Resolutions and FAO COFI decisions

- UNGA fisheries resolutions have called for tighter and better port State controls
- Resolution 61/105 (in 2006) and subsequent resolutions
 - encouraged States to start a process to develop a legally-binding instrument on minimum standards for port State measures and welcomed the conclusions of negotiations
- 2007 COFI
 - agreed to proceed with a process to develop a binding instrument on port State measures based on the IPOA-IUU and the Model Scheme
 - work endorsed by subsequent COFI sessions



2009 FAO Agreement on Port States Measures

- 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

Status of 2009 PSM Agreement

- Opened for signature 2009
 - remained open for 1-year
 - 23 countries signed
- After one year - available for ratification, approval or accession
 - Currently 4
 - EU, Norway, Sri Lanka, Myanmar
- Agreement will enter into force 30 days after the deposit of the 25th instrument with the depositary – FAO Director-General

What is in the 2009 Port State Measure agreement?

- Objective of port control is to
 - prevent, deter, and eliminate IUU fishing through the implementation of effective port State measures.
 - And therefore to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.
- The benefits include
 - harmonised minimum standards at global and regional levels
 - which enhance cooperation among flag States, coastal States and RFMOs on enforcement and deterrence.
 - They also promote cost-effectiveness and integration with other port State controls over the same vessels.

What is the scope?

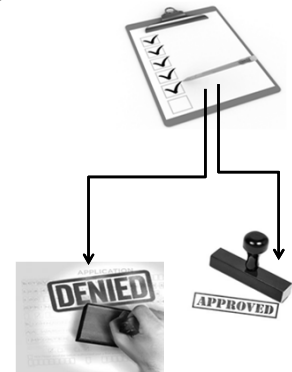
- The Port State Measures are
 - Global in scope
 - Apply to foreign vessels
 - Are related to fishing conducted in marine areas
 - Apply to all ports
- They apply to any vessel, ship of another type used for, equipped to be used for, or intended to be used for:
 - fishing and fishing related activities (landing, packaging, processing, trans-shipping)
 - transporting of fish that have not been previously landed at a port
 - the provisioning of personnel, fuel, gear and other supplies at sea
- Vessels excepted are
 - Those of a neighbouring State engaged in artisanal fishing for subsistence
 - Container vessels not carrying fish
 - Container vessels carrying only fish that have been previously landed

Advance request for port entry

DETERMINATION

Information to be provided:

- Vessel identification
- Purpose of visit
- Fishing authorizations
- Trans-shipment information
- Catch onboard



Regulation on the use of ports

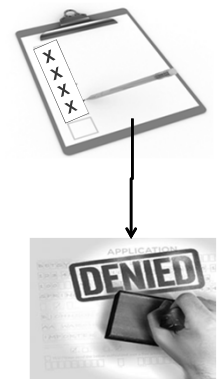
- A vessel can be denied the use of a port if:
 - No valid or applicable authorisation in respect of the flag State and/or a coastal State
 - There is clear evidence of contravening requirements of a coastal State
 - No confirmation from the flag State, if requested
 - Reasonable grounds to believe IUU fishing, unless rebutted by the vessel
- The port State shall not deny the use of its port if:
 - Essential to safety and health
 - Scrapping of the vessel



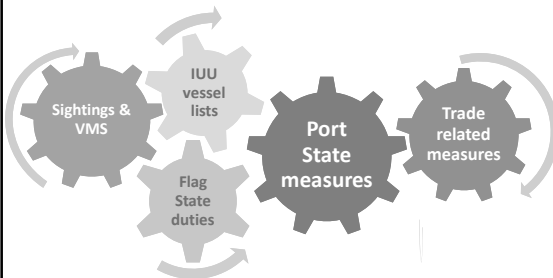
Actions following an inspection

If there are clear grounds to believe the vessel has involvement in IUU fishing:

- Notify flag State
- Notify coastal State
- Notify native country of the master
- Notify RFMO
- Deny use of ports
 - however do not deny services essential to safety of crew and vessel
- Take other actions with the consent or at request of the flag State



Linking information & action to combat IUU



Legislation checklist – need to have legal basis covering:

- Use of terms
- Application
- Integration and coordination at the national level
- Designation of ports
- Advance request for entry
- Port entry authorisation or denial
- Force majeure or distress
- Use of ports
- Levels and priorities for inspection
- Conduct of inspections
- Results of inspections
- Transmittal of inspection results
- Actions following inspections
- Role as flag State

Institutional arrangements

- Infrastructure and resources in place.
- Development of a national strategy for enhanced coordination and cooperation.
- Establishing clear mandates that cover all port activities including:
 - clear lines of authority and decision-making
 - between the agency responsible for fisheries and those responsible for broader port controls and general enforcement matters.
- Enhancing port facilities, in cooperation with the broader port authority

Information systems

- Need easy and rapid access to information to make decisions
 - Requirements of flag States and coastal States authorisations
 - RFMO vessel lists
 - RFMO conservation and management measures
 - VMS information
 - Observer programme information
 - List of contacts/network of focal points of other States, RFMOs etc.
 - Activities involving transshipments at sea
 - Historical information on vessels
 - Vessel information required by broader port control authorities

CONCLUSION



- 2009 Agreement contains minimum standards for port States
 - States can adopt tougher measures
 - e.g. Norway and Pacific Island countries said they will do so
- Port State measures are only one means of combatting IUU fishing
 - other means should not be neglected
 - they are also needed to support effective action by ports
- Port State measures must be underpinned by strong political commitment
- needs well-targeted programmes for capacity building and institutional strengthening to be successful

Thank you!



National Coordination and Implementation of Port State Measures in Select States in the Southeast Asian Region

Poungthong Onoora

Ministry of Agriculture and Cooperatives
THAILAND

The select states of the study

- Indonesia
- Philippines
- Thailand

Outline

- ✓ Annual port call
- ✓ Number of major fishing ports
- ✓ Legal requirement & institutional mechanisms/practices for implementing FAO Model Scheme
- ✓ Identify and evaluate national-level mechanisms for the legal and administrative implementation of Port State measures
- ✓ Assess strengths and weakness of implementation of Port State measures in each countries
- ✓ Recommendations to overcome the constraints

National Coordination and Implementation of Port State Measures

No.	Topics	Thailand	The Philippines	Indonesia
1.	Annual Port call by non-national fishing vessels (2007)	2,000-3,000	760	5,000
2.	Number of major fishing ports (2007)	1 (Phuket)	1 (Davao Fish Port Complex)	8
3.	Legal requirement & Institutional Mechanisms/Practices for Implementing FAO Model Scheme			
	1. Prior advice notice	24 hours	48 hours	2 hours (at least)
	2. Denial of port use	denied, detained, penalty due to violating of other laws issues <u>not in IUU cases</u>	Arrested & Detained	denied, arrested, investigated, detained

• Denial of Port use

Thailand:

- No local law/regulation in IUU Fishing case
- Inspection on board by consent

The Philippines:

- Local law (Republic Act No. 8550)
 - presence of a foreign vessel is a prima facie evidence for IUU
 - the fishermen onboard and their crew members may be arrested
 - fishing vessel detained

Indonesia:

- Local law
 - denial if there is a strong indication that the vessel engaged in IUU
 - fishery inspection
 - investigation

National Coordination and Implementation of Port State Measures Cont.

No.	Topics	Thailand	The Philippines	Indonesia
	3. Inspection of Fishing vessels	Yes	Yes	Yes
	4. Communication with the Flag State	None	None	None
	5. Report of result of inspections	None	None	None
	6. Follow-up actions taken where IUU fishing is discovered	-recruitment of qualified staffs -training & workshop -formulation of mechanism	-Hiring more qualified Personels -Conducting training -Procurement of equipment	-promot public awareness -strengthen national capacities
	7. Training of port inspectors	Yes	Yes	Yes

• **Inspection of fishing vessel**

Thailand:

- Inspection on board by consent

The Philippines:

- All non-national fishing vessels are inspected

Indonesia:

- each fishing boat must
 - inform to harbormaster for her purpose and reason for entering
 - provide her license
 - showing cruise report to fish inspector
 - showing logbook to detect her catches (to see whether IUU or not)

National Coordination and Implementation of Port State Measures Cont.				
	Topics	Thailand	The Philippines	Indonesia
	8. Information systems	Yes-IOTC	Yes-WCPEC, ICCAT, IOTC	Yes-IOTC&CCBST
4.	Identify and evaluate national-level coordination mechanisms for the legal and administrative implementation of Port State measures— identify where coordination mechanisms are weak or do not exist.	- Need holistic approach to combat IUU fishing activities among agencies concerned - Need closer inter-agency cooperation and consultation -Need National Plan of Actions on IUU Fishing initiated by all agencies concerns -Need to solve Regulatory problems	-Need effective training modules for personnel in charge for combating IUU -Lack of information Technology -lack of equipment in combating IUU - Lack of	- lack of national capacity to implement port state measures - Lack of personnel skills, facilities and network - Lack of public awareness on Port State measures regional MCS network

National Coordination and Implementation of Port State Measures Cont.				
No.	Topics	Thailand	The Philippines	Indonesia
5.	Assess the strengths and weakness of implementation of Port State measures in the Philippines, Indonesia and Thailand	- Need inter-agency cooperation and consultation - Need IUU laws -Need Capacity Building -Regulatory problems -Need MCS network and Application	-More qualified personnels -More information Technology -More equipment in combating IUU - Need MCS Network	- Limited personnels capability - More comprehensive Research - Lack of public awareness - Need MCS Network

National Coordination and Implementation of Port State Measures Cont.				
No.	Topics	Thailand	The Philippines	Indonesia
6.	Recommendations on how to overcome the constraints	-Technical assistance provided by international and regional fisheries organization -Political support and commitment to promote the regional RPOA-IUU	-Promoting a common commitment among various Port States to develop their respective vessel monitoring systems -Conducting workshop on development and adoption of commonly acceptable monitoring forms and protocols in combating IUU fishing	- Data and information exchange among countries in the region relating to authorised fishing boats and suspected/proven conducting IUU fishing - Develop guidelines agreed by all relevant countries on minimum standard/procedures concerning Port State measures

Thank You for Your Attention

Port State Measures Implementation

Malaysia

current situation

Legal framework

- 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.

Fisheries Act 1985.....1

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."

Fisheries Act 1985.....2

- 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**
- **Offences under Act**
- 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.

Fisheries Act 1985.....3

- **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.**

- (4) Every foreign fishing vessel entering Malaysian fisheries waters for the purpose mentioned in subsection (1) shall
- (a) without prejudice to the requirement to observe any other law of Malaysia which may be applicable, observe such regulations as may be made under section 61, including regulations regarding the stowage of fishing appliances; and
 - (b) return to a position outside such waters as soon as the purpose for which it entered such waters has been fulfilled.

Malaysian Quarantine & Inspection Services Act 2011

Part V

PERMIT, LICENCE AND CERTIFICATE

Requirement for permit, licence and certificate

11. (1) No person shall import any plant, animal, carcass, fish, agricultural produce, soil or microorganism without a permit, licence or certificate issued under this Act.

Fish Marketing Regulations 2010

5. Control of exportation and importation of fish

- (1) No person shall import or export any fish without licence.
- (2) Any fish to be exported or imported shall pass through a legal entry or exit.
- (3) The Lembaga may specify the quality, quantity and type of fish to be exported or imported.
- (4) Any person who exports or imports any fish shall comply with the importing country requirements.
- (5) Any person who exports or imports any fish without a licence or in breach of any terms and conditions in the licence issued by the Lembaga shall be guilty of an offence under the Act.

current practice

At present, any foreign fishing vessel to enter landing at any port in Malaysia, through their agent must apply and complete an application form issued by the Department of Fisheries Malaysia in accordance with **Section 15 (2) Fisheries Act 1985**.

To this end, The Director General/Department of Fisheries Malaysia will check the information of IUU fishing vessel based on IUU list of CCAMLR, IOTC and RPOA IUU Fishing website and additional information by RPOA parties.

The Director General shall reject or disapprove the application for landing in the event the information indicates that the foreign fishing vessels involved in IUU fishing activities. The decision will be inform to the flag state accordingly.

.....but anyway

- control of ports fall under different port authorities.
- Port authorities – may have allowed entry into port despite denial to transship by DG DOF
- LKIM – may have collected certain fees for catches to be transshipped/ unloaded at port despite denial by DG DOF
- MMEA – will take enforcement action if requested by DOF in the event of actual transshipment takes place at port

issues

- Multiple jurisdictions of ports
- Multiple authorities on maritime enforcement e.g. MMEA, MAQIS, LKIM, Marine Department
- Inconsistent law interpretation (non-binding nature of IPOA-IUU and legal implication to implement RFMOs' measures which Malaysia is not a party
- Difficulty to get contact with flag state
- Not up-to-date IUU vessel list

resolutions

- Enhanced coordination among various agencies and jurisdictions by way of SOP for the use of Malaysian ports to transship catches by IUU vessel
- Continuous capacity building
- Sub-regional fishing vessel record
- Regional fishing vessel record

SOP

- In the making
- Principle agreement has been reached for DOF to be the focal point
- Each relevant authority shall invoke existing legal provisions to make it difficult for IUU vessel.
- Port authorities, LKIM, MAQIS, Customs, MMEA etc will be stand guided by DOF
- Will be making use IUU list from RPOA-IUU, FRMOs' list and upon request by RPOA-IUU parties
- The heart SOP is – information dissemination

Recent IUU cases 2012

- FV Pion
- PV Thunder
- FV Baiyangdian
- FV Shaanxi Henan

Thank you

The Experts Group Meeting on Port State Measure in Southeast Asia
12-14 November 2012, Bangkok, Thailand

Implementing of Port State Measures in Myanmar

Khin Maung Aye
Department of Fisheries
Myanmar.

Marine Fisheries in Myanmar

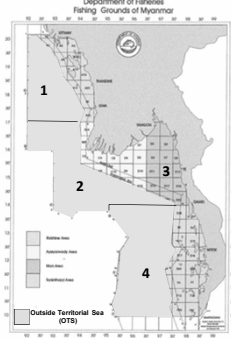
Marine Fisheries
(1) Inshore
(2) Off shore

Demarcated 4 fishing grounds

1. Rakhine
2. Ayeyarwaddy
3. Mon
4. Tanintharyi

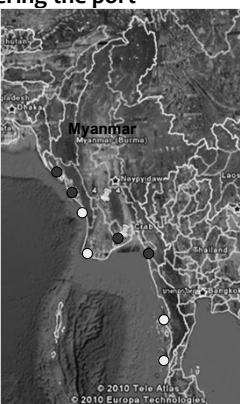
- Local vessels have privilege to operate fishing at all fishing grounds
- Foreign vessels have privilege to operate one selected fishing ground of three (1,2,4) from outside the territorial sea up to EEZ during the license period (The license can renewable to extend fishing period)

Foreign fishing vessel means;
(a) a vessel belonging to a foreigner
(b) a vessel is registered in any foreign country



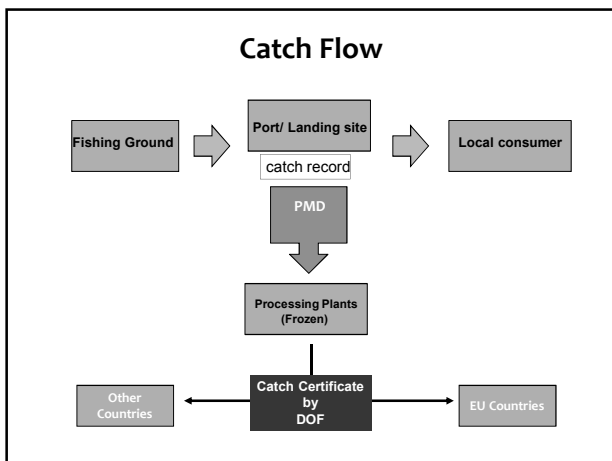
The ports and entering the port

1. (9) designated ports along the coast
 - Sittwe, Kyauk pyu and Thandwe (in the west coast)
 - Yangon, Mawlamyine and Patheingyi (in the gulf of Mottama)
 - Dawe, Myeik and Kawthoung (in southern coast)
2. Foreign fishing vessels mostly port call at Thandwe, Patheingyi, Myeik and Kawthoung
3. Foreign fishing vessels need to inform for the port at least 7-10 days in advance

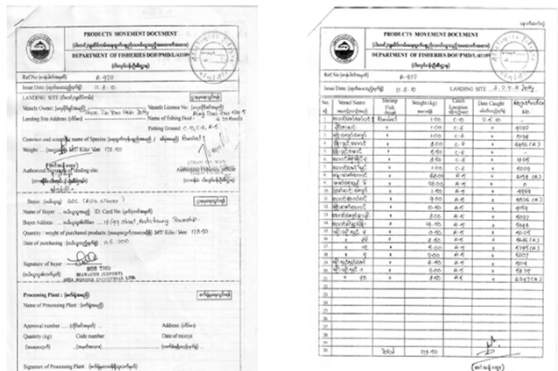


The ports and entering the port

- * 1897 fishing vessels and 1.37 million metric tons of fish were landed in year 2009-2010.
- * 228 foreign fishing vessels caught 99109 tons of fish and landed in neighboring countries.
- * No foreign fishing vessel landed in Myanmar ports.
- * For the national fishing vessels, Fish landed can be categorized by kilo, species and fishing areas and for foreign fishing vessels were recorded total catch only.
- * The port and landing site would be able to have a record or record the number of vessel involved fishing ground and days of fishing period.



Product Movement Document (PMD)



Catch Certificate

UNION OF MYANMAR
MINISTRY OF EXTERNAL AFFAIRS
DEPARTMENT OF FISHERIES
ဗဟိုဝန်ကြီးဌာန
ပြည်ထောင်စုဝန်ကြီးဌာန
ရေကန်ရေးရာဌာန

Catch Certificate of Myanmar

Document Number
Date

1. Description of product

2. Reference of product

3. Species

4. Name and address of importer

5. Flag State authority validation

6. Importer declaration

7. Importer control authority

8. Customs declaration

9. Name and address of importer

Catch Certificate

Government of the Union of Myanmar
Ministry of Livestock and Fisheries
Department of Fisheries
ရေကန်ရေးရာဌာန

Catch Certificate

Letter No. N/A/18/2012 (017)
Date: 18 August 2012

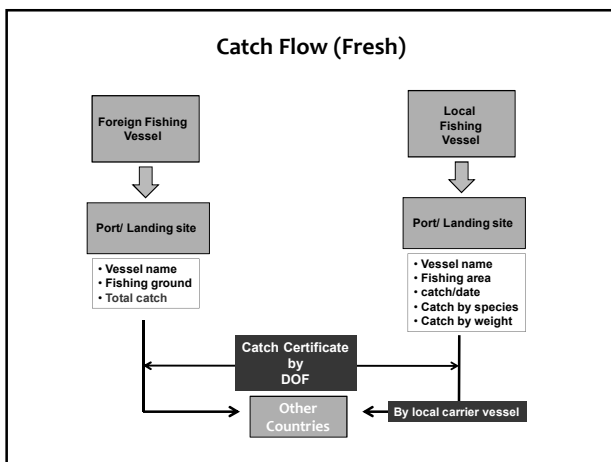
ANNEX REFERRED TO IN PART 3 OF THE CATCH CERTIFICATE

3.1. List of vessels that have provided catches and the quantities by each vessel

No.	Vessel Name	Registration Number	Net/Type/Flag	Catch Location (Country)	Date Caught	Weight (MT)
1	Aung Linn Mar Phyu	ON-5143	Penfent/AS	AS	2.8.2012	14.8
2	Aung Win Sea Zan	ON-4988	Penfent/CR	CR	11.8.2012	2.8
3	Aung Htoo Zan	ON-5144	Penfent/CR	CR	7.8.2012	2.7
4	Aung Khin Khin	ON-4770	Penfent/CR	CR	8.8.2012	11.0
5	Aung Khin Khin 2	ON-5182	Penfent/CR	CR	8.8.2012	3.8
6	Aung Htoo Zan	A-3752	Penfent/AS	AS	2.11.2012	11.7
7	Aung Htoo Zan	A-4067	Penfent/CR	CR	8.8.2012	11.0
8	Aung Htoo Zan Sea No. 1	ON-5114	Penfent/AS	AS	11.8.2012	5.0
9	Aung Htoo Zan Sea No. 2	ON-5077	Penfent/AS	AS	11.8.2012	4.0
10	Aung Linn Sea Zan	ON-5142	Penfent/CR	CR	12.8.2012	1.0
11	Aung Phyu Zan	ON-4751	Penfent/CR	CR	11.8.2012	1.7
12	Aung Htoo Zan 3	ON-5122	Penfent/CR	CR	2.8.8.12	4.0
13	Aung Htoo Zan 1	A-3794	Penfent/AS	AS	11.8.2012	4.2
14	Aung Htoo Zan 1	A-4284	Penfent/AS	AS	11.8.2012	0.7
15	Aung Htoo Zan 1	A-3643	Penfent/AS	AS	11.8.2012	20.0
Sub-Total						74.0

A/N/A/18/2012
Director General
Department of Fisheries

Attached List of vessel that have provided catches and the quantities by each vessel



- ### ISSUE CATCH CERTIFICATE
- The export of marine product to EU countries from Myanmar has to be declared that the fish caught was not from the I.U.U vessels in the Catch Certificate and the EU countries have accepted according to their EC regulation.
 - Catch made from Myanmar that from the date of 31st March 2010 are authorized to export to the EU when accompanied by a valid Catch Certificate.
 - In order to issue Catch Certificate the following is required:
 - The Company that will export to the EU must apply to the DOF for the C/C.
 - In the application ED/PMD to be attached together.
 - The PMD will be inspected at the Landing Site and recommendation given.
 - Compile the list of each vessel catches from PMD that have attached with C/C.
 - PMD must be as the evidence of the export document and case file opened and C/C will be issued.
 - All the case files are filed and kept case by case for each C/C issued.

- ### Inspection at port
- All fishing vessels (national and non nationals) are subjected to inspect at the port.
 - Strict law enforcement on fishing activities (problems of illegal fishing) The inspection is undertaken by a team composed with DOF, Immigration, Port authority, Custom, Police Force etc.
 - The fishing vessels are inspected in priority of port calling
 - Generally the port receive registered foreign vessels: JV or licenses fishing rights
 - None has been reported on the request of unregistered (illegal) vessels in Myanmar for the port
-

Word colour on line colour of fishing vessel

Description	Place of Licence Issue	Word colour on Line Colour of Hull
Off Shore Fishing Vessel	Taninthayi	White
	HO/Ayeyarwaddy/Mon	White
	Rakhine	White
Off Shore Carrier	Local Carrier	Red
Foreign Fishing	Joint Venture	Red
	OTS (Long Line, Squid, Trap)	Red
	Fishing Right	White

Cooperation with regional organization

- * Myanmar has been cooperated with Regional Fisheries Management Organizations such as SEAFDEC, APFIC and FAO
- * There is no constraints in cooperation with such international and regional organization
- * However, we do have facing the poaching problems are to be pointing out.



Constrain

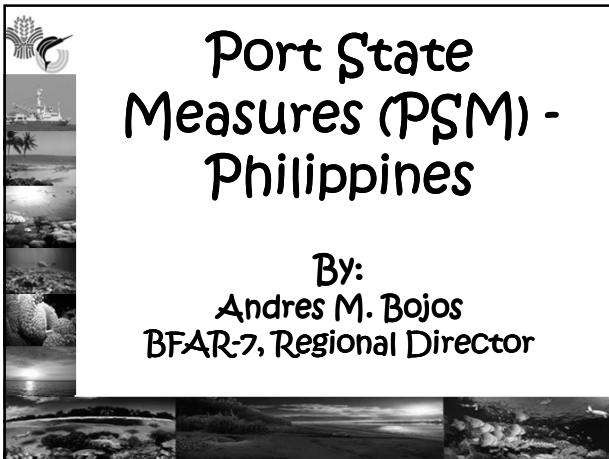
- * Inadequate MCS system
- * Deficiency of communication
- * Uncover the long coastal areas
- * Lack of port and landing facility
- * lack of knowledge for international fishing port inspection and management
- * Prevalence of poaching from foreign fishing vessels



CONCLUSION

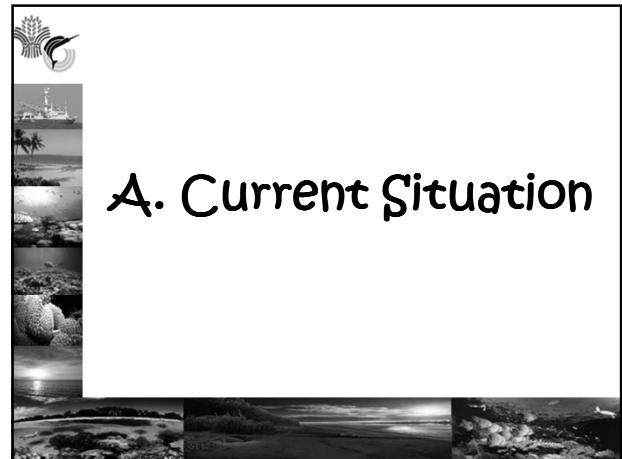
- * Establishment of efficient MCS system is essential for effective controlling of fishing capacity and IUU fishing.
- * Collaboration and cooperation of adjacent coastal nations would be most effective in in combating IUU fishing.
- * To implement regional cooperation frame work
- * Prompt exchange of information between neighboring coastal states
- * Apply the noble means of communication and information network

Thank

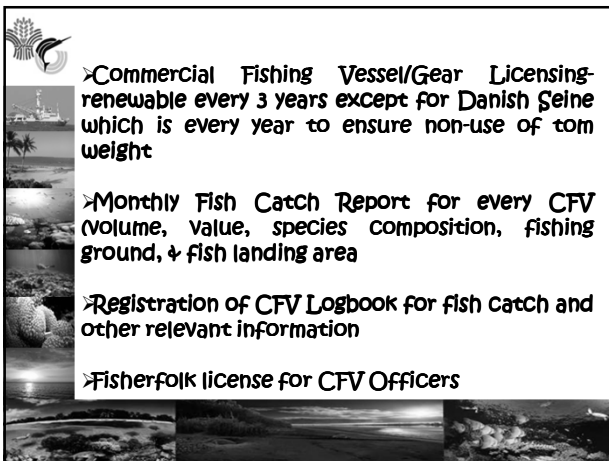


Port State Measures (PSM) - Philippines

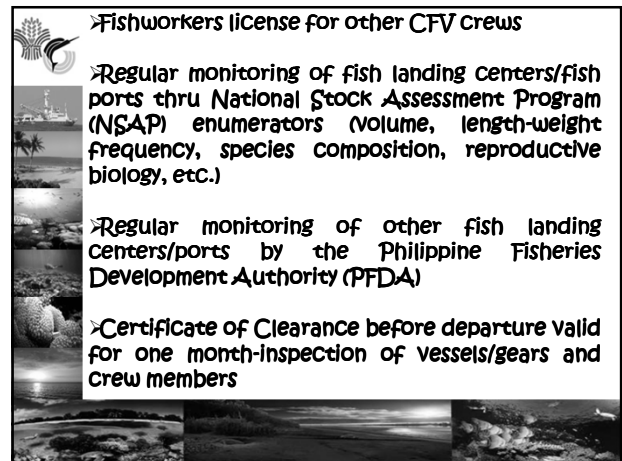
By:
Andres M. Bojos
BFAR-7, Regional Director



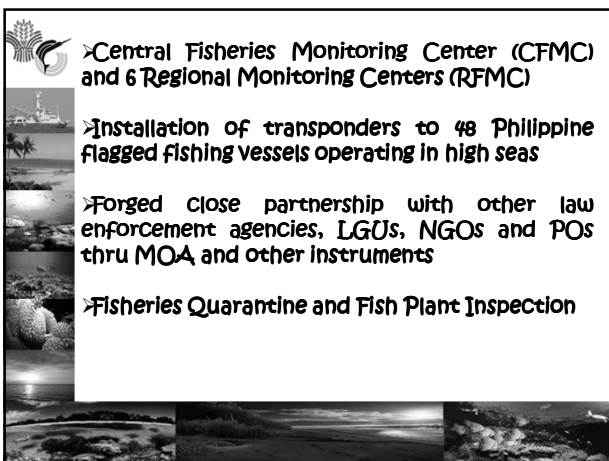
A. Current Situation



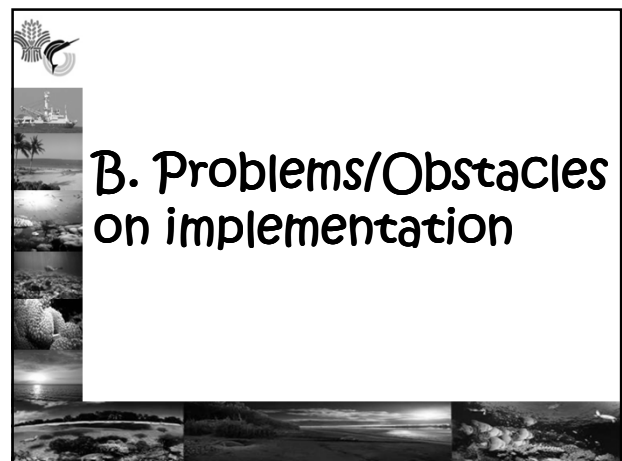
- Commercial Fishing Vessel/Gear Licensing-renewable every 3 years except for Danish Seine which is every year to ensure non-use of ton weight
- Monthly Fish Catch Report for every CFV (Volume, Value, species composition, fishing ground, & fish landing area)
- Registration of CFV Logbook for fish catch and other relevant information
- Fisherfolk license for CFV Officers





- Fishworkers license for other CFV crews
- Regular monitoring of fish landing centers/fish ports thru National Stock Assessment Program (NSAP) enumerators (volume, length-weight frequency, species composition, reproductive biology, etc.)
- Regular monitoring of other fish landing centers/ports by the Philippine Fisheries Development Authority (PFDA)
- Certificate of Clearance before departure valid for one month-inspection of vessels/gears and crew members





- Central Fisheries Monitoring Center (CFMC) and 6 Regional Monitoring Centers (RFMC)
- Installation of transponders to 48 Philippine flagged fishing vessels operating in high seas
- Forged close partnership with other law enforcement agencies, LGUs, NGOs and POS thru MOA and other instruments
- Fisheries Quarantine and Fish Plant Inspection





B. Problems/Obstacles on implementation





- Lack of competent manpower
- Inadequate monitoring/tracking instrument
- Limited networking mechanism



C. Challenges and expected activities to solve problems and obstacles



- Improve networking mechanism with other parties in order to share relevant information related to IUU
- Enhance the capability of fishery law enforcement agencies and monitoring centers thru trainings
- Improve fishing vessel tracking capability by way of acquiring state-of-the-art tracking instruments



Thank you and Mabuhay!!!!!!

**CHALLENGES ON IMPLEMENTING THE FAO AGREEMENT ON PORT STATE MEASURES (PSMA) TO COMBAT IUU FISHING
A COUNTRY'S PERSPECTIVE
SINGAPORE**

12 - 14 Nov 2012
Bangkok, Thailand

Adrian Lim
Fishery Port Division, AVA

PORT STATE MEASURES (PSM)

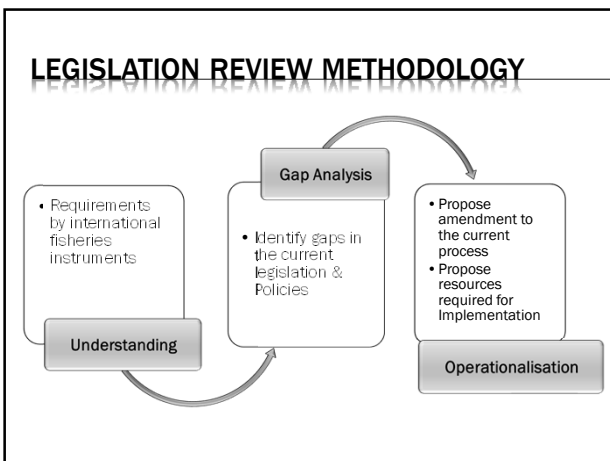
- ❖ **Obligated to implement PSM**
 - + United Nation General Assembly (UNGA) Resolution 65/38 (Paras 50 & 51)
 - + Free Trade Agreements Negotiations
- ❖ **PSM to combat IUU fishing**
 - + Deny IUU fishing vessels from entering Singapore port limits
 - + Conduct routine inspection on fishing vessels
 - + Establish measures for enforcement against IUU fishing
 - + Exclude artisanal/ containerised vessels & recreational fishing

CHALLENGES

- ❖ **Fisheries Legislations**
- ❖ **Multiple agencies involved in the vessels entry to port process**
- ❖ **Acceptance of multiple stakeholders**
- ❖ **Current limited resources and capability**

SINGAPORE'S LEGISLATIONS ON FISHERIES

	Legislation
1	Fisheries Act 1969 (Chapter 111), Revised version 2002
2	Fishing Vessels (Control and Licensing) Rules, 1969
3	Fisheries (Fishing Harbour) Rules, 1971
4	Fishing Vessels (Control and Licensing) (Amendment) (Metrication) Rules, 1972.
5	Fishing Gear (Control and Licensing) Rules, 1972
6	Fish Culture (Control and Licensing) Rules, 1981



LEGISLATION REVIEW

PSM Requirements	Status Update
Redefine "fishing", "IUU fishing" and other "definitions"	Revise definitions to be included into Fisheries Act
Deny IUU vessel	Drafting of legislation to enable <ul style="list-style-type: none"> • Notification prior to entry • Prohibition of IUU vessels • Penalty for IUU vessels
Conduct routine inspection on fishing vessels	Drafting of legislation to conduct routine inspection as part of PSM

LEGISLATION REVIEW

- Review Fisheries Act vis-à-vis requirements by various RFMOs and other international instruments under UNCLOS (that Singapore is signatory to)
- Engage and consult MPA, Singapore Customs and other Ministries and agencies
- Draft legislative amendment
- Establish measures and SOPs for implementation.

MULTIPLE AGENCIES INVOLVEMENT

- Port entry
 - ❖ Maritime Port Authority of Singapore (MPA)
 - ❖ Agri-Food and Veterinary Authority (AVA)
 - ❖ Singapore Customs (SC)
 - ❖ Immigration and Checkpoints Authority (ICA)
- Monitoring and Security
 - ❖ Police / Coast Guard
 - ❖ Navy

MULTIPLE STAKEHOLDERS

- Government agencies
- Shipping agents
- Ship representatives
- Shipyards
- Exporters etc

RESOURCES AND CAPABILITY

- Human resources and capabilities
- Infrastructure

Thank you

Review the problems and challenges on Port State Measures implementation in Thailand

THE CATCH CERTIFICATION SCHEME OF THAILAND

THE IUU REGULATION

COUNCIL REGULATION (EC) No 1005/2008 of 29 September 2008
Establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

How to combat IUU Fishing

- **Illegal** → **Legal**
 - Vessel registration
 - Fishing license
 - Fishing under Thai laws/regulations (Right period, right area, right fishing gear)
- **Unreported** → **Reported**
 - Fishing Logbook (Thai Flag)
 - Fishing Logbook (RFMO)
- **Unregulated** → **Regulated**
 - Fisheries laws and regulation; Fisheries Act
 - Notification of Ministry of Agriculture and Cooperatives, Notification of Department of Fisheries e.g. *Determination of spawning area, prohibit area for trawler, mesh size control, fishing record*
 - RFMO regulations

4

Stakeholders' seminar on EC Regulation in combating IUU Fishing




Thailand Catch Certification Scheme

1) Catch Certificate :CC)

Issued for large scale fishing vessels (≥ 20 GT)

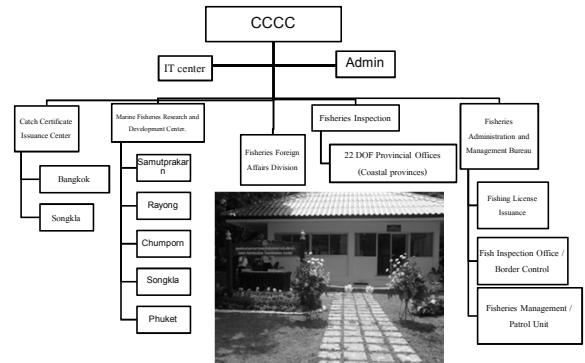
2) Simplified Catch Certificate : SCC

Issued for small scale fishing vessels (categorized in the EC IUU Regulation), especially < 20 GT

3) Processing Statement (Annex IV)

Issued for exporters / processors whom import marine catch with a catch certificate for further processed and exported to the EU

Catch Certification Coordination Center



IUUcenter@gmail.com Tel.02-5620600-15 ext. 7710 Fax. 02-579-0342

Catch Certificate Issuance Center

1) Bangkok Center : Fish Inspection and Quality Control Division

2) Songkla Sub-Center : Songkla Fish Inspection and Quality Control Center

Catch Certificate of Thailand

- Catch Certificate

Issued for large scale fishing vessels (> 20 GT)

- Simplified Catch Certificate

Issued for small scale fishing vessels (categorized in the EC IUU Regulation), especially < 20 GT

Catch Documentations compose of;

1 .Catch certificate, Simplified catch certificate

Supply of Raw materials:

Raw materials for fishery products of Thailand which are exported to the European Community derived from the following 2 channels;

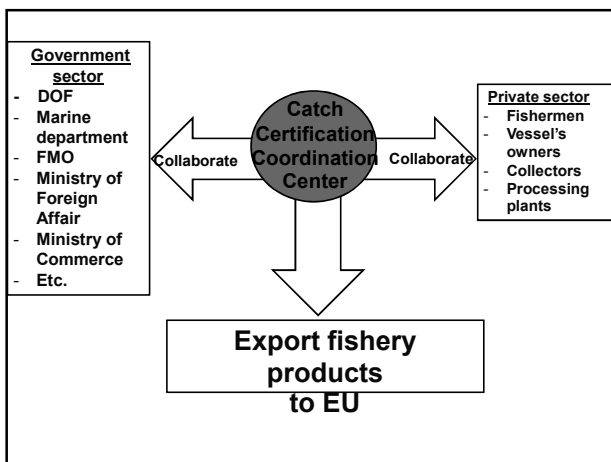
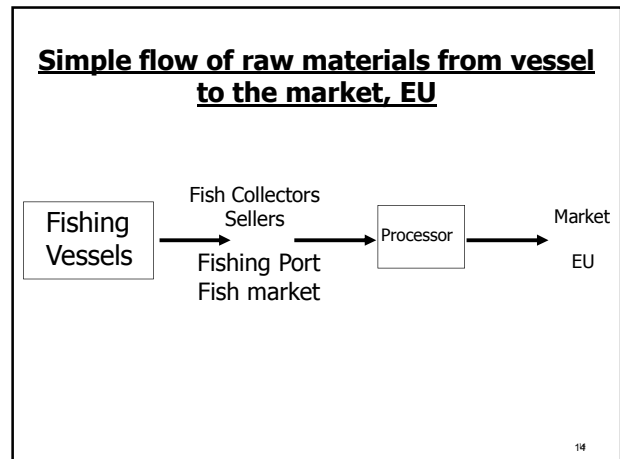
1. Catching from Thai vessels which have been conducting fishing activities in Thai waters, foreign waters, and in the high seas.

2. Importation from foreign countries, tuna and tuna-like species are the main imported raw fish materials for processing and then exporting.

**Processing Statement
(Annex IV) Issuance**

**Issued for exporters / processors whom import
marine catch with a catch certificate for further
processed and exported to the EU**

13



2 Fishing Logbooks (FLB)

Thai fishing vessels have to submit their Fishing Logbook to report their fishing activities in order to collect fishing period, area and volume of capture fish data and statistic. The DOF has established data computerized network centers. Fishing operators have to arrange their fishing activities data and record in Fishing Logbook with their certification of the catches that are not involved with IUU fishing. Besides, the filling Fishing Logbook form has to be submitted to the Provincial Fishery Office to computerize fishing record and enable the access of fishing data network system.

16

Control of Unreported Fishing: Fishing Logbook

17

3. Marine Catch Transshipping Document (MCTD)

This document provide for the transship vessel that carry aquatic animals from the capture fishing vessels outside through the fishing port.

The transship vessel has to prepare the MCTD form and collect the FLBs from capture fishing vessels. After landed, both MCTD and FLBs were submitted to the Provincial Fishery Office.

18

Marine Catch Transshipping Document : MCTD

19

4. Marine Catch Purchasing Document (MCPD)

A movement of aquatic animal which has been caught from Thai fishing vessel to the factory is controlled via a MCPD to facilitate a traceability system. MCPD is as a record of the transshipment operation through fish landing at a landing port, collectors, and frozen storage to processing plants. Eventually the MCPD documents will be transmitted along with the aquatic animals, and gathered at the processing plant. The document will be used as a database to provide an attachment list of respective fishing vessels for requesting a catch certificate from the DOF. However, the fishery products do not undergo the processing operations more than such data declared on the vessel's fishing logbook.

20

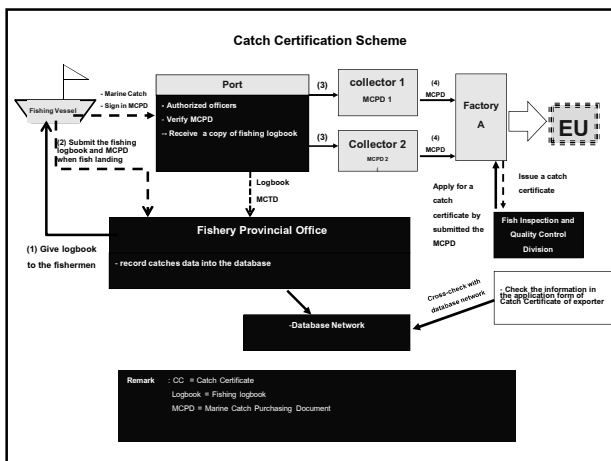
Marine Catch Purchasing Document : MCPD

21

Thailand Catch Certification Scheme

- 1) Catch Certificate : CC
- 2) Simplified Catch Certificate : SCC
- 3) Processing Statement (Annex IV)

22



Promotion Documents and Posters



24

**Some implementation results from
Jan.1,2010 – Mar.31,2011**

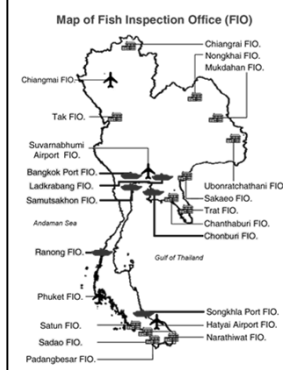
1. Issued 6,025 Catch Certificate, 54,242.84 Ton product quantities.
2. Issued 3,453 Annex IV, 66,062.38 Ton net weight.
3. 10,555 registered fishing vessels, 2,886 fishing license promotion services.
4. 6,190 distributed fishing logbooks, 17,388 pieces upload in to the data base.
5. 16,344 copies of MCPD used.

25

Fish Trade

CONTROL and Inspection Section

- Monitoring import and export of Aquatic species and its products including the prevention and suppression of unlawful acts
- The license or certificate for import/ export or transit of Aquatic species and its products as authorized by law and EU-IUU regulation
- Control fisheries product quality by monitoring to strategies for Food Safety
- CITES Management (Inspection & Endorsement) Authority
- Research study



Fish Trade Inspection Section

- Sea port : 8 Offices
- Land port : 10 Offices
- Airport : 4 Offices

**Measures for Controlling the species imported to
Thailand**

The Department of Fisheries has measures to be implemented in order to control imported fisheries product for quality, safety, sanitary, free of deceases, and protected endanger species, the law and regulation are being used such as

- Fisheries Act. B.E. 2490 (1947)
- Animal epidemics Act. B.E. 2499 (1956)
- Food Act. B.E.2522 (1979)
- Wildlife Reservation and Protection Act. B.E.2535 (1992): species on CITES

CATCH DOCUMENT

In order to comply with the EC IUU Regulation, Thailand Catch Certification Scheme has been developed since January 2010. The catch certificate is needed to accompany with the marine fishery product exported to the EU. Moreover, the Fishing Logbook are being used for fishing vessels flying Thai flag in order to record their catch data such as catch area, fish weight and the information fishing license and the fishing vessels. In terms of marine catch purchasing, the Marine catch Purchasing Document (MCPD) is also being used as the traceability system from the vessels to the processing plant.

CATCH DOCUMENT

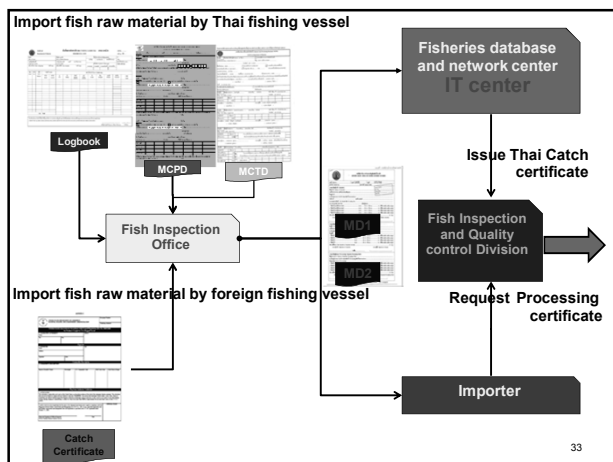
The information in the Fishing Logbook and MCPD will be used in order to issue the catch certificate and Processing Statement according to the EC IUU regulation. As for marine catch imported to Thailand to be processed and export to the EU, the catch certificate will also be requested. Moreover, the captain statement and certificate of origin are required for issuing an import permit before those consignments being imported to Thailand.

CATCH DOCUMENT

Thailand has also cooperate with CCAMLR by determine document for import tooth fish requirement, importer have to show *Dissostichus* Catch Document (DCD)/ *Dissostichus* Export Document (DED) prior to import.

INSPECTION PROCEDURES

The import permit of fishery product is required prior to import. When the fish and fishery product imported, the species, quantity and quality will be inspected by the Fish Inspection Office and they will verify that species are correct and consistent with the import permit. The officer will approve the consignment and pass it to the customs.




CONSTRAINTS TO THE IMPLEMENTATION OF THE 2009 FAO AGREEMENT

The Department of Fisheries has no power to inspect on the fishing vessels, deny entering to port and deny transshipment at port according to the Agreement. However, the new Fisheries Act has some part to comply with Agreement, particularly the implementation as coastal state to deny the IUU fishing vessels entering to port, but the new Fisheries Act is still under the consideration of the Parliament. We believe that the parliament process will be finished in 2014 and the new Fisheries Act will be enforced after that.

WAY TO OVERCOME

- Establish the technical cooperation programme on PSM to increase capacity and number of inspectors.
- Strengthening of cooperation and communication between Department of Fisheries and Marine Department for combat IUU fishing
- Revise relevant law and regulation to implement FAO PSMA

Thank you



DIRECTORATE OF VIET NAM FISHERIES
DEPARTMENT OF CAPTURE FISHERIES AND RESOURCE PROTECTION
(DECAFIREP)

Address: No. 10 Nguyen Cong Hoan, Ba Dinh, Ha Noi, Vietnam. Telephone:
+84-4387712934

**REVIEW THE PROBLEMS AND CHALLENGES ON PORT STATE
MEASURES IMPLEMENTAION IN VIETNAM**

By Pham Ngoc Tuan
Head of Logistics and service for fisheries Division

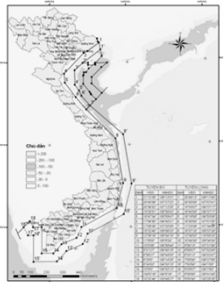
1

1. Current situation, activities of Port State Measures

Located Southwest Asian

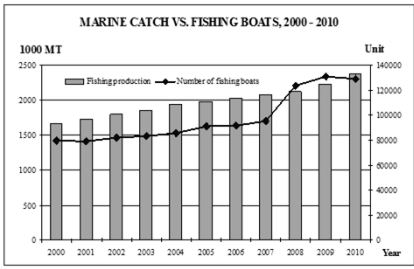
- ✓ Coastline: 3260km
- ✓ EEZ: more than 1 millions sq km
- ✓ Fisheries sector: 6.1% GDP-2006
- ✓ In 2011, total fisheries production was 5,21 MT and export value was US\$ 6,05 billion,
 - Marine catch was 2,19 MT
 - Inland catch was 0,19 MT
 - Aquaculture production was 2,83 MT

Share EEZ to three areas: area near to shore and area offshore



2

1. Introduction





The number of vessels approximately 130:

- Less than 20 hp: 64.000
- 21 – 90 hp: 36.000
- Over 90 hp: 30.000

3

Fishing port state

- To 2020 Vietnam will have 111 fishing ports and 100 landing sites
- Now we have 66 FP, 21 other FP are being continued to build and over 100 landing sites

Enforcement of the Law of Viet Nam Fisheries (2003)



The many legal documents was Published by government :

- Decree No. 59/2005/ND -CP regarding the conditions of trading and production of fisheries related occupations.
- Decree 57/2008/ND-CP on regulation on management of marine protected areas (MPAs).
- Decree 31/2010/ND-CP on administrative violations in fisheries sector.
- Decree No. 32 / 2010/ND-CP on the management of foreign fishing vessels operating in Vietnam's waters.
- Decree No. 33/2010/ND-CP on management of Vietnam's organizations and individuals operating at sea.
- Decree No. 52/2010/ND-CP on the importation of fishing vessels.
- Decree No. 80/2012/ND-CP on management fishing ports and landing sites.

5

Fishing licence and catch documetation

- Procedure of fishing license: all fishing capture boats over 0.5 ton
- Logbooks and fishing reports:
 - Fishing report for all boats must have fishing licence
 - Logbooks for the boat over 20 hp
- Fisheries inspection system:
 - 311 staff, 101 inspector have certified inspection cards
 - 49 petrol boats, 41 express canoe

6

2. Problems and obstacles of PSM activities implementation

- Have many landing sites and very difficulties to manage them
- Increase of small fishing boats, difficulties to control and surveillance the violent
- Technical parameters were unsystematically to better record on fishing boats
- Lack of law frameworks to manage fishing ports.
- Lack of financial and human resources in local fishing port management authorities for fisheries data collection and analysis.
- Lack of financial resource to conduct MCS activities.
- Lack of compliance of relevant stakeholders

7

2. Problems and obstacles (cont.)

- There is few marine resource information for effectively managing fishing effort.
- Although many legal documents were issued but their implementation ability is very difficult.
- Sanctions is not high enough to limit the violations
- Institutional arrangements from central to local levels are stable, systematic, synchronization.
- Lack of the skilled staffs in fisheries management
- MCS implementation is not sufficiently considered

8

3. Challenges and expecting activities to solve or improve problems and obstacles

- Propose to Prime Minister for re-organization of fisheries
- Propose to Prime Minister a project proposal to forecast marine fishing grounds
- Effectively implement programe on re-organization national inspection system.
- Review and reform national legal and policy frameworks in relation to MCS activities and port state measures of FAO to establish port state measures and a Decree to effectively manage fishing ports
- Cooperate to countries in the region to widely conduct MCS activities and to reduce, prevent and eliminate IUU fishing.
- Actively involve RFMOs (FAO, WCPFC, ICCAT...) to enhance capacity in fisheries management.

9

3. Challenges and expecting (cont.)

. Institutional strenthening of fishing ports

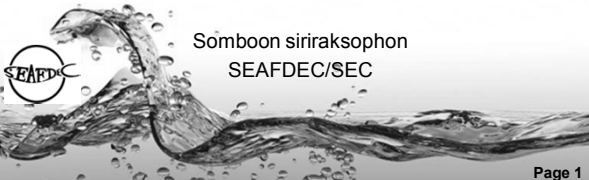
FIELD	WHO
1. Port Management	The member management board suggested by this report
2. Fishing Port Planning and Design	All consultants and provincial engineers involved in fishing ports
3. IMO Convention on Prevention of Pollution in Fishing Ports	Vessel captains and all crew
4. Seafood Handling	All fish handlers
5. Fisheries Inspection	Fisheries Inspectors
6. Fisheries Statistics	Enumerators
7. Health and Safety	Everyone working inside the port or aboard a vessel

10



11

Catch Documentations/ Certifications as MCS Tools to Combat IUU Fishing Way Forward




Somboon siriraksophon
SEAFDEC/SEC

Page 1

Background (1)

- Since 1980s: Status of **fish stocks** becomes more critical
- 1982 United Nations Convention on the Law of the Sea
- 1990s Fishery law framework for management
- 1993 Agreement to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas
- 1995 Code of Conduct for Responsible Fisheries
- 1995 Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security
- 1995 under UNCOLS: Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stock
- 2001 Adoption of the FAO IPOA-IUU



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Page 2

Background (2)

- The IPOA-IUU adopted by FAO's COFI, two articles relating to RFMO documentation schemes:
Articles 69. Trade-related measures to reduce or eliminate trade in fish and fish products derived from IUU fishing. Such measures should be adopted in a fair, transparent and non-discriminatory manner.

Articles 76. Certification and documentation requirements should be standardized to the extent feasible, and electronic schemes developed where possible, to ensure their effectiveness, reduce opportunities for fraud, and avoid unnecessary burdens on trade (FAO 2001).
- These calls for consistency and standardisation resulted in an FAO-led expert consultation since 2002 on RFMO catch certification harmonisation till present.

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Background (3)

- CDS as MCS tools for combating IUU fishing.
- The schemes continue to evolve at national/regional based CDS such as EU regulation since 2010:
 - Fish from unrecognized RFMOs must provide both RFMOs and EU documentation

What's Catch Documentations/ Certification?

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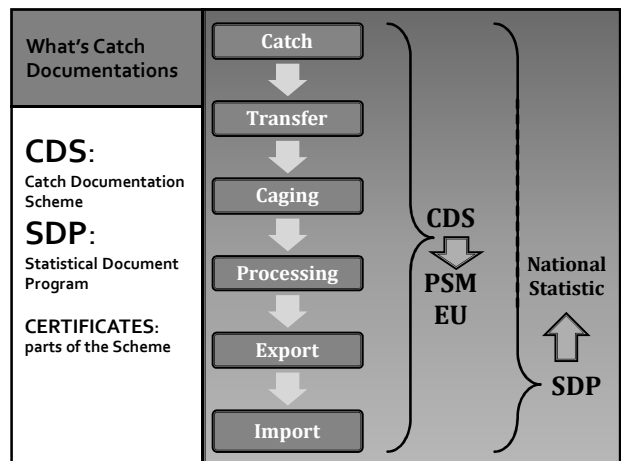
Page 4

Terminology

- **Catch Documentation Schemes :**
Cover all fish from the point of first capture by a flag State through international trade routes (i.e. imports, exports and re-exports) if applicable, and/or farming operations if applicable, to the State of final destination;
- **Trade Documentation Schemes,**
Also refers to "Statistical Document Programs", are similar in scope to catch documentation schemes but apply only to those fish which enter international trade.

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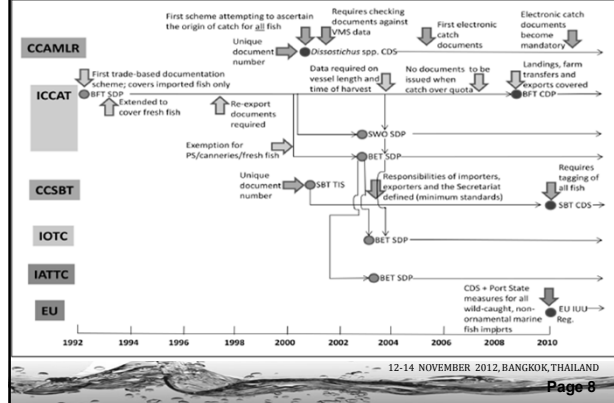


Proposes of Catch Documentation Scheme

- ✓ to monitor the international trade in fish-product;
- ✓ to identify the origins of fish imported into or exported from;
- ✓ to determine whether fish imported into or exported from ...are legally fishing;
- ✓ to gather catch data for the scientific evaluation of the stocks.

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Good Practices on the Catch Documentation Scheme by RFMOs



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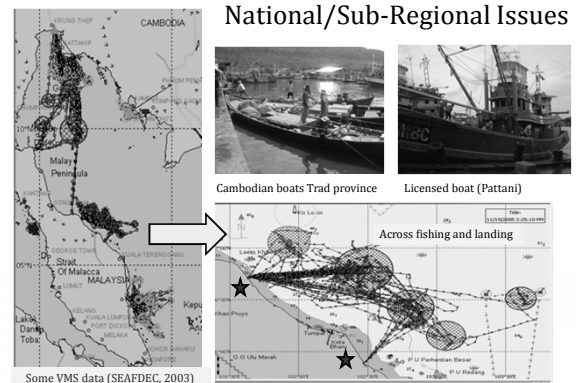
Both of PSM and EC-Regulation

To deter, prevent and eliminate IUU fishing,

- ❖ Considering Port State Control/CDS at Global – Regional Level
- ❖ Considering EC- Regulation/Catch Certification at Sub-regional/Country Level

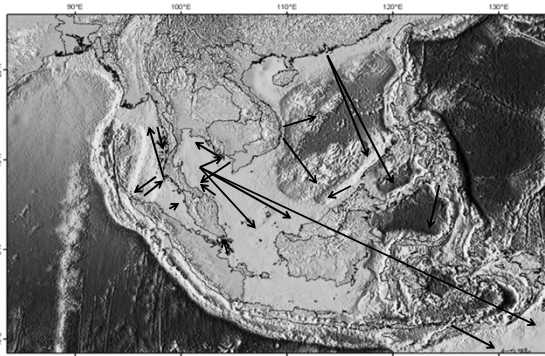
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National/Sub-Regional Issues



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Occurrence of IUU Fishing in SEA



Applying CDS & Certification to SEA

Key Issues of Fisheries Management in sub-region for trans-boundary species

- ❖ Origin of Catch & Data/ Effective fishing logbook system
 - ✓ Artisanal fisheries/ small-scale fisheries
 - ✓ Commercial fisheries, Large-scale fisheries
- ❖ Across-border fish landing / fishing
 - ✓ Port Inspection/ Port Monitoring system
 - ✓ Surveillance system
 - ✓ Enhancing local market
 - ✓ Awareness building at community and local government
- ❖ Fishing licensing/ Boat registration
- ❖ Awareness Campaign



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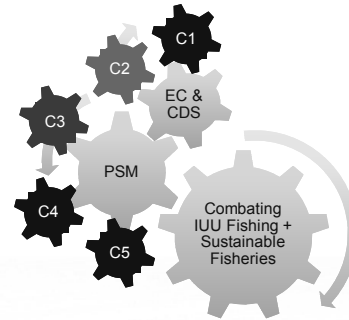
Way Forward to Promote CDS & Certification

- ✓ Better integration of commercial and artisanal fisheries into CDS and/or Catch Certification.
- ✓ Guidelines for smooth operation may required
- ✓ Sharing experience for best practice on developing of logbook or landing data system./
- ✓ Thinking of new device for better tracking such as electronic tag
- ✓ Link the issue to Licensing system
- ✓ Capacity building
- ✓ Regional Record of Fishing Vessel



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Required Mechanism and Cooperation

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Thank You for Your Attention



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Page 15

Port State Measures and other measures implementation in Japan

Kazuhiko Nagao
Fisheries Agency
Ministry of Agriculture, Forestry and Fisheries
12 November 2012

2013/1/28

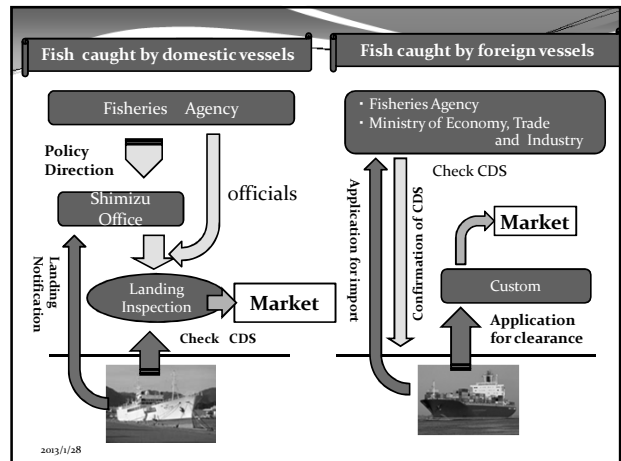
Contents

- Landing inspection for long-line tuna vessels
- Measures by Japan as a port state
 - - tuna control
 - - CDS for toothfish by CCAMLR
- FAO Port State Measures Agreement
- PSMs, landing inspection and other measures such as CDS for the proper fishery management

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Landing inspection for long-line tuna vessels

2013/1/28



landing inspection for tuna vessels

- **Purpose :**
Confirmation of compliance to conservation and management measures adopted by tuna RFMOs
- **Target species :**
Atlantic bluefin tuna(BFT) and Southern bluefin tuna(SBT)
- **Target vessels :**
Fishing vessels, Carrier vessels and container
- **Designation of landing ports :**
Tokyo, Kawasaki, Yokohama, Yokosuka, Misaki, Shimizu, Oigawa and Yaizu (Landing at other ports are prohibited)
- **Inspectors :**
Fisheries Agency officials (Tokyo HQ and Shimizu office)

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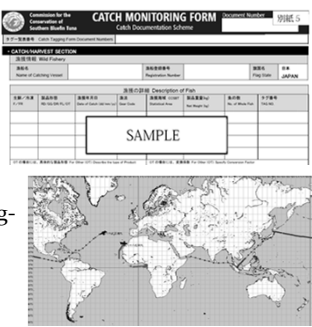
Regulations on Atlantic-BFT and SBT fishery by Japanese long-line vessels

- **Individual Quota**
Annual catch limits are allocated to each vessel
- **VMS**
- **Submission of daily catch report**
Send information to competent authority of catch position, weight and tag number for each BFT and SBT
- **Compulsory tagging to individual fish**
 - put a plastic tag to each BFT and SBT caught
 - vessel's call sign and order of catch are printed on each tag

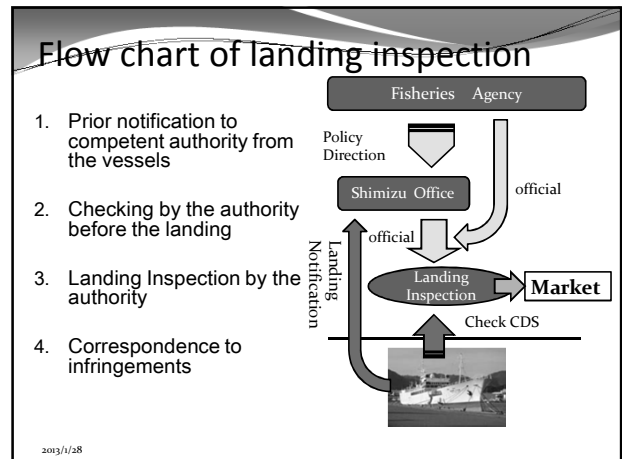
2013/1/28

Regulations on Atlantic BFT and SBT fishery by Japanese long-line vessels②

- Entry to Catch Monitoring Form in accordance with CDS adopted by CCSBT and ICCAT
- Vessel's position report through VMS for all long-line vessels




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Prior notification from the vessels

Far seas long-line vessel are obliged to report the information below to Fisheries Agency 10 days prior to the landing:

- Vessel name, license number, ID
- Carried by [Fishing vessel, carrier, or container]
- Quantity by species to be landed
- Catch Area, period
- Landing port, expected landing date, etc.

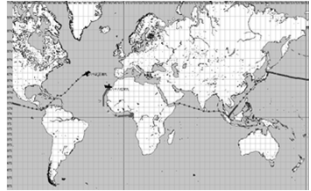


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Inspection of the prior notification

Inspectors verify notification from the vessel ;


- Check landing quantity against daily catch report and the vessel's Individual Quota
- Check spp., notified catch area and date against VMS records, etc.



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Landing Inspection ①

- 2 inspectors for each vessel
- It takes 1-2 days for landing
- Landings occur throughout the year
- # of inspections: 136 (2011)



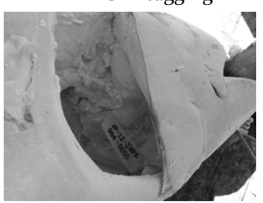
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Landing Inspection ②

Inspection items

- Atlantic BFT and SBT
 - ① number and quantity of landing against daily reports
 - ② state of tagging
 - ③ compliance to Individual Quota
- Species composition
- Shark body and fin etc

SBT tagging



After confirmation, inspector:

- Verify the total landing amount with market document
- Sign CDS, return to the master

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Correspondence to infringements


In case landing inspections on Atlantic BFT and SBT confirmed violation such as;

- Excess of Individual Quota
- Landing of tuna without appropriate tag
- Inaccurate reporting of daily catch record

↓

After questioning the fisherman concerned, impose penalty

- punitive measures under national laws and orders,
- port stay order, etc.



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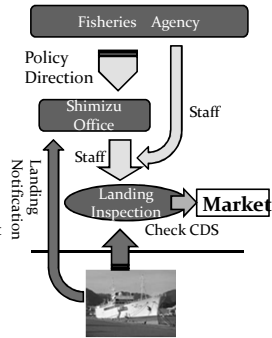
Summary of Landing Inspection

Merits

- Accurate landing informations
- Compliance including CDS

Practical Challenges

- Development of legislation, regulations
 - Obligation to be inspected
 - Designation of landing ports
- Development of other MCS measures
 - VMS
 - Catch reporting, etc.
- Securing human resources to implement inspections taking into account:
 - Number of designated landing ports
 - Number of landings



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Measures by Japan as a port state

–tuna control –

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Measures by Japan as a port state

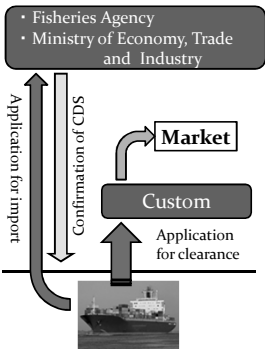

–tuna import control ① –

- (1) Positive list of fishing vessels
Approve import of tuna only when the fishing vessel is duly authorized to fish by its flag state and registered to RFMOs (ICCAT, IOTC, IATTC, WCPFC, CCSBT)
- (2) Verification of CDS
- (3) Positive list of tuna farming facilities
Approve import of farmed Atlantic BFT or SBT, only when the facility is authorized to operate by ICCAT or CCSBT.
- (4) Prohibiting foreign fishing vessels from landing their catch to Japanese ports directly from fishing grounds.
- (5) Receive information from importers for prevention of IUU activity

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BFT and SBT Import Control ②

- Direct landing from fishing grounds are prohibited
- Tunas are imported via vessels or airplanes
- **Verification of CDS** by competent authority is required


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Form of CDS

- Catch
(Quantity, Vessel name, Call Sign, Catch Area, Type of Product, Validation by flag state)
- Transshipment
(Carrier Vessel name, date of transshipment, Signature by the captain and Observer)
- Export
(Point of Shipment, Point of destination, Signature by the exporter and exporting State's authority)
- Final point of destination
(Seller name, Quantity)

↓

Contents above shall be verified upon import



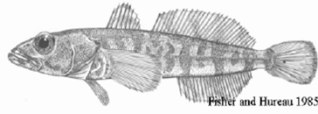
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Other examples of PSMs


Catch Document Scheme for toothfish by CCAMLR

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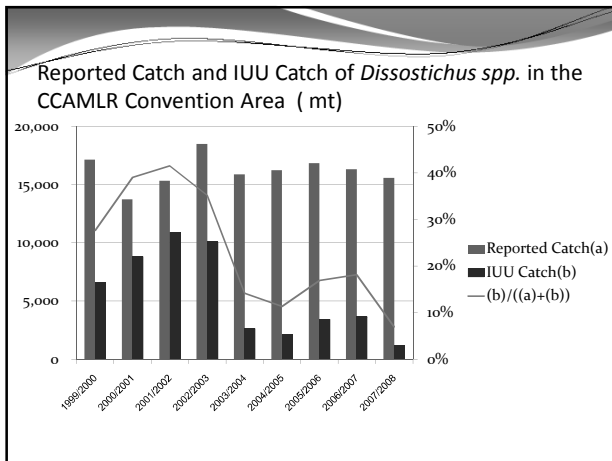
Patagonian Toothfish *Dissostichus eleginoides*



Fischer and Hureau 1985



CCAMLR/HE/COB/Walrus



History of CCAMLR with respect to CDS and IUU Fishing

- 2000**
 - Concerned IUU fishing threatens serious depletion of *Dissostichus spp.* (toothfish).
 - Implement a Catch Documentation Scheme(CDS).
- 2003**
 - trial electronic CDS
- 2010**
 - electronic CDS became mandatory

-Each shipment of toothfish imported into, or exported or re-exported be accompanied by the document. The import, export or re-export without a proper document is prohibited.

-Imports, exports and re-exports of toothfish from IUU vessels are prohibited.

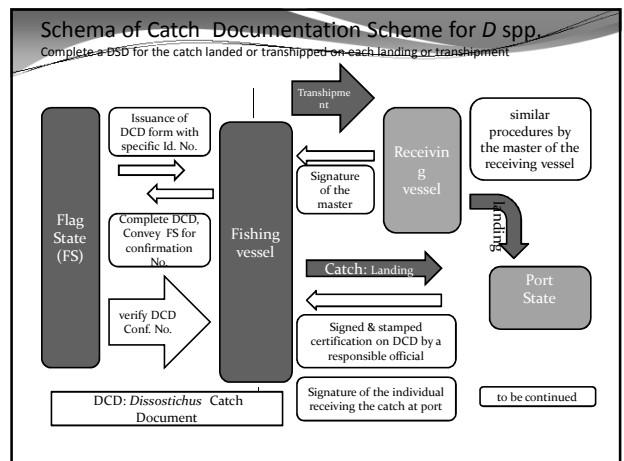
CCAMLR has established "IUU VESSEL LIST "

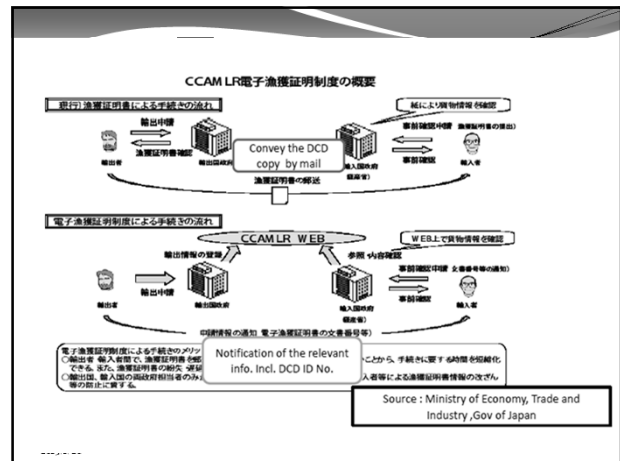
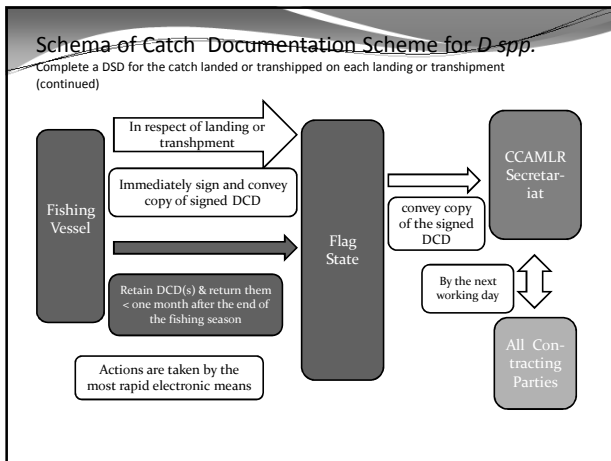
Page 1of the COMBINED IUU VESSEL LISTS ADOPTED FROM 2003 TO 2009 (4pages)

Course name	Course flag	Course ID No.	Course off-side	Nature of activity ¹	Date of inclusion	Yes/No	Ownership history ²	Previous status ³	Previous flag(s) ⁴
Nova Ocean ⁵	China	F23018	822W	Fishing inside Division 24.1.1 Fishing inside Division 24.4.1b Fishing inside Division 24.4.1c Fishing inside Division 24.4.1d	19 Dec 07 21 Jan 07 22 Jan 07 22 Jan 07	2003	- Subsidy Increased (SI) - Crew Paid for 2007 - Government City flag - China - China - China - China	1. Active 2. Suspect 3. Confirmed	1. Belize 2. Russia 3. Canada
Pacific Ocean ⁶	China	F23072	822W	Fishing inside Division 24.1.1 Fishing inside Division 24.4.1 Fishing inside Division 24.4.1b	4 Dec 07 19 Dec 07 22 Jan 08	2008	- Subsidy Increased (SI) - Pacific Asian Identification - Pacific flag	1. Suspect 2. Suspect 3. Suspect	1. Belize 2. Russia 3. Georgia

Definition of IUU fishing: The vessel has:

- engaged in fishing activities in the CCAMLR Convention Area (CCA) without a license, or violation of the conditions of the license.
- not recorded or not declared its catch.
- been sighted engaging in fishing activities in the CCA
- been denied port access, landing or transhipment in accordance with the relevant CCAMLR measures.....





2009 FAO Port State Measures Agreement

2013/1/28

- 2009 FAO Port State Measures Agreement**
- Ratification: EU, Norway, Sri Lanka and Myanmar
 - Coverage: any vessel used for fishing or fishing related activities (including transporting, supplying, fuelling)
 - Designation of ports:
 - Denial of Port entry:
 - decide whether to authorize or deny the port entry
 - deny IUU vessels (listed to RFMO) entry into its port.
 - Prohibition of Use of Ports and Port Services:
 - to a vessel engaged in IUU activities by port inspection
 - deny landing, transshipping, processing, etc.
 - deny use of port services (fuelling, supplying, maintenance and drydocking)
- 2013/1/28

- 2009 FAO Port State Measures Agreement ②**
- Levels and priorities for inspection: inspect the sufficient number of vessels required by the Agreement. The minimum levels will be agreed on by RFMO.
 - Conduct of inspections
 - a minimum standard for inspectors functions.
 - carried out by properly qualified official.
 - examine all relevant areas of the vessel, the fish, the nets and other gear, equipment, and document or record
 - Electronic exchange of information
 - Member shall establish a electronic exchange of information mechanism.
- 2013/1/28

- 2009 FAO Port State Measures Agreement ③**
- <Discussions so far>
- Targeting any vessel for fishing or fishing related activities (including carrier and bunker); may exceed competence of fisheries authority, requiring agreements with other authorities concerned (e.g. Port authority) and establishments of relevant legislations
 - Large number of carrier vessels entering ports; would cause practical challenges for authorities to inspect unless securing enough competence and resources
- 2013/1/28

Port State Measures, landing inspection and other measures such as CDS for the proper fishery management

2013/1/28

PSMs and landing inspection in Japan
to combat IUU and to improve management:

- Domestic fishing vessel's landings
→ Landing inspection, CDS, VMS
- Foreign fishing vessel's landings directly from fishing grounds
→ Require permit (landing is prohibited)
- Carrier vessel's landings directly transhipped at sea by foreign fishing vessels
→ Require permit (landings are prohibited)
- Other carrier or container's landings
→ CDS, port inspection

2013/1/28

Status of ASEAN tuna fisheries and processing industry

South-eastern Asia areas are one of main fishing grounds for Tuna and Bonito and World's largest processing facilities are located;
→ needs to improve landing inspection and check CDS in accordance with decisions of tuna RFMOs

Unit: Million ton

	Total Capture Production (2009)	Tuna and Bonito Production (2009)	Tuna and Bonito Export(2009)
Total (a)	90.6	5.4	1.2
ASEAN (b)	16.5	1.0	0.7
(b)/(a)%	18%	19%	58%

FAO: Fishstat

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Discussion

- PSMs are effective means to combat IUU fisheries.
- Landing inspection should be implemented in conjunction with RFMO's measures such as CDS, VMS, and others. Management capacity of each State should be considered.
- Cooperation and sharing of information on IUU activities are essential for the effectiveness of PSMs.
- Modern technology such as VMS, e-CDS, individual tag could strengthen port state performance.
- PSMs should be implemented with priority. Considering large landing, international trade and RFMO's activities, tunas should have high priority in South east Asia.

2013/1/28







Phuket Fishing Port Fish Marketing Organization










Mr. Pramuan Rugjai
Deputy Director Of Fish Marketing Organization


Fish Market and Fishing Port Location Of FMO







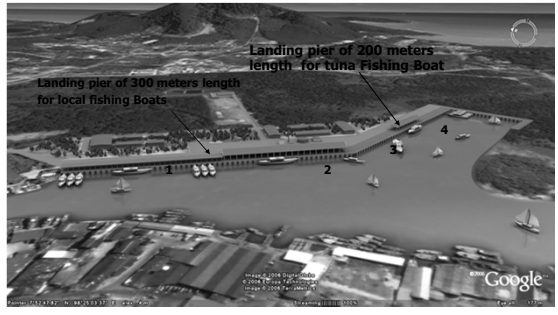


Fishing Port Location











Landing pier of 300 meters length
for local fishing Boats

Landing pier of 200 meters
length for tuna Fishing Boat

Port Facilities

A shed for selling fish area of 5,795 Sq.meters







Parking area with approximately of 12,716 Sq.meters


Port Facilities

Dock yards

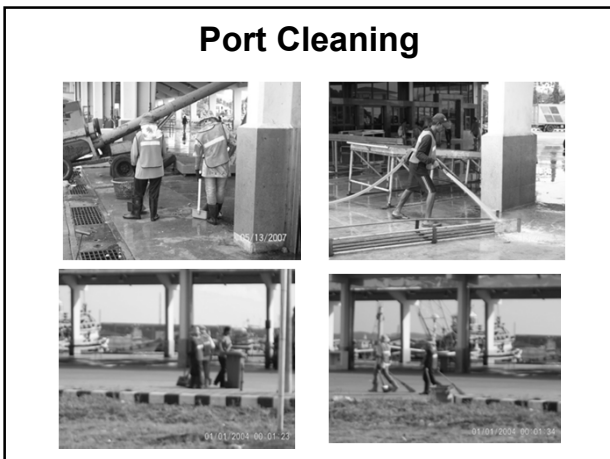
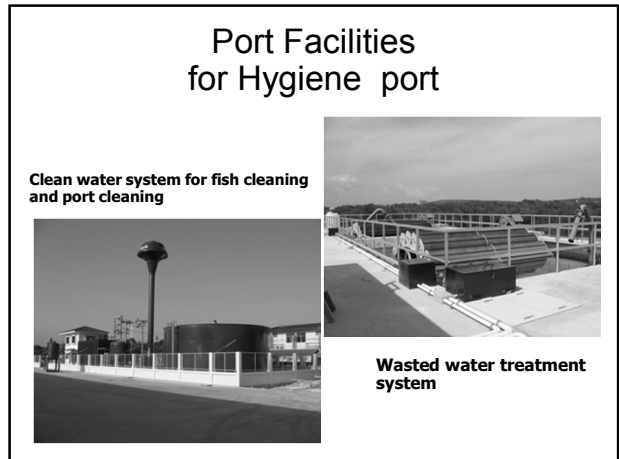
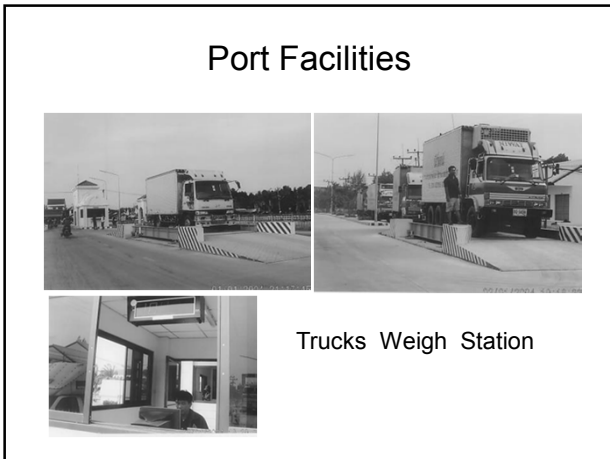



Cold storage with capacity of 600 tones




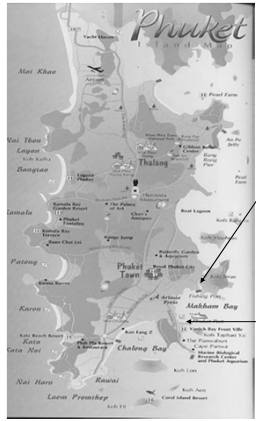


Ice-making plants with capacity of 1,450 blocks per day




Tuna Unloading at Phuket

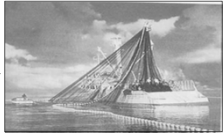
By
Mr. Pramuan Rugjai
Deputy Director Of Fish Marketing Organization

Tuna Unloading at Phuket






Tuna Longline at Phuket Fishing Port



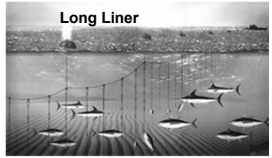
Tuna Purse seine at Phuket Deep Sea Port

Tuna Species for unloading at Phuket


Skipjack - ท้องแถบ	ปลาทูน่าจอมจบ Skipjack Tuna (<i>Katsuwonus pelamis</i>) 
Big Eye - ตาโต	ปลาทูน่าตาโต Bigeye Tuna (<i>Thunnus obesus</i>) 
Yellow Fin - กรีบเหลือง	ปลาทูน่ากรีบเหลือง Yellowfin Tuna (<i>Thunnus albacares</i>) 

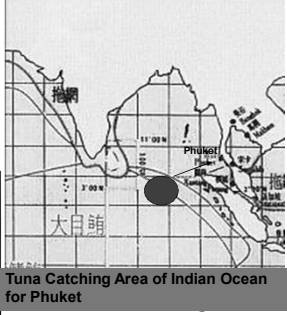
Type of Tuna Fishing Vessels For Unloading Tuna at Phuket

Long Liner



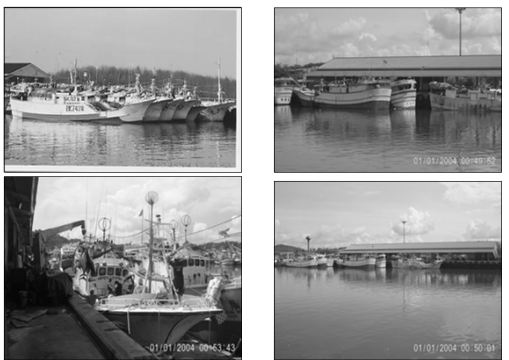
Purse seiner






Tuna Catching Area of Indian Ocean for Phuket

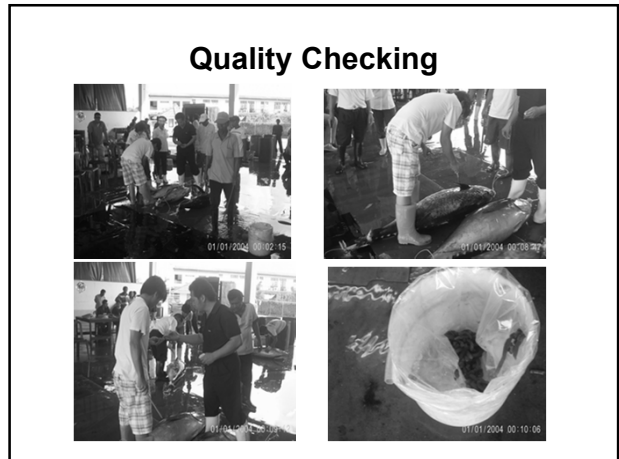
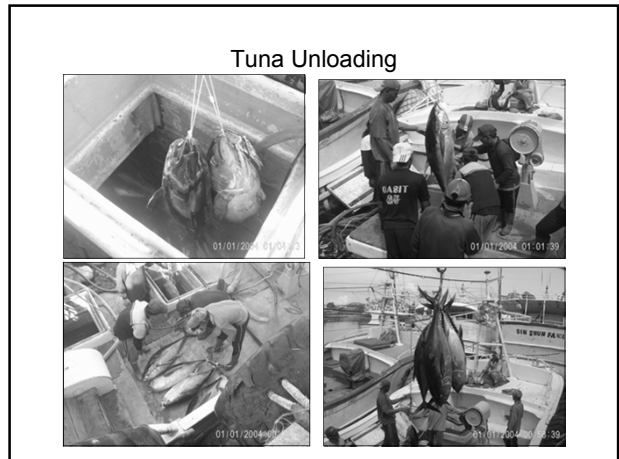
Tuna Unloading at Phuket Fishing Port

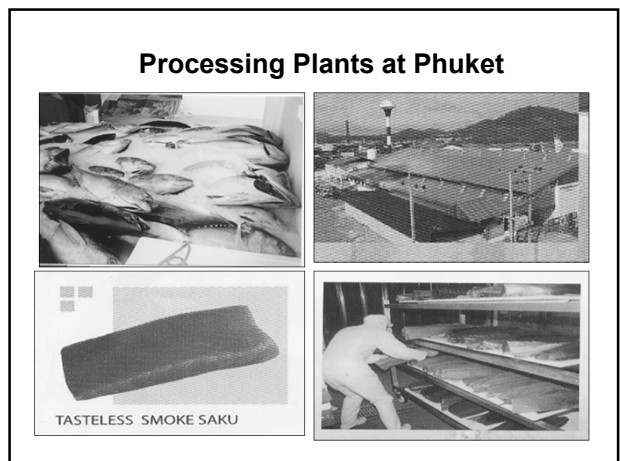


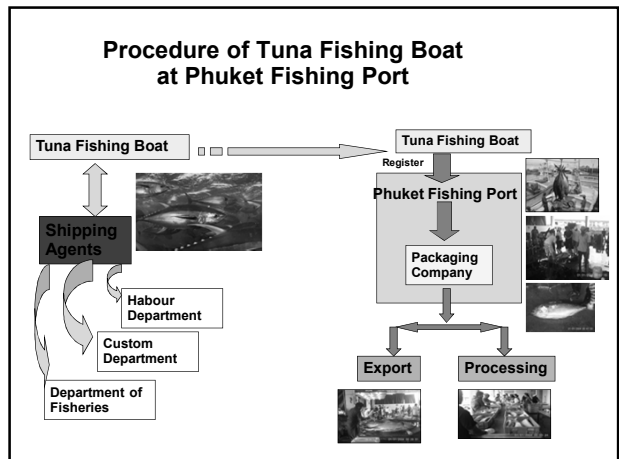
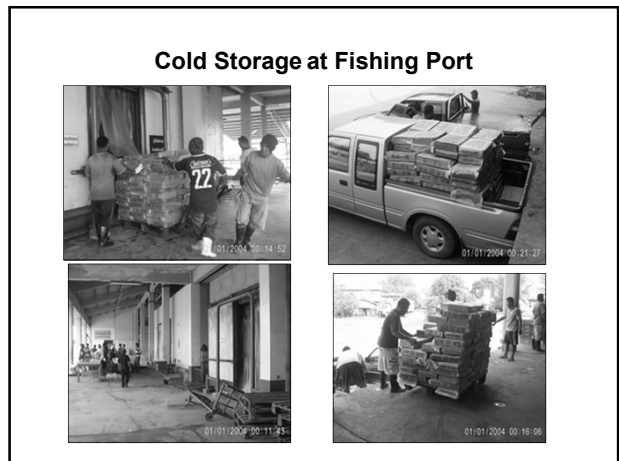
Tuna Unloading Area

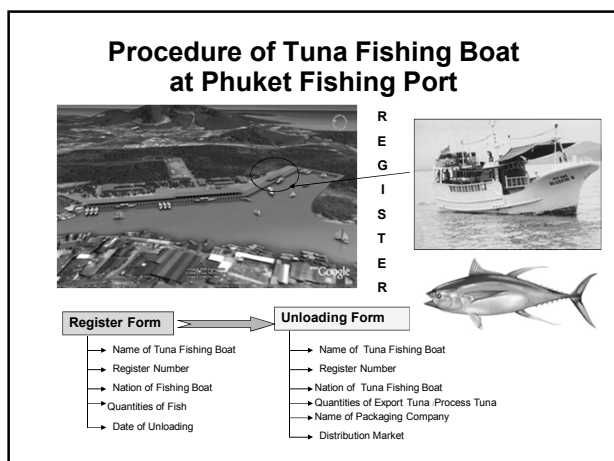



Landing pier of 200 meters length for tuna fishing boats












**Strengthening the sub-regional cooperation
on Port Monitoring**

Introduction

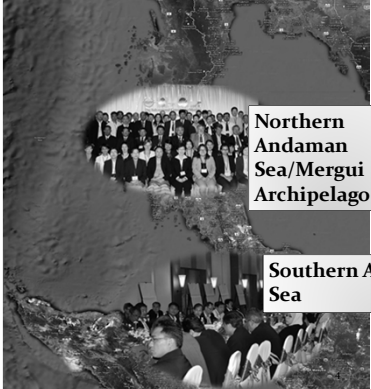
- Problem of overcapacity and uncontrolled fishing is global concern
- Recent global requirements has been addressed:
 - Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, adopted in 2009
 - EC Regulation No 1005/2008 establishing a Community System to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, effective since 1 January 2010



Areas of promotion the effectiveness of management of fishing capacity

- Strengthening the cooperation among agencies responsible for vessel registration and licensing system.
- Promotion of regional information sharing and cooperation on port monitoring, MCS networks
- Raising awareness of fisher-folk and local government through On-site events at provincial level, sub-regional level.

Sub-region areas of cooperation




Northern Andaman Sea/Mergui Archipelago

Southern Andaman Sea



Importance of Port Monitoring to Fisheries Management

- Port monitoring: monitoring all activities at ports and landing sites in each country.
- Monitoring and inspections should be reviewed data and documentation on fishing activities.
- Improved port monitoring to meet the requirements to implement the PSM Agreement and EC regulation to combat IUU fishing to secure trade flows.



Importance of Port Monitoring to Fisheries Management

- To meet the global demands and requirements on matters such as quality, health, traceability and catch documentation, etc.
- Involvement of all ports and landing sites for the development of port monitoring systems in the each sub-regional areas and the whole of Southeast Asia is a long-term important ambition.



Sub-regional collaboration to facilitate efficient port monitoring

- Strengthen the cooperation among all relevant sectors, institutions and among countries.
- Strengthen institutional knowledge and capacity for responsible agencies and develop a set of standard for port inspection and monitoring.
- Build upon existing well-managed ports to be used as a model for the national development of port monitoring.



Sub-regional collaboration to facilitate efficient port monitoring

- Development of systematic way to share information in the region and sub-regions.
- Improve and implement effective monitoring of catches landed, data collection for reliable information and the sharing of information among institutions and countries.
- Fisheries agencies should reach out, involve and cooperate with authorities responsible for port management and fishing ports to facilitate the efficient use of the facilities of ports and landing places.

Recommendations from the previous events concerning port monitoring

- Building up of working relations for institutions and entities responsible for the management of fishing ports and landing sites.
- Support cooperation and strengthen the role of concerned authorities, e.g. of custom office, immigration office, fishing port authorities, etc. in port monitoring, inspections on-board vessels and to collect relevant data and information

- Strengthen the capacity of personnel groups in fishing ports to improve port management and to be able handle more detailed collection of data and information, such as detailed taxonomic identification, specifications on different types of gears/vessels, etc. and specific aspects related to quality, health and environmental standard
- Explore the application and relevance of the PSM Agreement and agreement to validate the legal status of catches from small-scale fishing vessels landing the catch at border fishing ports

Refer to the Annex E of PSM Agreement

Guideline for the Training of Port State Inspectors

- Health, Safety and Security issues
- Applicable laws and regulations, areas of competence and conservation and management measures of RFMOs, applicable of international law
- collection, evaluation of preservation of evidence
- General inspection procedures such as report writing, interview techniques
- etc

PREVENTING EXPORT OF IUU FISH AND FISHERY PRODUCTS IN SEAFDEC MEMBER COUNTRIES

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INTRODUCTION

- Illegal, Unreported and Unregulated (IUU) fisheries activities are a worldwide problem, and a challenge for the Southeast Asian region.
- The experiences of the countries to combat IUU fishing should be shared and learned.
- In line with EU initiatives, this project address trade or market measures for combating IUU fishing.

Preventing Export of IUU Fishing Products

- Objectives:
 - To collect information regarding export of fish and fishery product.
 - To develop draft Regional Guideline to prevent IUU fish and fishery product from being exported.

ACTIVITIES 2011

- Gathering information regarding export of fisheries products using a set of questionnaires.
- A Regional Meeting for information gathering regarding export of fisheries products and recommendation on information required for development of regional guidelines.

Quantity and value of fish and fishery products exported

Export Quantity (1000 MT)			Export Values (USD Million)		
Countries	2009	2010	Countries	2009	2010
Brunei Darussalam	-	0.344	Brunei Darussalam	-	0.72
Cambodia	30	35	Cambodia	-	-
Indonesia	881	1104	Indonesia	2466	2860
Japan	498	566	Japan	1850	2240
Lao PDR	-	-	Lao PDR	-	-
Malaysia	254	287	Malaysia	700	740
Myanmar	375	921	Myanmar	500	480
Philippines	29	14	Philippines	11	90
Singapore	-	-	Singapore	-	-
Thailand	1875	2058	Thailand	7500	7900
Vietnam	1200	1350	Vietnam	4200	5030

Ranking for quantity and value of fish and fishery products exported

Countries	2009		Countries	2010	
	Quantity (1000 MT)	Value (USD Million)		Quantity (1000 MT)	Value (USD Million)
Brunei Darussalam	-	-	Brunei Darussalam	9	8
Cambodia	7	-	Cambodia	7	-
Indonesia	3	3	Indonesia	3	3
Japan	4	4	Japan	5	4
Lao PDR	-	-	Lao PDR	-	-
Malaysia	6	5	Malaysia	6	5
Myanmar	5	6	Myanmar	4	6
Philippines	8	7	Philippines	8	7
Singapore	-	-	Singapore	-	-
Thailand	1	1	Thailand	1	1
Vietnam	2	2	Vietnam	2	2

Summary of Measures and Regulations For Exporting Fish & Fishery Products											
Items of Information	Bru	Cam	Ind	Jap	Lao	Mal	Mya	Phi	Sin	Tha	Vie
Catch certificate	-	-	Y	Y	-	Y	Y	Y	-	Y	Y
Vessel Information	Y	Y	-	Y	-	Y	Y	Y	-	Y	Y
Product information	Y	Y	Y	Y	-	Y	Y	Y	-	Y	Y
Information For export Declaration	Y	-	-	Y	-	Y	Y	Y	-	Y	Y
Re- export Certificate	-	-	-	Y	-	Y	-	-	-	Y	Y
Transport Details	-	-	-	Y	-	Y	-	Y	-	Y	Y
Processed Product information	Y	Y	Y	Y	-	Y	Y	Y	-	Y	Y
Health certificate HOB and SPS	Y	-	Y	Y	-	Y	Y	Y	-	Y	Y

Issues on export of fish and fishery products

Issue 1:
Under-reporting, double reporting and inadequate monitoring of landings.

Solutions:

- Improve data collection and transparency.
- Strengthen product monitoring systems.
- Enhance awareness and capacity building.
- Encourage the sharing of information.

Issues on export of fish and fishery products

Issue 2:
Trading through informal channel.

Solutions:

- Strengthen informal or formal agreements.
- Strengthen existing mechanism.
- Establish simplified catch certificates.

Issues on export of fish and fishery products

Issue 3:
Informal recording of fish traded.

Solutions:

- Harmonize data collection and compilation system
- Intensify human capacity building (training)

Issues on export of fish and fishery products

Issue 4:
Inadequate recording data onboard

Solutions:

- Establish formal agreements.
- Promote Catch Certification and logbook.
- Develop capacity of fishers or fish masters to use logbooks.
- Incentives to fishers for using logbooks.
- Conduct sampling at ports and landing sites.

Issues on export of fish and fishery products

Issue 5:
Uncontrolled trans-shipment at sea.

Solutions:

- Improve legal fisheries framework to use product documentation.
(e.g. MC TD – trans-shipment document of Thailand).

Conclusion from the 2011 Regional Meeting

- SEAFDEC Member Countries did make some adjustments to comply with EC Regulations.

The value of the products exported by most SEAFDEC MCs countries are low.

- Conduct research on value-adding to improve the value and marketability.



Conclusion from the 2011 Regional Meeting

- Health and quality regulations and standards also apply to inland and aquaculture products.

The standards under the EU Regulation should be used as benchmark for preventing the trading of IUU fish and fishery products.



Activities 2012

- Information gathering on process and procedure also the regulation involved.
- Regional Core Expert Meeting on Preventing Export of IUU Fish and Fishery Products, 20 – 22 November 2012, Kuala Lumpur.



Objectives of the Regional Meeting

- To review the issues, processes and procedures in the export of fisheries products;
- To identify the information needed for draft regional guidelines to prevent export of IUU fish and fishery products;
- To formulate a draft regional guideline to prevent export of IUU fish and fishery products; and
- To discuss project activities for future implementation.

Envisaged Outcome from Regional Meeting 2012

- Information on issues, processes and procedures for exporting fish and fishery products;
- Draft regional guideline on preventing export of IUU fish and fishery products.

FAO initiatives

Simon Funge-Smith

Port State Measures

- Awareness raising workshops
- Workshops on implementation
- Possibly country capacity building projects (none so far) based on country commitment/requests
- FAO PortLex - countries regulations that support PSM
- <http://www.fao.org/fishery/psm/collection/en>

Search Results	
Results for (port) keywords: (10)	
PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures
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PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures
PortLex - Port inspections - All vessels	Database on Port State Measures

Search Results	
Results for (psm) keywords: (20)	
Indonesia - PSM: Documentation requirements - Foreign vessels	Database on Port State Measures
Indonesia - PSM: Documentation requirements - Foreign vessels	Database on Port State Measures
Indonesia - PSM: Documentation requirements - Foreign vessels	Database on Port State Measures
Indonesia - PSM: Documentation requirements - All vessels	Database on Port State Measures
Indonesia - PSM: Documentation requirements - All vessels	Database on Port State Measures
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Indonesia - PSM: Documentation requirements - Foreign vessels	Database on Port State Measures
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Indonesia - PSM: Documentation requirements - Foreign vessels	Database on Port State Measures
Indonesia - PSM: Documentation requirements - Foreign vessels	Database on Port State Measures

Capacity management & IUU

- Some small initiatives assisting member countries
- Development of NPOA capacity (VietNam)
- Countries that already have an NPOA IUU?
 - Are any members developing an NPOA?

Flag State Performance

- COFI has asked FAO to develop criteria on how to measure Flag state Performance
- FAO Technical consultation resumed session (5-9 March 2012)
 - Report available
 - ftp://ftp.fao.org/FI/DOCUMENT/tc-fsp/2012/Chairperson_report_9_March_2012.pdf
- Work ongoing

Global Record

- FAO Technical Consultation to
- “Identify a Structure and Strategy for the Development and Implementation of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels” (8 - 12 November 2010)
- Major initiative to get fishing vessels below 100 tonnes into a global record
 - Based around a unique identification (i.e. one vessel - one number)
 - Unique Identifier is standardized globally
- Critical that any national scheme to register vessels uses an identifier that would be compatible with the scheme.
- Phased introduction - vessels >50 tonnes
- GR outreach priorities to concentrate on capacity development
 - strengthening national register schemes
- There is a full system complete with:
 - software, training guides, for countries and it can be customized as needed.
 - All of these tools are ready now if countries request support from FAO.

**SUMMARY OF PROBLEMS AND CONSTRAINTS IN IMPLEMENTING PSM IN THE REGION,
AND PROPOSED SOLUTION TO PROBLEMS**

Country	Problems and constraints	Proposed solutions	Regulations/Legislations	Agencies Involved
Malaysia	<ul style="list-style-type: none"> Multiple jurisdictions of ports Multiple authorities involved, e.g. MMEA, MAQIS, LKIM, Marine Department Inconsistent interpretation of laws (non-binding nature of IPOA-IUU and legal implication to implement RFMOs' measures which Malaysia is not a party to) Difficulties in contacting concerned flag states Not updated IUU vessels list of certain RFMOs 	<ul style="list-style-type: none"> Enhance the coordination among various agencies and jurisdictions by way of standard operating procedures (SOPs) for the use of Malaysian ports to transship catches by IUU vessel Continue capacity building for port inspectors Develop sub-regional fishing vessel record Assist in the development of regional fishing vessels record 	<ul style="list-style-type: none"> Fisheries Act 1985 Malaysian Maritime Enforcement Agency (MMEA) Act 2004 Malaysian Quarantine And Inspection Services (MAQIS) Act 2011 Fisheries Development Authority Act 1971 Customs Act 1967 Merchant Shipping Ordinance 1952 Fish Marketing Regulations Exclusive Economic Zone Act 2004 	<ul style="list-style-type: none"> DOF Malaysia Ports Authorities MMEA LKIM MAQIS Royal Customs Department Marine Police

Note: MMEA – Malaysian Maritime Enforcement Agency
MAQIS - Malaysia Quarantine Inspection Services
LKIM – Fisheries Development Authority of Malaysia

**SUMMARY OF PROBLEMS AND CONSTRAINTS IN IMPLEMENTING PSM IN THE REGION,
AND PROPOSED SOLUTION TO PROBLEMS**

Country	Problems and constraints	Proposed solutions	Regulations/Legislations	Agencies Involved
Myanmar	<ul style="list-style-type: none"> • Inadequate MCS system • Deficiency of communications • Difficulty to cover the long coastal areas • Insufficient port and landing facilities • Inadequate knowledge for international fishing port inspection and management • Prevalence of poaching by foreign fishing vessels 	<ul style="list-style-type: none"> • Establish an efficient MCS system to effectively controlling fishing capacity and IUU fishing • Collaborate and cooperate with adjacent coastal nations in combating IUU fishing. • Implement regional cooperation frame work • Prompt the exchange of information between neighboring coastal states • Apply the noble means of communications and information networking • Regulate the appropriate terms and conditions on fishing vessels between neighboring countries 	<ul style="list-style-type: none"> • Myanmar Marine Fisheries Law (1989) • Laws relating to the fishing rights of foreign fishing vessels (1989) 	<ul style="list-style-type: none"> • DOF Myanmar • Immigrations Office • Ports Authority • Customs • Police Force • Navy • Department of Marine Administration • General Administration Department

**SUMMARY OF PROBLEMS AND CONSTRAINTS IN IMPLEMENTING PSM IN THE REGION,
AND PROPOSED SOLUTION TO PROBLEMS**

Country	Problems and constraints	Proposed solutions	Regulations/Legislations	Agencies Involved
Philippines	<ul style="list-style-type: none"> • Insufficient competent manpower • Inadequate monitoring/tracking instruments • Limited timely networking mechanism among the port states related to IUU 	<ul style="list-style-type: none"> • Improve timely networking mechanism with other parties in order to share relevant information related to IUU • Enhance the capability of fishery law enforcement agencies and monitoring centers through trainings: <ol style="list-style-type: none"> a. Boarding and inspection protocols b. Improvement of data collection system and analysis c. Familiarization among Law Enforcers on the different tracking/monitoring instruments onboard flag vessels • Improve vessel tracking capability by way of acquiring state-of-the-art tracking instruments • Encourage or Compel all Philippine Flag Vessels to install VMS onboard for easy monitoring/tracking 	<ul style="list-style-type: none"> • RA 8550: Philippine Fisheries Code of 1998 <ul style="list-style-type: none"> ▪ Various Fisheries Administrative Orders (FAOs) related to specific regulations • RA 8435: Agriculture and Fisheries Modernization Act of 1997 • RA 7160: Local Government Code of 1999 • RA 9147: Wildlife Conservation and Protection Act • Various Bilateral and International Agreements 	<ul style="list-style-type: none"> • DA- BFAR • Philippine Coast Guard • Philippine National Police-Maritime Group • Philippine Navy • Bureau of Customs • Philippine Fisheries Development Authority (PFDA) • Maritime Agency Authority (MARINA) • National Bureau of Investigation (NBI) • Local Government Units • Non- Government Organizations • Private Organizations • Local Deputized Fish Wardens (LGU)

**SUMMARY OF PROBLEMS AND CONSTRAINTS IN IMPLEMENTING PSM IN THE REGION,
AND PROPOSED SOLUTION TO PROBLEMS**

Country	Problems and constraints	Proposed solutions	Regulations/Legislations	Agencies Involved
Singapore	<ul style="list-style-type: none"> • Multiple agencies involved in vessels entry to port processes • Multiple stakeholders interested in port activities • Current limited resources and capability • Current legislations need to be relevant to emerging fisheries issues 	<ul style="list-style-type: none"> • Enhance human resources and capacity building • Develop infrastructures • Enhance cooperation at national level (within country's agencies) and regional level 	<ul style="list-style-type: none"> • Fisheries Act 1969 (Chapter 111), Revised Version 2002 • Fishing Vessels (Control and Licensing) Rules, 1969 • Fisheries (Fishing Harbor) Rule, 1971 • Fishing Vessels (Control and Licensing) (Amendment) (Metrication) Rules, 1972 • Fishing Gear (Control and Licensing) Rules, 1972 • Fish Culture (Control and Licensing) Rules, 1981 	<ul style="list-style-type: none"> • Maritime Port Authority of Singapore (MPA) • Agri-Food and Veterinary Authority (AVA) • Singapore Customs (SC) • Immigration and Checkpoints Authority (ICA) • Police / Coast Guard • Navy

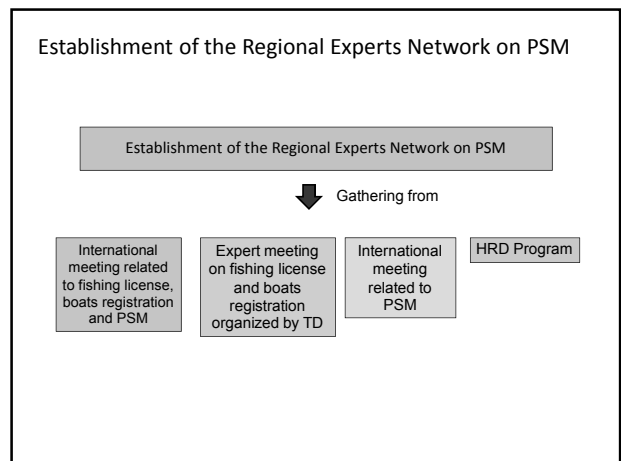
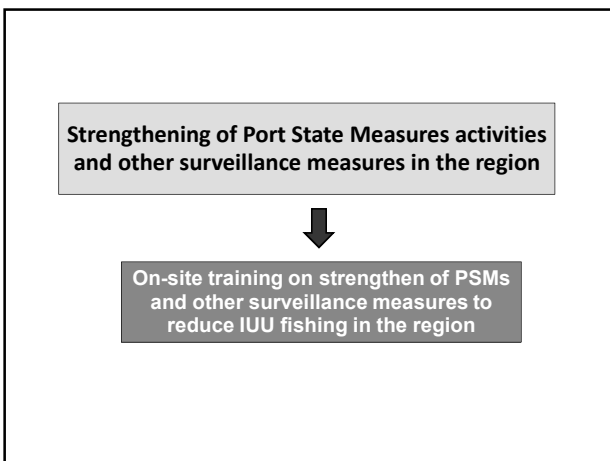
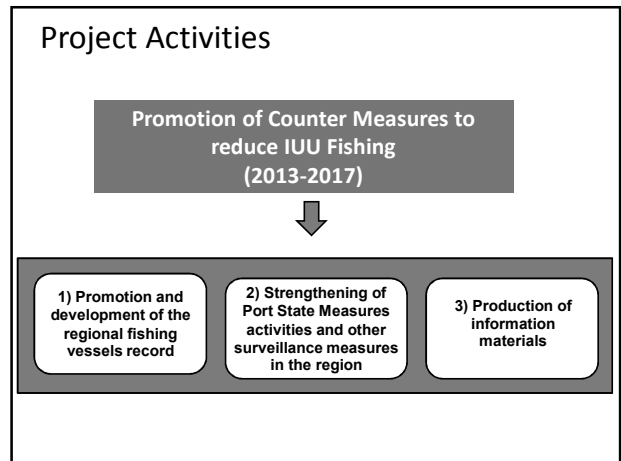
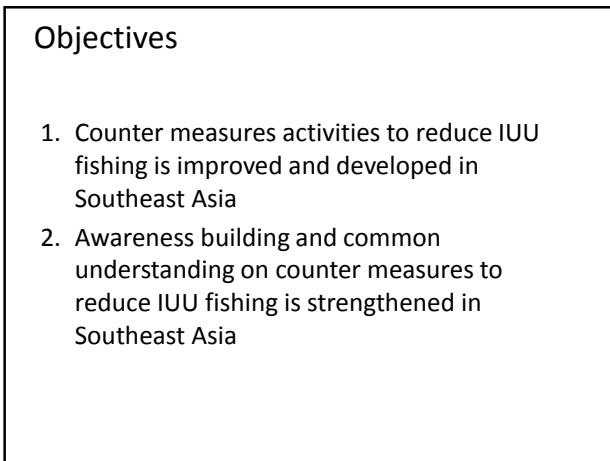
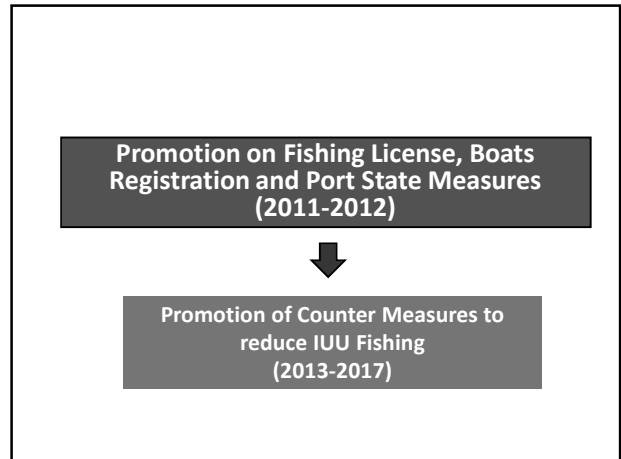
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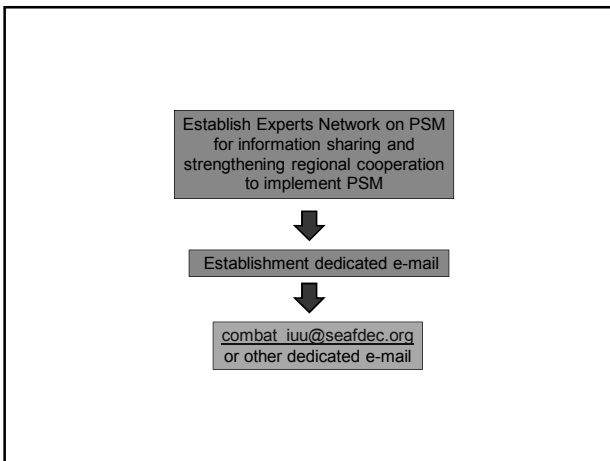
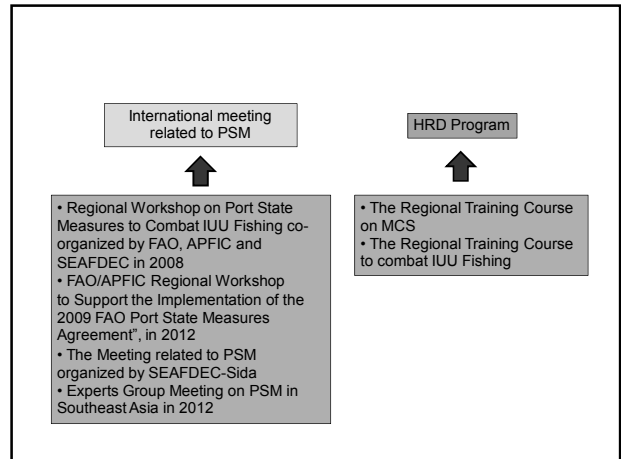
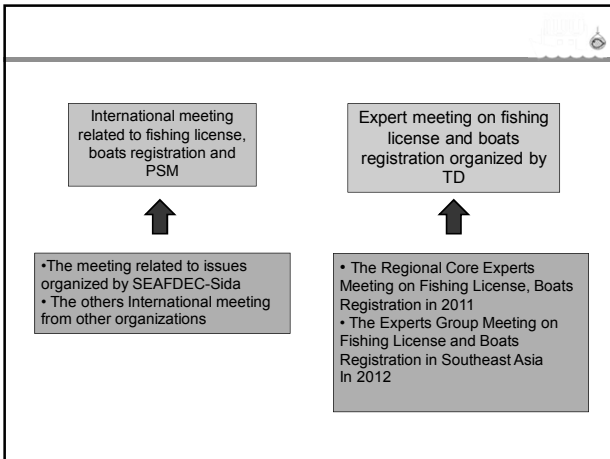
Country	Problems and constraints	Proposed solutions	Regulations/Legislations	Agencies Involved
Thailand	<ul style="list-style-type: none"> No specific law and regulation according to implementation on PSM No authorization to inspect on fishing vessels, deny entering to port and deny transshipment at port according to the PSM Agreement, due absence of necessary laws and regulations Lack of monitoring or follow-up after inspection 	<ul style="list-style-type: none"> Establish technical cooperation program on PSM to increase capacity and number of inspectors. Strengthen cooperation and communication between Department of Fisheries and Marine Department of Thailand other agencies concerned in combating IUU fishing Revise relevant laws and regulations to implement the PSM Agreement Establish electronic information exchange system at national, regional, sub-regional and inter-agencies collection for database Develop electronic traceability system 	<ul style="list-style-type: none"> Vessels registration Fishing license Fishing under Thai laws/regulations (right period, right area, right fishing gear) Fishing Logbook (Thai Flag) Fishing Logbook (RFMO) Fisheries Act Notification of Ministry of Agriculture and Cooperatives, Notification of Department of Fisheries e.g. <i>Determination of spawning area, prohibit area for trawlers, mesh size control, fishing record</i> RFMO resolutions 	<ul style="list-style-type: none"> DOF Marine Department FMO Customs Ports Authority of Thailand Immigration Importers Vessel's owners Collectors Processing plants Relevant RFMOs Navy Marine Police

**SUMMARY OF PROBLEMS AND CONSTRAINTS IN IMPLEMENTING PSM IN THE REGION,
AND PROPOSED SOLUTION TO PROBLEMS**

Country	Problems and constraints	Proposed solutions	Regulations/Legislations	Agencies Involved
Vietnam	<ul style="list-style-type: none"> Numerous landing sites and difficulties in managing them Increased numbers of small fishing boats, difficulties to implement control and surveillance Unsystematic technical parameters to properly record all fishing boats Inadequate law frameworks to manage fishing ports. Insufficient financial and human resources in local fishing port management authorities for fisheries data collection and analysis Lack of financial resources to conduct MCS activities Weak compliance by relevant stakeholders Insufficient information on state of marine resources for effective management of fishing effort Difficulties in implementing legal documents issued Sanctions is not high enough to limit violations Institutional arrangements from central to local levels 	<ul style="list-style-type: none"> Submit project proposal to Prime Minister to forecast marine fishing grounds Effectively implement program on re-organization of the national inspection system. Review and reform national legal and policy frameworks in relation to MCS activities and PSM Agreement and to chart a Decree to effectively manage fishing ports Cooperate with countries in the region to widely conduct MCS activities and to reduce, prevent and eliminate IUU fishing Involve actively in RFMOs (FAO, WCPFC, ICCAT...) to enhance capacity in fisheries management Promote institutional strengthening of fishing ports 	<ul style="list-style-type: none"> Vietnam Fisheries Law (2003) Decision 1690? Decree No. 59/2005/ND-CP issued on 4 May 2005 regarding the conditions of trading and production of fisheries related occupations. Decree No. 66/2005/ND-CP issued on 19 May 2005 ensuring the safety of fishermen's operations Decree 57/2008/ND-CP issued on 2 May 2008 for the management of marine protected areas (MPAs). Decree 31/2010/ND-CP on administrative violations in fisheries sector. Decree No. 32/2010/ND-CP on 29 March 2010 for the management of foreign fishing vessels operating in Vietnam waters. Decree No. 33/2010/ND-CP on 31 March 2010 for management of Vietnam's organizations and individuals operating at sea. Decree No. 52/2010/ND-CP 	<ul style="list-style-type: none"> Department of Fisheries Research Institute of Marine Fisheries (RIMF) Ministry of Agriculture and Rural Development (MARD) Provincial Fisheries Offices

	<p>are stable, systematic, synchronized</p> <ul style="list-style-type: none"> • Insufficient skilled staffs in fisheries management • MCS implementation is not sufficiently considered 		<p>on 17 May 20120 for the importation of fishing vessels.</p> <ul style="list-style-type: none"> • Decree No. 80/2012/ND-CP on 8 October 20120 for the management fishing ports and landing sites. 	
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Combating IUU Fishing in the Southeast Asian Region Website

URL : <http://www.seafdec.or.th/iuu>

THANK YOU

ADOPTED CONCLUSION AND RECOMMENDATIONS

Regional Common Issues and Constraints	Meeting Recommendations	Remarks
<p>General Issues</p> <p><i>Difficulties in implementing the FAO PSM Agreement</i></p> <ul style="list-style-type: none"> • <i>Multiple jurisdictions by multiple agencies involved in implementing PSM</i> • <i>This Agreement apply to not only fishing Vessels and also transship vessels and Container vessel carrying fish and fish products</i> 	<p>Strengthen in-country and regional coordination in implementing PSM</p> <p>Consider regional cooperation in the implementation of the minimum standards in the PSM Agreement.</p> <p>Learn from the experience of some countries for the implementation of PSM.</p> <p>Raise the awareness of related national agencies on PSM for the effective implementation of PSM</p>	<p>Member Countries to collaborate with FAO and SEAFDEC</p> <p>Refer to Annexes in PSM Agreement</p> <p>Refer to the SOP of Malaysia for the implementation of PSM</p> <p>Refer to 2011 Plan of Action</p>
<p><i>Review countries' existing legislations and legal framework to implement PSM with respect to the provisions of the FAO PSM Agreement</i></p>	<p>Member countries should review existing legislations and legal framework to implement PSM with respect to the provisions of the FAO PSM Agreement</p> <p>Refer to the study conducted by FAO to compare the basic provisions in the PSM Agreement with relevant legislations of three countries in the region, namely: Indonesia, Malaysia and Thailand for improving or amending or harmonizing as the case may be of the current relevant laws and regulations.</p> <p>Provide technical assistance to countries in amending their respective legislations to include provisions on the implementation of PSM.</p> <p>Consider that policy makers exert efforts to adjust the national legislations</p>	<p>Member Countries to review their respective legislations in collaboration with FAO, SEAFDEC, and RPOA-IUU.</p> <p>Member Countries to consider this issue with assistance from SEAFDEC, FAO and ASEAN Secretariat. Refer to the 2011 Plan of Action on the commitment of the Member Countries on the promotion of PSM.</p>

	and policies in accordance with the provisions in the FAO PSM Agreement. Such initiatives should be submitted for the consideration of FAO COFI, RPOA-IUU, SEAFDEC Council and ASWGF.ii.	Member Countries to consider this issue.
(Other relevant measures) <i>Promotion of catch documentation and certification schemes</i>	Facilitate implementation of catch documentation scheme and catch certification scheme on domestic and foreign fishing vessels. Develop standard operating procedures on ports inspection and relevant port procedures.	
Specific Issues <i>Implementation working model for ports using PSM and other relevant measures</i>	Building capacity and learning from the example of such model ports, for the countries. Consider the proposal of Thailand to develop a model port in the country where many foreign vessels land, to be used as an example for the development of model ports in the Southeast Asian countries. Conduct of regional and national on-site training (tailor-made) for relevant staff including inspectors and enforcers to be able to implement PSM and other relevant measures as well as to interpret legal instruments effectively.	Member Countries with assistance from SEAFDEC and FAO requested On-site training in the countries should aimed to develop the capability of port inspectors, enforcers and other concerned staff (including those from non-fisheries agencies)
<i>Improvement infrastructures and facilities to implement PSM and other relevant measures</i>	Improve capability of countries in accessing the legally updated data bases including list of fishing vessels known as IUU fishing vessels (from national central offices) for the effective enforcement of PSM through the acquisition of state-of-the-art instruments and facilities. Improve the facilities and capabilities in port harbors and other infrastructures to enhance the implementation of PSM.	Member Countries to improve their respective facilities and capabilities.
<i>Communications and restricted information sharing on PSM</i>	Promote exchange of experiences and lessons learned in the implementation of PSM through training cum workshops involving all target groups.	Assistance of SEAFDEC in collaboration with FAO requested

	Enhance the awareness of all stakeholders to understand the need to implement PSM and other relevant measures through prints, media, and the website (e.g. information materials for the awareness of target groups).	
Other issues relevant to the implementation of PSM and other relevant measures		
Fishing vessel registration		
<ul style="list-style-type: none"> • Double flagging 	<p>Need to conduct internal discussions with respective Ministries of Transport or on the procedures of registration, de-registration and dual flagging, by specifically looking at the procedures of notification.</p> <p>Ensure that vessels appearing to be foreign but flying national flags are not involved in dual flagging and not engaged in IUU fishing, before gaining entry to ports.</p> <p>Review of flag state control should be conducted to address possible double flagging of vessels.</p> <p>Request countries to facilitate in providing their respective updated information on national vessels to promote the regional fishing vessels record and enhance port monitoring activities</p>	<p>Member Countries to address this issue as flag states accordingly.</p> <p>Should be clarified with respective Ministries of Transport or other agencies involved in vessels registration and Departments of Fisheries of the Member countries.</p> <p>SEAFDEC to assist Member Countries</p>
<ul style="list-style-type: none"> • Regional Fishing Vessels Record 		
MCS system including VMS networking	Strengthen cooperation among neighboring (trans-boundary) countries in adapting the MCS network through sub-regional agreements	SEAFDEC to assist Member Countries
Additional information required from other Member Countries	Compile country information on the implementation of PSM for Brunei Darussalam, Cambodia and Indonesia (may be for Lao PDR also) which were not represented during the Meeting, with assistance from the respective members of RFPN.	SEAFDEC to officially communicate this matter to the concerned countries.

CLOSING REMARKS

Mr. Kenji Matsumoto
SEAFDEC Deputy Secretary General & Deputy Chief of TD
Experts Group Meeting on Port State Measures in Southeast Asia
Bangkok, Thailand, 12-14 November 2012

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

First of all, please allow me to thank you for your active participation during our three-day Meeting. We are also very thankful to the representatives and experts from the SEAFDEC Member Countries for providing the Meeting with updates of their respective efforts in combating IUU fishing. As envisioned, the outputs from this Meeting would be used for the development of appropriate Port State Measures activities for our region. Although this is surely a very difficult task to undertake, but we have to do it as it is one of the most important means of combating IUU fishing in our region.

At this juncture, please allow me to assure you that SEAFDEC would strengthen the collaborative efforts that we have enhanced during this Meeting. The problems and challenges that were identified as impediments in the implementation of Port State Measures activities could be used as inputs for the development of the Port State Measures and other measures. As we have mentioned earlier, this could be our significant contributions to all efforts towards combating IUU fishing in this region, considering that IUU fishing has greatly affected the recovery of depleted fish stocks as well as the sound condition of the ecosystems.

With our strengthened collaboration, SEAFDEC would continue to make efforts to find the ways and means of addressing the impacts brought about by IUU fishing. Although this Meeting is only one of such efforts, but intensifying the promotion of the Port State Measures and other measures could eventually pave the way towards reducing IUU fishing in this region. We are therefore very hopeful that the summary of problems and challenges that confront the countries while in the process of implementing the Port State Measures activities, would lead us to the development of relevant activities on Port State Measures and other measures that would benefit our region.

With that Ladies and Gentlemen, let me now declare this Experts Group Meeting closed. Lastly, I wish you all safe journey on your return to your respective countries. Thank you once again and hope to see you again when we discuss our next steps that would finally lead us to attaining our objective of reducing IUU fishing in Southeast Asia. Thank you and good day!



TRAINING DEPARTMENT
Southeast Asian Fisheries Development Center
www.seafdec.or.th