



**Establishment and Operation of a Regional System of
Fisheries *Refugia* in the South China Sea and Gulf of Thailand**

REPORT

**NATIONAL CONSULTATIVE MEETING ON FINAL DRAFT
PROCLAMATION OF THE ESTABLISHMENT OF MANAGEMENT
AREA OF SHORT MACKEREL FISHERIES *REFUGIA***

**KOH KONG, CAMBODIA
30 JULY 2019**

Prepared by
FISHERIES ADMINISTRATION, CAMBODIA

SOUTHEAST ASIAN FISHERIES DEVELOPMENT CENTER
TRAINING DEPARTMENT



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1. Open meeting

- 1) The consultation meeting on the draft proclamation on the establishment of management area of mackerel fisheries refugia in Peam Krasob, Koh Kong, was organized by the Ministry of Agriculture, Forestry, and Fisheries and Fisheries Administration on 30 July 2019, funded by SEAFDEC/UNEP/GEF Fisheries *Refugia*. The meeting was conducted at the Ministry of Agriculture, Forestry, and Fisheries under presided by H.E. Has Saret, Secretary of State of the Ministry of Agriculture, Forestry, and Fisheries which was attended by 16 participants in total from the Ministry of Agriculture, Forestry, and Fisheries, Fisheries Administration, Koh Kong Provincial Hall Administration (FiA), and Koh Kong provincial Department of Agriculture, Forestry, and Fisheries. **(see Annex 1, 2 &3).**
- 2) H.E. Has Saret welcomed to all participants and informed the objective meeting today is to discuss the draft proclamation on the establishment of management area of mackerel fisheries refugia in Peam Krasob, Koh Kong proposed by the Fisheries Administration. After that, H.E. Has Saret requested H.E. Eng Cheasan, Delegate of Royal Government of Cambodia in charge of the Director of General of Fisheries Administration to inform the process of the draft proclamation preparation in the basic for discussion.
- 3) H.E. Eng Cheasan informed the meeting about the importance of mackerel market and the biology of its spawning season as well as present about gradual declining in fish production from 2012 to 2017. In line with, FiA issues the announcement letter of fishing close on 15 January to 31 March every year in order to ensure fish stock in the nature. H.E also expressed that based on researches and consultations with community fisheries, local authorities, and Koh Kong Provincial Hall Administration in the past showed, the location of Peam Krasob and Koh Kapi, Koh Kong province is the spawning habitat of mackerels that are always crowded to spawn from December to March meanwhile fishermen also come to fish those sites. By seeing those location advantages, FiA collaborating with Koh Kong Provincial Hall Administration and Koh Kong Fisheries Administration Cantonment of Provincial Department of Agriculture, Forestry, and Fisheries as well as the agreement from the community fisheries to select those sites to establish mackerel fisheries refugia in order to manage fish stock.

2. Discussion on draft proclamation of the establishment of management area of mackerel fisheries refugia in Koh Kong

A. Discussion on Prefixes and Title of the Proclamation

- 4) Then, H.E. Has Saret proposed the meeting to consider and discuss title and prefixes.
- 5) Mrs. Kao Sochivy requested to add the word of CONSERVATION because of the Article 1 mentioned about the CONSERVATION as well.
- 6) Mr. Ouk Vibol explained that the title is to show about the establishment of fisheries refugia, even though the Article 1 expresses the purpose of the creation of management area to conserve the fish.
- 7) H.E. Chair meeting added that the title is focusing on the establishment of management area on fisheries refugia but, the Article 1 is to protect and conserve an extinction fish.
- 8) H.E. Eng Cheasan proposed to change the location of prefixes on sub-decree No.188 OrNorKro.BorKor dated of 14th November 2008 backing up Sub-decree on No.188 OrNorKro.BorKor dated of 22nd August 2005.

B. Discussion on Article

Article 1

- 9) Mrs. Kao Sochivy proposed to add the word of management to reply to the title of the proclamation
- 10) Mr. Ouk Vibol replied that the word of management is covered to the word of protection conservation and utilities, but the Article 1 is focusing on the purpose of establishment of management area to protect, conserve, and use, therefore it should be not added.
- 11) Mr. Sok Sothy agreed to keep the title and article 1 of the proclamation.
- 12) Ouk Tona proposed to delete the paragraph on “*contribution to local livelihood enhancement*” in the Article 1 because that sentence mentioned in the Article 2 already. Anyways, he questioned that which article is stated in the fisheries law?
- 13) Mr. Prom Sotha responded that Article 16 of the fisheries law stated clearly allowing the MAFF to prepare the proclamation and the proclamation is a short period.
- 14) Mr. Ouk Vibol also expressed that Article 12 of the fisheries law gives a power right to MAFF to develop the proclamation.
- 15) Mr. E Meng Leang proposed to delete the word of conservation instead of nursery and protection.
- 16) Pen Vuthy responded that it should be not scared to put the word of conservation, generally the conservation is a target to ensure extinction fish species.
- 17) H.E Chair meeting recommended that the proclamation title is focusing on refugia management, but the Article 1 mentioned about the protection and conservation of fish species.
- 18) Mr. Sok Sothy expressed that the management is focusing on fisheries refugia, but the Article 1 mentioned about the protection and conservation of fish species.
- 19) Finally, H.E Chair meeting agreed to delete the sentence on “ *contribution to local livelihood enhancement* ”

Article 2

- 20) Mr. Kry Sido proposed to change the word of “improvement” into the “enhancement”.

Article 3

- 21) Mr. Ouk Vibol expressed that the size and site has agreed from Koh Kong Provincial Hall Administration.
- 22) Mr. Sok Sothy responded that it is not problem for the map.
- 23) Mr. Kry Sido proposed to omit the Number 1 from the Appendix because the proclamation attached one map only, so it is not needed to show and requested to show coordinate as well.

Article 4

- 24) Mrs. Kao Sochivy proposed to show types of mackerel fishing gear banned and those types are attached in Appendix too because the proclamation does not mention clearly about banned fishing gear types.
- 25) H.E. Chair meeting recommended that what kinds of fishing gears are they?
- 26) H.E. Eng Cheasan responded that setting the kinds of fishing gears maybe difficult because some of them can catch other fish species, but they can catch mackerel specie as well.
- 27) Mr. Prom Sotha expressed that actually, it is hard to set the kinds of fishing gears banned because mackerel fishing gears are flexible and trawler vessels is banned to operate in shallow water area.
- 28) H.E. Eng Cheasan worried about the period of mackerel fishing close at that site because commonly it is closed to have the period of 2.5 months, but that site extended to ban fishing the period of 4 months.

- 29) Mr. Prom Sotha expressed that it is not affected, fishermen is happy to close that period because they understood that added the period of fishing close is to help increase a fish stock.
- 30) Mr. Ouk Vibol explained that setting the types of fishing gears is difficult, so keeping that job for Koh Kong Provincial Hall Administration issues warrants to set the types of those fishing gears, it is better because those types can be changed.
- 31) Mr. Pen Vuthy proposed to revise the paragraph in the Article 4 on “ *exception for the of research activities allowed by the Minister of MAFF into “ exception for the activities researches, experiments, and fisheries science technology in line with legality as stated in article 19 of the fisheries law allowed by the Minister of MAFF.*
- 32) H.E. recommended that when the proclamation is to be issued, Fisheries Administration is ready to allocate budgets for that job implementation such as buoy installation and deploying concrete boxes etc. and will plan to prepare the management of conservation area at Peam Krasob.
- 33) Mr. Sok Sothy congratulated and ready to implement that job and make a commitment to do that job successfully and he proposes to allocate budgets for mackerel management, avoiding dependence on donors, it will have problems happen when project ends.

Article 5

- 34) Mr. Heng Bunny proposed to write FiA collaborating with Provincial Hall Administration because FiA has a role to do that job directly.
- 35) Mr. Ouk Vibol responded that it is able to Provincial Hall Administration working equally. If not so, Provincial Hall Administration works in term of collaboration and is also less responsibilities.
- 36) H.E. Eng Cheasan expressed to be happy, if Provincial Hall Administration implements that job fully.
- 37) Mr. Sok Sothy responded that provincial hall administration is not skill to do that job; the provincial administration has a role in management and coordination. Therefore, relevant provincial departments will prepare to make a plan and send that plan to provincial hall administration. Based on the law on administration management of municipal, province, city, Khan, and district, those skill officers are not Provincial Hall Administration’s officers. They are still the Ministry’s officers through nominated by the ministry to serve a job at province.
- 38) H.E. Chair meeting proposed the meeting to consider 3 sentences and which one the meeting is thought properly, those sentences are 1) under FiA’s and Provincial Hall Administration competence that the provincial department of agriculture, forestry, and fisheries is a colleague directly; 2) under FiA’s and Provincial Hall Administration competence; and 3) under FiA’s competence collaborate with and Provincial Hall Administration.
- 39) After active discussion, the meeting agreed to select option 1, it means that under FiA’s and Provincial Hall Administration competence that the provincial department of agriculture, forestry, and fisheries is a colleague directly.
- 40) Mr. Sok Sothy recommended that provincial hall administration is also like Lok Chhum Teav Provincial Governor’ stand supports and ensures to do that job successfully.
- 41) The meeting fully agreed the original meaning of article 6, 7, 8 and 9.
- 42) Mr. Ouk Vibol proposed Mr. Sok Sothy to help provide Provincial Hall Administration’s stamp on a new map corrected, Mr. Sok Sothy supported and agreed that proposal.
- 43) H.E. Chair meeting proposed to add the Ministry of Mine and Power and take out the Royal Government’s Secretary General from receiving place.

3. Close meeting

- 44) H.E. Chair meeting proposed the representative of FiA to prepare the report and minute meetings and correct the proclamation based on discussion, and H.E declared to close a meeting at 5:30pm

ANNEX 1

**List of participants in consultation meeting on the draft proclamation on the establishment of
the management area of mackerel fisheries refugia in Koh Kong on 30 July 2019 at the
Ministry of Agriculture, Forestry, and Fisheries**

No.	Name	Sex	Title	Organization	Telephone
1	H.E Has Sareth	M	MAFF's Secretary of State	MAFF	
2	H.E Eng Cheasan	M	Director General	FiA	
3	Dr. Kao Sochivy	F	Deputy Secretariat General	MAFF	012202805
4	Prom Sotha	M	Director	Marine Fisheries Administration Inspectorate /FiA	069695000
5	Ouk Vibol	M	Director	DFC/FiA	012908121
6	Ouk Tona	M	Deputy Director	GDA	012659564
7	Horm Saravuth	M	Deputy Director	GDA	012826842
8	E Meng Leang	M	Director	DoPA in Koh Kong	016899577
9	Kry Sydo	M	Deputy Director	DPS/MAFF	012334424
10	Nam Lyma	M	Division Head	GI	012721471
11	Heng Bunny	M	Deputy Director	DPHRD/MAFF	011980990
12	Pen Vuthy	M	Deputy Director	DAL/MAFF	017996881
13	Lang Kiri	M	Director	Koh Kong FiAC/DoA	
14	Leng Sy Vann	M	Deputy Director	DFC/FiA	017446373
15	Hav Chea	M	Deputy Director	DAA	012837565
16	Sok Sothy	M	Deputy Governor	Koh Kong Provincial Administration	012263642
17	Tum Sowath	M	Officer	Koh Kong Provincial Administration	

ANNEX 2

Schedule for consultation meeting on the draft proclamation on the establishment of the management area of mackerel fisheries refugia in Koh Kong on 30 July 2019 at the Ministry of Agriculture, Forestry, and Fisheries

Date/Time	Description	Responsible person
8:30am- 9:00am	Registration	All
9:00am- 9:30am	Opening meeting	H.E. Has Saret Secretary of State of MAFF
9:30am-9:50am	Snack break	All participants
9:50am-10:50am	Presentation of draft proclamation on the establishment of mackerel fisheries refugia in Koh Kong	Mr. Ouk Vibol Deputy Director of Department of Fisheries Conservation
10:50am- 12:00pm	Discussion on draft proclamation on the establishment of mackerel fisheries refugia in Koh Kong	H.E. Has Saret Secretary of State of MAFF
12:00am-2:00pm	Lunch break	All participants
2:00pm-3:30pm	Discussion on draft proclamation on the establishment of mackerel fisheries refugia in Koh Kong	H.E. Has Saret Secretary of State of MAFF
3:30pm-3:50pm	Snack break	All participants
3:50pm-5:00pm	Discussion on draft proclamation on the establishment of mackerel fisheries refugia in Koh Kong	H.E. Has Saret Secretary of State of MAFF
5:00pm-5:30pm	Closing a meeting	H.E. Has Saret Secretary of State of MAFF

ANNEX 3

Participants' Photos in consultation meeting on the draft proclamation on the establishment of the management area of mackerel fisheries refugia in Koh Kong on 30 July 2019 at the Ministry of Agriculture, Forestry, and Fisheries



ANNEX 4

Draft Proclamation of Establishment of the Management Area of Mackerel Fisheries Refugia at Peam Krasob, Koh Kong Province

Kingdom of Cambodia
Nation Religion King



Ministry of Agriculture, Forestry, and Fisheries



No.....MAFF

Draft Proclamation

On

**Creation of Management Area of Mackerel Fisheries Refugia at Peam Krosob,
Koh Kong Province**

3

Minister of Agriculture, Forestry, and Fisheries

- Having seen the Constitution of Royal Kingdom of Cambodia.
- Having seen Royal Decree No. Nor Sar /RoKorTor/0918/925 dated on 06 September 2018 on nomination of the Royal Government of Kingdom of Cambodia.
- Having seen Royal Proclamation No. Nor Sar /RoKorMo/0618/012 dated on 28 June 2018 on declaring to use the law on the organization and implementation of the cabinet.
- Having seen Royal Proclamation No. Nor Sar /RoKorMo/0196/13 dated on 24 January 1996 on declaring to use the law on the establishment of the Ministry of Agriculture, Forestry, and Fisheries.
- Having seen Royal Proclamation No. Nor Sar /RoKorMo/0506/011 dated on 21 May 2006 on declaring to use the law on fisheries.
- Having seen Royal Proclamation No. Nor Sar /RoKorMo/1117/015 dated on 22 November 2017 on declaring to use the law amendment on article 41, 42, 43, and 59 of the law on fisheries
- Having seen sub-decree No. 17 OrNorkro.BorKor dated on 07 April 2000 on the organization and implementation of the Ministry of Agriculture, Forestry, and Fisheries.
- Having seen sub-decree No. 105 OrNorkro.BorKor dated on 22 August 2005 on additional duties of the ministry of agriculture, forestry, and fisheries and the establishment of internal audit department, planning and statistic department, international cooperation department, information and agricultural document center under the ministry of agriculture, forestry, and fisheries.
- Having seen sub-decree No. 188 OrNorkro.BorKor dated on 14 November 2008 on the reformation of director general of the ministry to be secretariat general, forestry administration promotion, fisheries administration promotion to be equal to director general, the promotion of department of agronomy and agricultural land improvement to be director general of agriculture, and reformation of rubber plantation director general to be rubber director general, are under the management of the ministry of agriculture, forestry, and fisheries.

- Refer to the proposal of Delegate of Royal Government of Cambodia in charge of Director General of Fisheries Administration.

DECISION

Article 1: The proclamation has an aim to create the management area of mackerel fisheries *refugia* in Peam Krasob, Koh Kong in order to protect, conserve, and use sustainable mackerel specie in line with national fisheries sector policy.

Article 2: The proclamation is the following target:

- Ensure the ecology of mackerel refugia more and more better
- Manage sustainable mackerel stock
- Contribute to enhancing local livelihood

Article 3: The proclamation covers the total area of 1,283ha located in Peam Krasob commune, Mondol Sema district, and Koh Kapi commune, Koh Kong district, Koh Kong province. The map of mackerel fisheries *refugia* in Peam Krasob, Koh Kong defined in the annex of the proclamation.

Article 4: Banning to catch mackerel in mackerel fisheries *refugia* in Peam Krasob, Koh Kong from 01st December to 31st March every year, exception for experiment, research, and fisheries science technology activities permitted by the Minister of Ministry of Agriculture, Forestry, and Fisheries.

Article 5: Managing the management area of mackerel fisheries *refugia* in Peam Krasob, Koh Kong is under competences of Fisheries Administration and Koh Kong Administration, which is the provincial department of agriculture, forestry, and fisheries as colleague collaborating with involved competences and other partner development. Main duties are described as follow:

- Prepare a management mechanism
- Organize and implement a management plan
- Prepare a patrolling group, install patrolling materials, and implement a patrolling action
- Define and demarcate a boundary
- Study technical research, survey and monitor biological status and mackerel stock in the nature
- Educate and raise public awareness to fishermen and other stakeholders
- Seek aids and collaborate other development partnerships, internal and national organizations, and generous persons to support fund for the management action of management area of mackerel fisheries refugia.

Article 6: Budget sources for the creation and management of mackerel fisheries refugia are:

- National budget
- Partner developments and private sectors
- Generous persons
- Other incomes

Article 7: Anyone is wrong doing against the proclamation shall be punished in line with the law.

Article 8: Any regulation that is against to the proclamation shall be null and void

Article 9: Secretary General, Inspectorate General, Director General of Fisheries Administration, Director of Department of Administrative Affair, Director of Financial and Accounting Department, Director of Department of Agriculture, Forestry, Fisheries Involved, Head of Involved Institutions under the Ministry of Agriculture, Forestry, and Fisheries shall be in charge of the proclamation based on self duties from signing forward.

Phnom Penh,..... 2019
Minister
Ministry of Agriculture, Forestry, and Fisheries

Copies :

- Council of Minister
 - Ministry of Interior
 - Ministry of Finance and Economy
 - Ministry of Justice
 - Ministry of Environment
 - Ministry of Tourism
 - Ministry of Mine and Power
 - Cabinet of Samdach Akeh Moha Sena Padei Tachou Prime Minister
 - Cabinet of Samdach, H.E, Lok Chumteav Deputy Prime Minister
 - Koh Kong Provincial Hall Administration
 - As mentioned in Article 9
- “To implement”***
- Chronology and Documentation