

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

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## **I. Introduction**

Refers to the adopted the International Plan of Action to prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) in 2001, in which the requirement for port State measure are included. FAO has worked on the PSM to combat Illegal, Unreported and Unregulated Fishing including identified the need for human resources development to implement port State measures while developed as minimum standards - a “FAO Voluntary Model Scheme on Port State Measures” to combat Illegal, Unreported and Unregulated Fishing in 2004. Later, the FAO Conference adopted resolution 12/2009 approving the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as a legally binding instrument in 2009. The Objective of the PSM Agreement is to “prevent illegally caught fish from entering international markets through ports”. Port State needs to take the actions on restriction of entry into port, use of port, access to port services, in addition the inspection and other enforcement activities are also mentioned in the agreement. Taking into account the important of seafood products from Southeast Asian to around the world market, trade in and out are ones of the important activities. To avoid any impact on trade as well as preventing the entry of IUU fish and fishery products either from international or intra-regional trade, the implementation of port State measures are therefore needed taking into accounts other existing regional management tools developed under the ASEAN-SEAFDEC Collaborative Framework such as ASEAN Catch Documentations, RFVR-24m, ASEAN Guidelines to prevent the entry of IUU products into the supply chain, and etc.

## **II. Activities**

According to above mention, the SEAFDEC Training Department has been implemented PSM activities under the project of “Promotion of countermeasures to reduce IUU fishing” with supported by JTF in collaboration with the SEAFDEC Secretariat. The activities are as follows;

- *The Experts Group Meeting on Port State Measures in Southeast Asia*

The Experts Group Meeting on Port State Measures (PSM) in Southeast Asia was organized from 12 to 14 November 2012 in Bangkok, Thailand. The outputs of the meeting are regional common issues/ constraints and recommendations for implement PSM activities in the region as follows; implementing the PSM Agreement, existing legislations and legal framework, ratification and accession, working model for ports using PSM, multiple jurisdictions by multiple agencies involved in PSM, Catch Documents Scheme (CDS) and Catch Certification and etc.

- *The Experts Meeting on Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region*

The Experts Meeting on Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region was organized from 2 to 4 February 2016 in Bangkok, Thailand. The Meeting came up with 1) Identified issues for harmonization to support the

implementation of PSM in the region 2) Module of capacity building to support PSM implementation in the region, and 3) Concept proposal on regional cooperation to support the implementation of Port State Measures to be addressed at the Council and high-level under the ASEAN mechanism.

At the 48<sup>th</sup> Meeting of SEAFDEC Council in April 2016, the Concept Proposal on Regional Cooperation for Supporting the Implementation of Port State Measures in ASEAN Region as well as its work plan was addressed for consideration, comments and support. The council suggested to harmonize and integrate with the RFVR Database. The council identified four main aspects that should be considered during the implementation of PSM, these include: 1) denying entry of IUU vessels into AMS's ports based on an integrated vessel database; 2) identification of designated ports; 3) prior notification of vessels entering into the countries' ports; and 4) capacity building for inspectors. In addition, the council also requested SEAFDEC to raise the profile of PSM and its implementation, especially to the higher authorities of the ASEAN and to push toward the process of PSMA ratification and implementation.

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

Response to the 48<sup>th</sup> Meeting of SEAFDEC Council, SEAFDEC in collaboration with Department of Fisheries/ Thailand with the supported by Japanese Trust Fund, Sweden Government, FAO, USAID/RDMA, and Marino-Forum21 organized the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia on 7-10 November 2016. The Workshop came up with: 1) updating of understanding on the implications to the region of the entry into force of the Port State Measures Agreement (PSMA); 2) updating of identification of issues in the PSMA for the region; 3) updating of status, constraints, problem on PSM implementation in the region; 4) list of capacity building needs to support PSM implementation in the region; and 5) SEAFDEC work plan on steps ahead to facilitate implementation of PSM in the region.

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

Refers to the PSMA		Recommendations of Regional Cooperation on PSM implementation	Actions and Needs
PART	Article No.		
Entry Into Port	Article 7: Designated port	❖ Encourage AMS to identify designated ports for foreign fishing vessel and encourage not to allow foreign fishing vessel to unload fish and fishery products in non-designated ports.	<ol style="list-style-type: none"> <li>1. AMS to share the Information on ports to be shared with FAO, SEAFDEC</li> <li>2. For those without designate port, need to know criteria, identification and analysis for designate port</li> <li>3. Guidance for port designation include procedure, dissemination information and <i>etc.</i></li> </ol>
		❖ The list of designed ports should include information of the name of the port,	❖ SEAFDEC shall publicize the information of AMS's designated ports.

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PART	Article No.		
		address of location, contact person and his/her designation as well as official website in English version.	
	Article 8: Advance request for port entry	❖ AMS shall require, as a minimum standard, the information requested in <b>Annex A<sup>1</sup></b> or relevant document to be adopted by AMS <sup>2</sup> to be provided before granting entry to a vessel to its port.	<ul style="list-style-type: none"> <li>❖ The Member Countries should provide information on RFVR to SEAFDEC as a tool to support the implementation of PSM in 24 meters and over and also below 24 meters as plan in the future</li> <li>❖ Expansion of existing RFVR to support the Annex A1 includes history of compliance.</li> <li>❖ The RFVR should include the vessel less than 24 meters, especially those that use foreign port, but not artisanal vessels: (considering the near-real time updating of the existing RFVR)</li> </ul>
	Article 9: Port entry, authorization or denial	<ul style="list-style-type: none"> <li>❖ Information exchange on the country laws and regulations shall be shared among the AMS taking into accounts that some AMSs (e.g. Malaysia and Indonesia) do not allow its fishing vessel excluding carriers to unload catch at other country ports.</li> <li>❖ To encourage AMS to require foreign fishing vessels and carriers to submit pre-arrival information (such as approval to land catch, origin of catch or certificate of catch) so that port State can decide whether to authorize or deny the entry of this vessel into their port.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Regional workshop to share and discuss laws and regulation</li> <li>❖ Develop the regional database/website system to share legal /regulations of all AMS (in English)</li> <li>❖ Encourage to use the existing Port lex (FAO database), SEAFDEC website and RPOA-IUU website for sharing law and regulations</li> <li>❖ Translate National Law and Regulation into English for wide audience, the resources and support can request to FAO</li> <li>❖ Regional Training on PSM implementation for BN, CM, VN to understand the process of PSM</li> <li>❖ Develop Minimum Standard of Pre-Arrival information (e.g. ACDS)</li> <li>❖ In case of transmitted or deny the vessels, the communicating the results of port entry should be shared among coastal states</li> </ul>

<sup>1</sup> Refers to ANNEX 1 of the 2009 Agreement of the port State measures

<sup>2</sup> SEAFDEC to provide a simplified document for small fishing vessel for adoption by AMS

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		Decision to deny shall be communicated to the flag state	and flag states and regional organizations such as FAO, SEAFDEC and RPOA-IUU ❖ Discussion on black list
		❖ To provide the awareness building to relevant stakeholders (e.g. fishing boat owner, importer, port authority, etc.) at national level to enhance the better understanding the country laws and regulations, and other procedure on Inspections.	❖ Develop Training of Trainers Workshops (train to how to, target stakeholders, etc) multi-media (posters, IEC) and apply to local contexts. ❖ Create Communication Strategy and roadmap such as development of PSM webpage contains country profile, law and regulation, FAO Materials and lessons) ❖ Training on PSM implementation for general audience, fishery manger, fishery policy, and inspector
Inspections and Follow-Up Action	Article 12: Levels and priorities for inspection	❖ Adopt the Standard Operating Procedures (SOP) on the risk assessment and inspection of vessels through the harmonization/ consultation workshop.	❖ Regional workshop on development SOP for risk assessment and inspection of vessel in collaboration with relevant Partners: (focus the target group from port managers, operational level, inspectors, technical level) ❖ Prior the development of SOP, Countries should prepare vessel information for the development of SOP on Risk Assessment
		❖ AMS may consider minimum levels for inspection of vessels through, as appropriate, agreement among all AMSs. ❖ To support inspection of the vessels, the historical data/information of vessel are required in the database module of vessels.	❖ Promote the Use RFVR, e-ACDS ❖ Create Application of RFVR-database system for field work.
	Article 15: Transmittal of inspection results	❖ AMS shall transmit the results of each inspection to the flag State of the inspected vessel ❖ AMS shall submit SEAFDEC the total	❖ In case of transmit ion or deny the vessel, the communicating the results of port entry should be shared among coastal states and flag states, FAO,SEAFDEC and RPOA-IUU

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		<p>number of inspection annually.</p> <ul style="list-style-type: none"> <li>❖ When AMS flagged vessel has been denied entry, denied the use of port or denied the landing of fish, the port State needs to share the summary report of inspection to SEAFDEC.</li> </ul>	<ul style="list-style-type: none"> <li>❖ SEAFDEC to facilitate regional center for sharing of the data for ASEAN region.</li> </ul>
	Article 16: Electronic exchange of information	<ul style="list-style-type: none"> <li>❖ To facilitate implementation of this Regional Cooperation, each AMS, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements. In addition, AMS should cooperate to establish an information-sharing mechanism by SEAFDEC to facilitate the exchange of information with existing database for this cooperation.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Development of the PSM website /database system to support the Regional center for sharing of the data for all ASEAN Member States.</li> <li>❖ Development two-ways and effective communication</li> <li>❖ Create the networks on PSMA across different levels (high level and working level) through Email group, Social media, Whatapp, etc.</li> </ul>
	Article 17: Training of inspectors	<ul style="list-style-type: none"> <li>❖ Request FAO, RFMOs, ASEAN, SEAFDEC and relevant agencies on training of trainer for port inspections including legal and operational aspects with an emphasis on practical hands-on component</li> <li>❖ Develop a network/team among AMSs on training of trainer for port inspections</li> <li>❖ Consider an existing training module developed by RPOA-IUU in collaboration with the Australian Maritime on port inspections to support the TOT programs.</li> </ul>	<ul style="list-style-type: none"> <li>❖ TOT for inspector to support PSM implementation and development of network</li> <li>❖ SEAFDEC, FAO and partner should facilitate and support model port as a training site</li> <li>❖ Establishment on network of inspectors</li> <li>❖ Making a main standard for inspectors in the region</li> <li>❖ Regional guideline for port inspection</li> </ul>

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	Article 18: Port State actions following inspection		<ul style="list-style-type: none"> <li>❖ Sharing information to relevant organization</li> <li>❖ Develop Guidelines and Inspection Manual (how to do, what to do after inspection retained it) with the support from FAO.</li> </ul>

#### IV. SEAFDEC/TD activities plan to support PSM implementation in the region

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