

Situation on Port State Measures in Myanmar, Thailand, and Viet Nam

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Introduction

The importance of Port State Measures (PSM) is highlighted in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) adopted by the FAO Committee on Fisheries (COFI) in 2001. PSM has been identified as an effective means of combatting illegal, unreported and unregulated fishing, and the need to build capacity and develop human resources to implement port state measures had been emphasized. Later, the FAO Conference in 2009 adopted Resolution 12/2009 approving the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement), as a legally binding instrument. The PSM Agreement aims to “prevent illegally-caught fish from entering international markets through ports.” To do so, port State needs to take actions on restriction of entry in port, use of port, access to port services, among others. In addition, inspection and other enforcement activities are also included in the PSM Agreement. At the regional scene, the importance of PSM in combating IUU fishing in the Southeast Asian region has been well recognized by the Senior Officials adopted the Plan of Operation on Sustainable Fisheries for Food Security for the ASEAN Region towards 2020 in June 2011, which includes a provision on the need to “build up capacity among Member Countries, including functions for regional and sub-regional cooperation, to meet effectively the requirements of Port State Measures and Flag State responsibilities.” SEAFDEC together with its collaborating partners, is therefore building up the capacity of the ASEAN countries to enable them to implement Port State Measures, and ultimately combat IUU fishing in their respective waters.

In support of the implementation of PSM for the Southeast Asian region, and in anticipation of the entry to enforce the PSM and the need for strengthened regional cooperation, the SEAFDEC Training Department (TD) implemented the project “Promotion of Countermeasures to Reduce IUU Fishing.”

Methodology

This paper was reviewed from the Experts Group Meeting on Port State Measures in Southeast Asia (2012), Expert Meeting on Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region (2016), Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast (2016), and The Regional Training on Port State Measures Implementation in Southeast Asia (2018).

Result

Under the project “Promotion of Countermeasures to Reduce IUU Fishing,” PSM Activities had been promoted in the ASEAN Member States (AMSs) through series of meetings and workshops organized by TD including the “Experts Group Meeting on Port State Measures in Southeast Asia” in November 2012, “Expert Meeting on Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asian Region” in February 2016, and “Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia” in November

2016. The Result of the preliminary assessment of the current status as shown in Table 1, Myanmar and Thailand signed the instrument of accession to the PSM Agreement.

Table 1: Status of implementation of PSM

Countries	Status
<ul style="list-style-type: none"> Myanmar 	<ul style="list-style-type: none"> - Signed for accession the FAO Agreement in 2010 - Designated five (5) ports for foreign fishing vessels which operate in Myanmar Exclusive Economic Zone (EEZ) - Decree laws and regulations to support PSM implementation - Local and foreign fishing vessels should be inspected in check points before entering landing sites - Implement check point as one stop service to inspect fishing vessels when they go to fishing ground and come back to the port - Implementation of catch certification scheme under EC regulation - Preparing NPOA-IUU linked to the PSM Agreement
<ul style="list-style-type: none"> Thailand 	<ul style="list-style-type: none"> - Signed instrument of Accession to the 2009 FAO PSM Agreement on 10 May 2016 - 22 ports have been designated for PSM - Implemented pilot project on PSM at Phuket in 2012-2014 - Significant enforcement activities - Requirements prior to port entry - Relevant activities to PSM (Traceability System, MCS, Processing Statement Validation) - Decree laws and regulations to support PSM implementation - Development of NPOA-IUU with support to PSM implementation - Developing “Processing Statement and PSM Linked System” (PPS) - Updated inspection manual based on information provided by MoU and NPCI
<ul style="list-style-type: none"> Viet Nam 	<ul style="list-style-type: none"> - No designated port for foreign fishing vessels - Required information prior to port entry - Law, decree and regulation to support PSM implementation - Development of NPOA-IUU with support to PSM Implementation

Moreover, Constraints/problems, challenges, and priority activities were identified to address the issues on the following: operational, legal, human resources, infrastructure, information, and measures related to PSM implementation (Table 2).

Table 2: Constraints/problems encountered of three (3) countries that hinder the implementation of PSM

Constraints/ Problems	M M	T H	V N	
Operational				
<ul style="list-style-type: none"> - Lack of Standard Operating Procedure (SOP) in implementing the PSM with any scale of foreign vessels 	X		X	Challenges <ul style="list-style-type: none"> - Revision and reorganization of fishing port operational procedures to support PSM - Development and updating of harmonized SOPs on vessel inspection at port for guidance of all AMSs - Identification of the needs and capacity building required for staff concerned on relevant aspects on PSM implementation

Constraints/ Problems	M M	T H	V N	
				<p>Difficulties in verification of vessel documentation and inspection</p> <p>Priority Activities</p> <ul style="list-style-type: none"> - Training and development of guidelines on how to come up with a robust PSM inspection and surveillance system (<i>e.g.</i> how to determine the high risk vessels and how many vessels to inspect) - Addressing specific request for training support for the whole set of SOPs on vessel inspection at port - National workshops that will pull together agencies involved in PSM to develop national SOPs for inter-agency coordination - Updating of existing SOPs on inspection of fishing vessels and fish carriers at port to harmonize with laws which support the implementation of PSM
<p>- Port management under different agencies leads to insufficient inter-agency cooperation for PSM implementation</p>	<p>X</p>		<p>X</p>	<p>Challenges</p> <ul style="list-style-type: none"> - Sharing of information on vessel entry permit among concerned agencies such as the Department of Fisheries (DOF), Harbor Department, Custom, Fisheries Market Organization (FMO), <i>etc.</i> - Establishment of ASEAN Fish Market Federation (AFMF) to promote and implement the ASEAN Catch Documentation Scheme (ACDS) <p>Priority Activities</p> <ul style="list-style-type: none"> - Establishment of good coordination between enforcement agencies and concerned agencies - Strengthening of cooperation between the government agencies and owners of private ports
Legal				
<p>- Challenges with regards to implementation of laws and regulations</p>		<p>X</p>	<p>X</p>	<p>Challenges</p> <ul style="list-style-type: none"> - Inconsistent interpretation of laws - Amendment on updating of existing regulations - Review and updating of Fishery Acts <p>Priority Activities</p> <ul style="list-style-type: none"> - Analysis to identify the gaps in current legislation - Food And Agriculture Organization of the United Nations (FAO) to provide technical assistance in reviewing legislative systems - National meeting on updating of laws and regulations to support PSM
<p>- Challenges in</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>Challenges</p>

Constraints/ Problems	M M	T H	V N	
interpretation of the PSM Agreement				<ul style="list-style-type: none"> - Incomprehensive interpretation of non-fisheries stakeholders of laws and regulations - Need for Memorandum of Understanding (MOU) between concerned government agencies - Need for assistance for the law enforcement officers and managers from legal officers of FAO in the correct interpretation of the provisions of PSM - Need for assistance in the correct translation of PSM Agreement into local language <p>Priority Activities</p> <ul style="list-style-type: none"> - Review to clarify if the following are covered under the Agreement on the Port States Measures (PSMA). If they are, what are the expectations to do and provide workshops that cover inspections in these areas? <ul style="list-style-type: none"> o Are land and airport of entries included in the PSMA? o Are container ships included in the PSMA? - Training on implementation of PSMA which aims to acknowledge and understand the importance of implementation of PSMA
Human Resource				
- Limited capacity of implementation due to inadequate facilities and officers concerned	X	X	X	<p>Challenges</p> <ul style="list-style-type: none"> - None <p>Priority Activities</p> <ul style="list-style-type: none"> - Development of capabilities across all levels (<i>e.g.</i> policy makers, port managers, inspectors, <i>etc.</i>) - Technical support on how to operate communication equipment
Infrastructure				
- Insufficient infrastructure for upgrading infrastructures to support PSM	X	X	X	<p>Challenges</p> <ul style="list-style-type: none"> - None <p>Priority Activities</p> <ul style="list-style-type: none"> - Assistance to set-up or upgrade electronic databases and systems (<i>e.g.</i> electronic ASEAN Catch Documentation Scheme (eACDS), database to record catch, Vessel Monitoring System (VMS), Monitoring, Control and Surveillance (MCS), Global Positioning System (GPS), Automatic Identification System (AIS), and other communication systems) - Understanding on the requirements and criteria for appropriate designated ports
- Insufficient budget for	X		X	<p>Challenges</p> <ul style="list-style-type: none"> - None

Constraints/ Problems	M M	T H	V N	
upgrading infrastructures to support PSM				Priority Activities <ul style="list-style-type: none"> - Establishment of budget to set-up or upgrade electronic database and systems (<i>e.g.</i> eACDS, database to record catch, VMS, MCS, GPS, AIS, and other communication systems) - Request FAO to finance the development and implementation of port management system in respective AMS
Information				
- List of IUU fishing vessels from RFMOs is not updated	X	X	X	Challenges <ul style="list-style-type: none"> - Encouraging “traders” to cooperate with AMSs through information and education campaigns - Sharing of information such as catch, fishing vessels, and fishing gears through sharing of experience in PSM implementation among the AMSs - Information sharing on rules and regulations for inter-agencies collaboration and implementation - Creation of a “rapid alert system” for ASEAN (through mobile application if available) Establishment of the ACDS Priority Activities <ul style="list-style-type: none"> - Publication by FAO of a consolidated list of IUU fishing vessels on its website and removal of the need for countries to check various Regional Fisheries Management Organization (RFMO) of international organization websites
- Lack of awareness among stakeholders and concerned agencies about PSM	X	X	X	Challenges <ul style="list-style-type: none"> - Encouraging “traders” to cooperate with AMSs through information and education campaigns - Sharing of information such as catch, fishing vessels, and fishing gears through sharing of experience in PSM implementation among the AMSs - Information sharing on rules and regulations for inter-agencies collaboration and implementation - Creation of a “rapid alert system” for ASEAN (through mobile application if available) - Establishment of the ACDS Priority Activities <ul style="list-style-type: none"> - Capacity building and awareness raising among government agencies and relevant stakeholders

Constraints/ Problems	M M	T H	V N	
- Limited traceability of some imports of fish and fishery products	X		X	<p>Challenges</p> <ul style="list-style-type: none"> - Encouraging “traders” to cooperate with AMSs through information and education campaigns - Sharing of information such as catch, fishing vessels, and fishing gears through sharing of experience in PSM implementation among the AMSs - Information sharing on rules and regulations for inter-agencies collaboration and implementation - Creation of a “rapid alert system” for ASEAN (through mobile application if available) - Establishment of the ACDS
				<ul style="list-style-type: none"> - Priority Activities Development of the eACDS

Way Forward

Within its capability, SEAFDEC would continue to support the AMSs following the recommendation of regional cooperation on capacity building to support the PSM Agreement implementation.

References

- Saraphaivanich, Kongpathai, Yanida Suthipol, Namfon Imsamrarn, and Somboon Sisiraksophon. 2016. Supporting Southeast Asian Countries in Implementing Port State Measures, *In: Fish for the People*, Volume 12 Number 2 (2016) Special Issue. Southeast Asian Fisheries Development Center, Bangkok, Thailand; pp 41-47
- Saraphaivanich, Kongpathai, Yanida Suthipol, Namfon Imsamrarn. 2017. Strengthening Regional Cooperation to Support the Implementation of Port State Measures in Southeast Asia., *In: Fish for the People*, Volume 15 Number 3 (2017). Southeast Asian Fisheries Development Center, Bangkok, Thailand; pp 17-22
- SEAFDEC/TD. 2013. Report of the Experts Group Meeting on Port State Measures in Southeast Asia. SEAFDEC Training Department, Samut Prakan, Thailand; TD/RP/165; 74p
- SEAFDEC/TD. 2016. Report of the Experts Meeting on Regional Cooperation to Support the Implementation of Port State measures in Southeast Asian Region. SEAFDEC Training Department, Samut Prakan, Thailand; TD/RP/187; 78p
- SEAFDEC/TD. 2017. Report of the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia. SEAFDEC Training Department, Samut Prakan, Thailand; TD/RP/192; 117p