Promotion of Sustainable Development of Fisheries in Malaysia: Experiences & Issues

Stakeholders Consultation on Regional Cooperation in Sustainable Fisheries Development Towards the ASEAN Economic Community
1 March 2016, Bangkok, Thailand
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1. DOMESTIC MEASURES TO COMBAT IUU FISHING
1.1 POLICY AND LAW

- Fisheries Act 1985
- National Agro-Food Policy 2011-2020
- Strategic Plan of Department of Fisheries Malaysia 2011-2020
- Capture Fisheries Strategic Management Plan Malaysia 2015-2020
“An Act relating to fisheries, including the conservation, management and development of maritime and estuarine fishing and fisheries, in Malaysian fisheries waters,...”
“Development of sustainable fisheries catch is essential to ensure conservation of fishery resources and to accommodate future needs."

For this purpose, efforts will focus on initiatives to “focus on compliance with international instruments in the management of fisheries resources as FAO Code of Conduct For Responsible Fisheries (CCRF) 1995, Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU Fishing) and EC Regulation 1005/2008.”

(Quoted in pg. 55, the book AGRO-FOOD NATIONAL POLICY 2011-2020)
2. Manage and Conserve Fishery Resources
   • Sustainably managed fisheries resources through the implementation of licensing policy, the MCS programme, registration of fishing and inland fisheries management to ensure fishery resources are managed in a responsible and consistent with international instruments related.

3. Enforcing the Fisheries Act 1985 and Regulations
   • Plan, implement and coordinate fisheries legislation to ensure that all fishing activities in accordance with the provisions in the act.

“Commitment to combat IUU fishing through sound capture fisheries management” – page 22 and 36
IV. CAPTURE FISHERIES STRATEGIC MANAGEMENT PLAN MALAYSIA (2015-2020)

STRENGTHEN THE CAPACITY AND CAPABILITIES OF THE MCS PROGRAMME

- protection and rehabilitation of fishery resources through enforcement of legal instruments, awareness campaign dan higher compound rates;

- synergy through strategic cooperation with other enforcement agencies (NBOS).
I. FISHERIES ACT 1985

II. Exclusive Economic Zone Act 1984

III. Merchant Shipping Ordinance 1952

IV. Malaysian Maritime Enforcement Act 2004

V. International Trade In Endangered Species Act 2008

VI. Malaysian Quarantine & Inspection Services Act 2011
MONITORING CONTROL AND SURVEILLANCE (MCS)

Vessel Inspection
1 MONITORING
“the continuous requirement for the measurement of fishing effort characteristics and resource yields through observations, data collection, measurement and analysis of data and fisheries activity information”

1. Monitor fish landing;
2. Vessel Monitoring System;
3. Catch and operations reports;
4. Inspection of fishing vessels;
5. Inspection of fishing gears;
6. Reporting for storage purposes;
7. Analysis on catch and fishing effort & report comparison with VMS, verification on the accuracy of the landing report;
8. Control on landing ports/sites (landing is only permitted at designated sites);
9. Collection, measurement & analysis of fishing activities but not limited to species composition, fishing effort, by catch & discharge & area of operation.
Satellite receives and sends data/signal to Land Earth Station and Control Station.

Global Positioning System (GPS) sending location information of DSFV to satellite.

DSFV equipped with Mobile Tracking Unit (MTU).

Land Earth Station (TM)

State Fisheries Office

Operator - Owner/ - Fishermen

Control Station

Patrol Boat

Deep Sea Fishing Vessel (DSFV)

DOFM HQ (FISHCOM)
Any Malaysian Fishing Vessel that is found outside Malaysian fisheries waters:

- Department of Fisheries will:
  - Issue a **show cause letter** to vessel owner – giving reasons/justification.
  - Under Sec. 13 Fisheries Act 1985:
    - **Suspend the renewal of licence,**
    - **Suspend the licence for a period of time,**
    - **Cancel the licence**
  - Or other actions as provided for under Fisheries Act 1985.
- Information is circulated to MMEA.
MONITORING PROGRAMME – At sea

Inspection operations on trawlers:
- Vesel inspection;
- Licence Inspection;
- Fishing gear inspection;
- Crew inspection.
MONITORING PROGRAMME –
At landing facilities

- Inspection of fishing vessels at sea and at fishing base
- To show the presence of the patrol team of DOFM at sea and at landing facilities.
MONITORING PROGRAMME – vessel & documentation inspection

- Inspection of fishing vessels at sea and at landing facilities
- To show the presence of the patrol team of DOFM to promote compliance.
2

CONTROL
“The regulatory conditions under which the exploitation of the resource may be conducted.”

1. Control for fishing effort through licensing;
2. Registration of fishing vessels;
3. Requirement to have permanent markings on fishing vessels;
4. Control and prohibition on fishing gears and methods of fishing;
5. Control on transhipment;
6. Fishermen Registration Programme and Issuance of Fishermen Card;
7. Establishment of fishing zones and marine protected areas (MPAs).

Reference:
REVISED FISHING ZONES IN WEST COAST PENINSULA MALAYSIA (wef 1.6.2014)

0 – 1 nm
*Refugia

ZON A

CBFM

<40 GRT

Tradisional Vessels / Anchovy Purse seine (Owner operator)

ZON B

< 40 GRT

Trawlers/ Purse seiners (Owner operator)/ Apit or assist. master (Tekong/ Foreign Crew 80%/MTU

ZON C

> 40 GRT

Trawlers/ Purse seiners (Non Owner operator)/ Foreign crews 100%/MTU

ZON C3

>70 GRT

Purse seiners/ Tuna long line (non owner operator) /VMS

Aquaculture activities, cockle culture and involvement of fishermen community

*Kedah, Pulau Pinang, Perak dan Selangor only.
The regulations under Fisheries Act 1985 in support of EC Regulation 1005/2008 - 1st Jan 2010 to deter, prevent and combat IUU Fishing:

1. Fisheries (Quality Control of Fish for Export to the European Union) Regulations 2009


3. Fisheries (Maritime) (Licensing of Local Fishing Vessel) (Amendment) Regulations 2010

3. The principal Regulations are amended by inserting after regulation 14 the following regulation:

"Declaration regarding fishing to Director General

14A. (1) For the purpose of exporting fish, any owner or master of any licensed fishing vessel shall make a declaration in a form or in any manner as determine by the Director General relating to—

(a) the number of fish being caught or landed;
(b) the species of the fish;
(c) the fishing area of the fish being caught; and
(d) other information as the Director General may require.

(2) If the Director General is satisfied with the declaration under subregulation (1), the Director General shall issue a fish catch certificate or any other documents to verify the information that has been declared."

Made 27 May 2010.
The Hon. KAMALUDDIN HJ. KHAN
Minister of Agriculture and Agro-based Industry
AIR SURVEILLANCE WITH AIR OPERATIONS FORCE, ROYAL MALAYSIAN POLICE

SEA SURVEILLANCE BY DEPARTMENT OF FISHERIES MALAYSIA PATROL BOAT

“the degree and types of observations required to maintain compliance with the regulatory controls imposed on fishing activities”

1. Inspection by Fisheries Officer/ Authorised Officer and other enforcement authorities at sea;
2. Air, sea and land surveillance;
3. Law Enforcement.
ENFORCEMENT – to promote compliance:
Fishing gear; Engine; Safety Equipment & etc.
Employment of foreign crews on board local fishing vessels is permitted with conditions under Section 10(1) (c) of Fisheries Act 1985.
OFFENSES COMMITTED BY LOCAL FISHING VESSELS UNDER FISHERIES ACT 1985

– Was Compounded or Prosecuted in Court
2. MALAYSIA’S NPOA – IUU

launched in 2013- key feature is inter-agency coordination in handling the request to use of ports by foreign fishing vessels
The Department And Agencies Involved In Preparation Of SOP And Handling Cases Of IUU Listed Vessels Under RFMOS
3. REGIONAL AND INTERNATIONAL COMMITMENT
Malaysia has made a commitment through the statement “Joint Ministerial Statement- Regional Ministerial Meeting on Promoting Responsible Fishing Practices including Combating IUU Fishing in the Region” in Bali, Republic of Indonesia on 4th Mei 2007 that established the “Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing”.
All ASEAN countries renewed the commitment to combat IUU fishing as the statements in the “Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020” adopted by Ministers and Senior Officials ASEAN-SEAFDEC Member Countries during the conference “the Ministerial and Senior Officials Meetings of the ASEAN-SEAFDEC Conference on Sustainable Fisheries for Food Security Towards 2020 “Fish for the People 2020: Adaptation to a Changing Environment”” which was held on 13th -17th June 2011 in Bangkok, Thailand.
Notification Record And Status Of Actions Taken Against Foreign Fishing Vessels Entering Malaysia Fisheries Waters. Information Received From RPOA Secretariat & Australian Fisheries Management Authority (AFMA).

<table>
<thead>
<tr>
<th>YEAR</th>
<th>DETAINED/PROSECUTED</th>
<th>APPLICATION REJECTED BY DOFM</th>
<th>VESSEL NOT DETECTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2013</td>
<td>1</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2014</td>
<td>2</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>2015</td>
<td>2</td>
<td>0</td>
<td>6</td>
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Implementing port state measure......

(experience and lesson learnt)
CAPACITY BUILDING

1. Training Course on the Implementation of the IOTC Resolution 10/11 on PSM at Kuantan, 22-26 September 2014 (DOFM & IOTC)

2. Capacity Building on The Conservation & Management Measures of IOTC at Putrajaya, 17-20 September 2014 (DOFM & IOTC)

3. On-site Training & Workshop on Offshore & High Sea Fisheries Management & Reducing IUU Fishing Activities at Perlis, 4-6 February 2014 (SEAFDEC)


5. Training for Investigators of Fisheries Crime at MMEA Academy, Kuantan, Malaysia, 26-30/1/15 (INTERPOL & MMEA)

6. Training Workshop on Vessel Inspection and Enforcement Measures Against IUU Fishing Activities at Singapore, 5-9 January 2015 (AVA Singapore/ AFMA/ RPOA Sec IUU)


8. Port Inspector Training for the Implementation of Port State Measures (PSM) to Combat IUU Fishing at Johor Bahru, Johore, 8-12 June 2015 (DOFM & AFMA)
<table>
<thead>
<tr>
<th>NO</th>
<th>VESSEL</th>
<th>NOTES</th>
</tr>
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<tbody>
<tr>
<td>6</td>
<td>FV Perlon – 6 May 2015</td>
<td>- On the 10\textsuperscript{th} Jun 2015, all FV Perlon Crews had been charged under Section 15(2) Fisheries Act 1985.</td>
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<td>- Master FV Perlon had additional charged under section 16(3) Fisheries Act 1985.</td>
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<td>- All Asia Link crews charged under section 20 Fisheries Act 1985.</td>
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<tr>
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<td></td>
<td>- Prosecution at Kota Tinggi Session Court – all pleaded NOT guilty.</td>
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<td>- On 7\textsuperscript{th} July 2015 master &amp; crew Asia Link pleaded guilty and was fined RM400,000.</td>
</tr>
<tr>
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<td></td>
<td>- On 2\textsuperscript{nd} August, all crew FV Perlon pleaded guilty for the charges. They were fined RM1.595 mil &amp; the cargo was auctioned at RM5,000,000 &amp; proceeds forfeited by Government of Malaysia.</td>
</tr>
</tbody>
</table>
REFLECTION ON CURRENT INITIATIVES
Concerns & Priority Areas:

>ASEAN Catch Documentation Scheme (ACDS) –
  - the interest remain high on the part of the government to explore possible implementation
  - at the same time, private sector is concerned with the likely impact on the cost doing business

>Port State Measures through the ASEAN Member States Cooperation
  - Information sharing on inspection result and deny the use of ports are key

>Regional Fishing Vessels Records
  - This can really help to curb dual flagging
ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers

• has not been so far thoroughly discussed under fisheries context
• This requires more enlightenment from the competent authority in the country
Malaysia has a very strong domestic laws to combat IUU fishing committed either by local fishing vessel or foreign fishing vessels thanks to the coordination and cooperation of the various law enforcement agencies in Malaysia.

Malaysia views that international cooperation is key to combat IUU fishing

Malaysia continues to build up capacity in particular in the implementation of Port State Measures
Thank You