



PROGRESS ON REGIONAL COOPERATION FOR IMPLEMENTATION OF THE PORT STATE MEASURES

Training Department

Referring to the adopted 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 Measures (PSM) is included. The Food and Agriculture Organization of the United Nations (FAO) has worked on the PSM to combat Illegal, Unreported, and Unregulated (IUU) Fishing including identifying the needs for human resources development to promote the implementation of PSM as minimum standards, and published a “FAO Voluntary Model Scheme on Port State Measures” in 2004 to combat Illegal, Unreported and Unregulated Fishing. Subsequently, 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 main objective of the PSM Agreement is to “prevent illegally caught fish from entering international markets through ports”. In this connection, Port State needs to take the action 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 importance of seafood products from Southeast Asian to around the world market, trade in and out are one 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 PSM is therefore needed taking into accounts other existing regional management tools developed under the ASEAN-SEAFDEC Collaborative Framework such as ASEAN Catch Documentations, database of Regional Fishing Vessel Records for the vessels 24 meters and over (RFVR-24m) in length, ASEAN Guidelines to prevent the entry of IUU products into the supply chain, etc.

Refer to the Forty-eight Meeting of the SEAFDEC Council in April 2016, the Concept Proposal on Regional Cooperation for Supporting the Implementation of Port State Measures in ASEAN Region was raised up at the Meeting. According to this, SEAFDEC in collaboration with partners organized the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia in 2016. The Workshop came up with “Actions needed and priority activities for regional cooperation to support the implementation of the Port State Measures” which emphasized on capacity building to support implementation of PSM and gap analysis on law and regulation to support implementation of the Agreement on Port States Measures (PSMA).

Moreover, the Fiftieth SEAFDEC Council Meeting in April 2018 suggested, recommended, and requested for regional cooperation to support the implementation and capacity building of the PSM in ASEAN region in collaboration with other partners, establishment of networks for cooperation and exchange of information on PSM implementation, gap analysis of the legal frameworks of the countries and a needs assessment.

Follow-up the progress activities to support implementation on PSM in the region, FAO has designed and developed the networks database for cooperation and exchange of information on PSM “Port-Lex”. The Database on Port State Measures (Port-Lex) provides access to PSM adopted by States to prevent, deter and eliminate IUU fishing. Information can be accessed through a simple word search or advanced search using country names or measure components. Moreover, FAO undertook a PSMA

and related international instruments gap analysis on legal frameworks under FAO global program in Singapore, Thailand, Myanmar, Indonesia, and Cambodia. To avoid duplication of implementation activities, SEAFDEC will monitor the progress of such activities in close collaboration with the FAO, as well as to provide technical inputs if necessary to support the concerned AMSs. Moreover, SEAFDEC will continue to strengthen capacity building activities to support implementation of PSM in coordination with other international agencies and partners.

Required Consideration by the Council

- To take note on the progress of work undertaken by SEAFDEC.
- To provide advice on required support from SEAFDEC (in collaboration with other organizations) to strengthen implementation of PSM in the ASEAN.

PROMOTION ON REGIONAL COOPERATION FOR IMPLEMENTATION OF THE PORT STATE MEASURES

I. INTRODUCTION

Refers to the adopted 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 Measures (PSM) is included. The Food and Agriculture Organization of the United Nations (FAO) has worked on the PSM to combat Illegal, Unreported and Unregulated (IUU) Fishing including identifying the needs for human resources development to implement PSM 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 action 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 importance 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 PSM is therefore needed taking into accounts other existing regional management tools developed under the ASEAN-SEAFDEC Collaborative Framework such as ASEAN Catch Documentations, RFVR-24m in length, ASEAN Guidelines to prevent the entry of IUU products into the supply chain, *etc.* Implementation of Port State Measures required inter-agency as well as regional and international cooperation. There are several action needed as mentioned in the provisions in which port State need to consider their legal instruments to compile with PSM. Based on the technical consultations on implementation of PSM by ASEAN Member States (AMSs), the results showed that many AMSs are still inadequate of the human capacity to implement the PSM, while many foreign vessels not only from outside the ASEAN region such as high-sea or Regional Fisheries Management Organizations (RFMOs) areas but also vessels among the AMSs. In 2015, SEAFDEC therefore proposed the regional approaches to support the implementation the PSM in and effective management through the harmonization and cooperation among AMS.

II. PROGRESS OF REGIONAL COOPERATION ON PSM

Refer to the Forty-eight Meeting of SEAFDEC Council in April 2016, the Concept Proposal on Regional Cooperation for Supporting the Implementation of Port State Measures in ASEAN Region was raised up at the Meeting. According to this, SEAFDEC in collaboration with partners organized the Workshop on Regional Cooperation for Implementation of Port State Measures to Improve Fisheries Management and Reduce IUU Fishing in Southeast Asia in 2016. The Workshop came up with “Actions, need and priority activities for regional cooperation to support the implementation of the Port State Measures” which emphasized as follows: 1) Capacity building to support implementation of PSM, 2) gap analysis on law and regulation to support implementation of PSMA, and 3) Standard of operation for vessel inspection at port for PSM activities.

Moreover, the Fiftieth SEAFDEC Council Meeting in April 2018 suggested, recommended, and requested on regional cooperation to support the implementation of the PSM in ASEAN region as follows;

- Capacity building, especially in the aspects of training on PSM implementation (in general) and on port inspection to support PSM implementation in collaboration with other partners;
- Establishment of networks for cooperation and exchange of information on PSM implementation;

- Analysis of gaps in the respective legal frameworks of the countries and a needs assessment; and
- SEAFDEC should coordinate closely with FAO in addressing the requirements of particular AMS since its support is meant not only to the countries that ratified, but also to those that are yet to ratify the PSMA.

According to above mentioned, the activities has been implemented by SEAFDEC and other agencies as follows;

1) Capacity building to support implementation of PSM in the region

SEAFDEC in collaboration with FAO, NOAA and USAID-RDMA organized “The regional training on PSAM implementation in Southeast Asia for fishery manager” in February 2018. The resource persons were supported by FAO, NOAA and the Department of Fisheries, Thailand. This training was focused on: 1) preparation of national legal aspects, policy and institutional of PSM implementation, 2) PSMA inspection of vessels, and 3) lessons learned on PSM implementation in Thailand. Moreover, SEAFDEC plan to organize “The training course on vessels inspection for PSM activities” next year. Presently, SEAFDEC is in process of discussion and negotiation with NOAA and USAID-RDMA in collaboration to organize this training course.

Moreover, in “The Part 6 Working Group Established by the Parties to the Agreement on PSMA” from 5-6 July 2018 in Rome, Italy and also during COFI meeting in 2018 in Rome, SEAFDEC discuss with FAO and other international agencies on PSM activities in the region with conducted by SEAFDEC through finding cooperation with other international agencies to support implementation of PSM in the region

2) Establishment of networks for cooperation and exchange of information on PSM implementation

FAO designed and developed the networks database for cooperation and exchange of information on PSM namely “Port-Lex”. The Database on Port State Measures (Port-Lex) provides access to PSM) adopted by states to prevent, deter and eliminate IUU fishing. Information can be accessed through a simple word search or advanced search using country names or measure components. For more information, please visit <http://www.fao.org/fishery/psm/search/en>

3) Analysis of gaps in the respective the legal frameworks of the countries and a needs assessment

FAO undertook a PSMA and related international instruments gap analysis on legal frameworks under FAO global program in Singapore, Thailand, Myanmar, Indonesia, and Cambodia.

In this response, to avoid duplication of activities under support on implementation of PSM, SEAFDEC will not conduct activities that conducted by FAO and other international agencies. However, SEAFDEC will facilitate AMS to coordinate with other international agencies in their responsible activities as AMS requested. Moreover, SEAFDEC will continue to strengthen capacity building activities to support implementation of PSM in coordination with other international agencies.