

PROCEEDINGS OF THE INTERNATIONAL WORKSHOP ON ADVANCING REGIONAL GUIDELINES OF RESPONSIBLE FISHERIES TO COMBAT IUU FISHING

Hybrid (Denpasar, Indonesia and Online via Zoom)

7-9 June 2022



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GENERAL OVERVIEW

Background

Illegal, unreported, and unregulated (IUU) fishing poses a significant threat to the ocean ecosystem and causes severe loss and damage to the environment. It also has an impact on both economic and ecological imbalance. IUU fishing is categorized as a transnational crime, hence its eradication needs international cooperation among the countries.

The Regional Plan of Action to promote responsible fishing practices including combating IUU Fishing (RPOA-IUU) is an example of a network platform to strengthen cooperation in combating IUU Fishing in the region which was established by Ministers from 11 countries, i.e., Australia, Brunei Darussalam, Cambodia, Indonesia, Malaysia, Papua New Guinea, Philippines, Singapore, Thailand, Timor-Leste, and Vietnam in Bali, 2007. To improve coordination among participating countries based on adjacent areas, RPOA-IUU has 3 (three) sub-regional working groups i.e., sub-regional working groups of Gulf of Thailand, subregional working groups of Southern and Eastern of the South China Sea, and Sulu-Sulawesi Seas, and sub-regional working groups of Arafura and Timor Seas. In addition, the existence of RPOA-IUU can help enhance collaboration in addressing IUU fishing at regional level.

The implementation of relevant international, regional, and, national instruments is a key factor in leading a successful endeavour on eradicating IUU Fishing. It also can be a tool to set standards of action to advance existing regulations on fisheries management. The realization of adopting and implementing a wide range of regional and international instruments as a means of achieving responsible fisheries is implied in one of RPOA-IUU's core elements and the RPOA-IUU Work Plan. All RPOA-IUU participating countries show a strong commitment to reducing IUU fishing behaviour through ratifying international and regional legal basis; either non-binding/voluntary instruments or binding instruments; relating to IUU fishing, for instance, the Code of Conduct for Responsible Fisheries. The Code of Conduct for Responsible Fisheries is a ground-breaking, unique, and voluntary instrument, the 1995 FAO Code of Conduct is probably the most cited, high-profile and widely diffused global fisheries instrument in the world after the 1982 UN Convention (FAO,2022).

However, according to Douman, 2005, information constraints restricting the implementation of the Code of Conduct include insufficient copies of the Code and its technical guidelines being available for distribution within countries. This has hampered the dissemination of the Code to some groups of stakeholders, particularly to small-scale fishers, fish workers and fishing communities. Consequently, to promote awareness about the Code, a number of training and meetings need to be conducted to fill the gaps of the Code implementation, especially in developing countries.

Referring to those circumstances and in supporting Indonesia's G20 Presidency, RPOA-IUU collaborates with the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia and the ATSEA-2 Project to organize "International Workshop on Advancing Regional Standards of Responsible Fisheries to Combat IUU Fishing". The workshop aims to assist RPOA-IUU participating countries and G20 countries to identify a comprehensive and balanced system under the concept of responsible fisheries to combat IUU fishing. The workshop will be a valuable forum to address the Code information issues from many countries' perspectives.

Objectives

The workshop will be expected:

- a. To overview the RPOA IUU participating countries' effort in the implementation of responsible fisheries to combat IUU-Fishing through national legislation.
- b. To discuss best practices of Responsible Fisheries instruments to combat IUU fishing.
- c. To accelerate the adoption of regional standards for responsible fisheries to combat IUU fishing to national legislation.

Recordings

Recordings of the 3-day workshop can be accessed through this link:

https://bit.ly/WorkshopIUU_Recordings

Workshop Materials

Workshop materials can be accessed here: https://bit.ly/WorkshopIUU_PPT

DAY 1 – 7 June 2022

SESSION 1: OPENING

1.1 Welcoming Remarks

Regional Project Manager of ATSEA-2 Project

- Dr. Handoko Adi Susanto, the Regional Project Manager of the ATSEA-2 Project on behalf of the GEF, UNDP, PEMSEA, and ATSEA-2 Program welcomed and delivered his acknowledgement to the workshop participants. Dr. Susanto expressed his gratitude to ATSEA-2, Indonesian Ministry of Marine Affairs and Fisheries (MMAF), and RPOA-IUU's collaboration in organizing the Workshop. Dr. Susanto notified the Workshop as a very important and strategic event that exemplifies Indonesia G20's Presidency theme: **“Recover Together, Recover Stronger”** and celebrates International Day for the Fight Against Illegal, Unreported, and Unregulated Fishing which is celebrated every 5th June.
- In terms of combating fisheries crime and IUU Fishing, Dr. Susanto realized that the government or country's effort alone will not be sufficient, therefore there's a need for concerted actions with various partners and stakeholders through the exchange of information, experiences, and best practices. Dr. Susanto also emphasized regional and international cooperation as a vital element to winning against IUU Fishing. In line with this, as mandated by Article 123 UNCLOS: "Countries bordering enclosed and semi-enclosed have to cooperate in resources management, protection of the marine environment and marine scientific research", the ATSEA Project was established in 2009 to foster regional collaboration among the countries that border in the Arafura and Timor Seas (ATS) region including Australia, Indonesia, Papua New Guinea, and Timor-Leste. The ATSEA Project is currently in its second phase namely ATSEA-2 started in 2019 and will run until 2024, with funding from the Global Environmental Funding (GEF) and supported by UNDP and PEMSEA.
- The ATSEA-2 goal is to sustain the flow of ecosystem goods and services from the ATS region through a transboundary government strategy that is rooted in national development priorities. While its objective is to enhance the sustainable development of the ATS region to protect biodiversity and improve the quality of life of its inhabitants through conservation and sustainable management.
- Combating IUU Fishing is one of the key environmental targets of the ATS regional Strategic Action Program (SAP). In line with this, ATSEA has provided incremental support through regional and international efforts by building upon the national responses through the RPOA-IUU and technical support, such as : (1) Supported Indonesia since 2014 when the former minister of MMAF initiated the nationwide program at combating IUU Fishing with particular focus on the Arafura sea; (2) Working closely with the RPOA-IUU Regional Secretariat to support the RPOA-IUU implementation; and (3) Facilitated studies to understand current thread and opportunities in the ATS Region.
- In collaboration with the RPOA- IUU Regional Secretariat, ATSEA-2 has also conducted Fisheries Intelligence Training in April 2022 in support of capacity building effort to fight IUU Fishing. The training was designed as the first step toward establishing a fisheries intelligence network for the RPOA-IUU participating countries including the ATS sub-regional group.
- Lastly, Dr. Susanto hoped the Workshop could give an active and fruitful exchange of information among all the participants to bring closer steps to eradicate IUU Fishing and also foster collaboration and cooperation among countries.

Regional Plan of Action (RPOA)-IUU Secretariat Executive Director

- Mr. Suharta, Executive Director of the RPOA-IUU Secretariat on behalf of the RPOA-IUU, delivered his acknowledgement to the Workshop Participants. He expressed his appreciation, especially to the MMAF and ATSEA-2 for their cooperation and realization of the workshop. Mr. Suharta expressed his pleasure to witness the workshop as an initiation effort to promote cooperation and improve compliance with international conventions which have proven to be the crucial next steps in the fight against IUU Fishing.
- Since its establishment, RPOA-IUU has enabled the further enhancement of collaboration and cooperation among participating countries in the region to combat IUU Fishing. One of the key focuses of RPOA-IUU's work plan is to implement and adopt relevant international and regional instruments. One of the most crucial instruments was the FAO CCRF 1995, which is well-known to be the most cited, high-profile, and widely diffused global fisheries instrument in the world, after the 1982 UNCLOS. The Codes serve as an international framework, and an important reference point for countries to develop their national legislation to achieve responsible fisheries. As it is in line with the RPOA-IUU's core element and as shown in its work plan, the workshop played a catalyst and important first step in a series of initiatives to further encourage the adoption and implementation of the CCRF in RPOA-IUU countries.
- At last, Mr. Suharta invited all the participants to learn, share ideas, and listen in the spirit of openness from the existing countries' effort to combat IUU Fishing to the exploration of adopting regional guidelines for responsible fisheries to the national legislation.

Secretary General of Ministry of Marine Affairs and Fisheries, Republic of Indonesia

- Mr. Antam Novambar, Secretary-General of the Ministry of Marine Affairs and Fisheries (MMAF), Indonesia on behalf of the MMAF delivered his acknowledgement to the participants.
- Mr. Novambar notified IUU Fishing as one of the tremendous challenges in the world. Referring to Prof Sumalla from the University of British Columbia in 2021, it was stated that IUU Fishing has affected global economic loss with an amount of 26-50 billion dollars per year and it hits the developing countries' economies. IUU Fishing also causes ecological degradation in the ocean. The issues are evolving too far beyond extreme when it is linked to environmental degradation occurrences, destruction of fisheries resources and marine ecosystem sustainability as well as decreasing fisher's welfare, and act as a global primary barrier to achieving Sustainable development goals. G20 Presidency of Indonesia 2022 is strategic momentum for Indonesia for taking a lead in advancing the IUU Fisheries into the discussion. In the workshop, there will be discussions on lesson-learned from countries in responsible fisheries management, and discussions on the plan of action to accelerate regional standard adoption relate to responsible fisheries in conducting countermeasures on IUU Fishing and putting them into respective national law and regulation of RPOA-IUU country members.
- Lastly, Mr. Novambar conveyed his gratitude to the ATSEA-2 and Regional secretariat RPOA-IUU for their close collaboration with MMAF in holding the workshop. He also

conveyed his appreciation to the notable keynote speakers and experts in the marine and fisheries discipline for their precious time in disseminating their knowledge and experiences through the workshop.

1.2 Opening Speech

Minister of Marine Affairs and Fisheries, Indonesia

- Mr. Sakti Wahyu Trenggono, the Minister of Marine Affairs and Fisheries delivered his acknowledgement to the Workshop Participants and expressed his gratitude to ATSEA-2 for organizing the workshop as a positive signal to the readiness of RPOA-IUU country members and G20 to cooperate and collaborating in supporting responsible fisheries governance and combating IUU fishing practices. The global commitment to actualizing responsible fisheries governance on a basic scientific approach and combating IUU Fishing practices is clearly illustrated in sustainable development goals (SDGs) primarily goals 14 and stated by FAO in 1995 which was putting the balance of ecology and social economy forward.
- IUU Fishing practices in Indonesia are not only conducted by foreign vessels but also by domestic fishing vessels. The overfishing efforts and non-quota-based capture fisheries practices may threaten ocean sustainability. In accordance with commitments to sustainable fisheries management, MMAF established three priority programs namely: (1) Quota-based capture fisheries policy implementation to aim for ecological sustainability, increase in non-tax state revenue and fisheries welfare; (2) Export-oriented commodities on aquaculture development namely shrimps, lobsters, crabs, and coral reefs; and (3) Local/traditional wisdom based aquaculture villages development to aim poverty alleviation and endemic prevention from extinction. Those three programs are a concrete effort from MMAF to generate responsible fisheries governance by establishing ecology sustainability as the lead in fisheries management.
- Quota-based capture fisheries policy is distinctively designed by truly considering the aspects of carrying capacity of marine resource utilization. It is enacted by using a base of fish stock from the National Committee on Fish Stock Assessment Indonesia (Komnas Kajiskan) assessment and the monitoring of vessels was conducted under strict measures both on departure, at sea, fish landing, and post fish landing efforts. these measures are conducted to ensure sustainable fisheries stocks. Indonesia also pledges commitments to continuously combat IUU Fishing practices. In addition, to strengthen national law and institutional capacity by pushing the cooperation efforts both bilateral cooperation and multilateral. One among others is in RPOA-IUU which has eleven country members, with Indonesia as the secretariat.
- Lastly, Mr. Trenggono conveyed his appreciation and gratitude to the ATSEA-2 and the secretariat of RPOA-IUU for their continuous collaboration with MMAF, also to notable keynote speakers and experts in marine fisheries discipline who will share their knowledge and expertise. Mr. Trenggono wished the Workshop could provide a positive contribution to generating efforts on responsible fisheries governance implementation. And lastly, Mr. Trenggono closes his speech by officially opening the International Workshop on Advancing Regional Guidelines of Responsible Fisheries to combat IUU Fishing.

1.3 Keynote Speech

Director General of Surveillance for Marine and Fisheries Resources, Ministry of Marine Affairs and Fisheries, Indonesia

- Mr. Adin Nurawaluddin delivered his presentation on the Indonesia National Plan of Action (NPOA) to Prevent & Combat IUU Fishing Implementation.
- Referring to the FAO, Mr. Nurawaluddin realized IUU Fishing as a very serious issue since it is responsible for the loss of 11-26 million tons of fish each year and was estimated to have an economic value of US\$ 10-23 billion. Moreover, IUU Fishing also causes depleting fish stocks, the degradation of marine and coastal ecosystems, jeopardizes food security, and disrupts coastal communities' social cohesion. Undoubtedly, IUU Fishing has negative impacts on ecology, social and economy.
- In terms of combating IUU Fishing, Indonesia has designed the First National Plan of Action (NPOA) to prevent, deter and eliminate IUU Fishing in 2012. The instrument strongly emphasized institutional and legislation reform, strengthened monitoring, control, and surveillance as well as strong law enforcement to give a deterrent effect for illegal fishermen.
- Under the first NPOA, Indonesia has established (1) an electronic licensing system to avoid double flagging and other manipulations; and (2) Developed an integrated surveillance system supported by (a) a series of intelligence data analyses from the satellite; (b) Vessel Monitoring System (VMS), Automatic Identification System (AIS), air surveillance, and (c) community-based surveillance. The NPOA is currently in the process of updating which is expected to be completed in 2022 and will be adopted in the form of government regulation.
- Regarding the 1995 FAO Code of Conduct, Indonesia considered the CoC as an important instrument in implementing sustainable fisheries as well as combating IUU Fishing. In line with this, Indonesia has adopted this CoC into national legislation related to Articles 3.2, 8.1 – 8.5, and 8.9. For example, as follows:
 - a. Article 8.1 has been adopted in paragraph 2 of the marine and fisheries Chapter, Article 27 of Law No. 11 of 2020, which states that “Everyone who owns and/or operates a fishing vessel with an Indonesian flag should only catch fish in Indonesia’s fishery management area and/or on the high seas if the Vessel has business licenses from the Central Government or from Local Government based on norms, standards, procedures, and criteria that have been set by the Central Government.
 - b. In Article 8.2, Indonesia has improved the business licensing system for fishing and integrated data on the registration of fishing vessels and fish transport vessels among relevant agencies for fishing vessels above 30 GT. Those data will be integrated into the capture fisheries database management system, vessel monitoring, and catch recording by electronic logbook and catch certification system. In the context of fisheries surveillance and law enforcement as stated in article 8.2, Indonesia already has a very strict rule to conduct surveillance, starting from before the vessels depart, while fishing, and during and post landing. With this arrangement, it is expected that the compliance level of commercial fishers will improve.

- c. In accordance with article 8.2.7, national fisheries legislation has adopted administrative sanctions to improve the compliance level of fishing vessels. This year, Indonesia has imposed administrative sanctions for 60 Indonesian fishing vessels including fines for 47 fishing vessels, suspension of fishing licenses for 2 fishing vessels, revocation of fishing licenses for 4 fishing vessels, and an investigation process for 1 fishing vessel. It shows clear messages that Indonesia has a strong commitment to control Indonesian fishing vessels as a part of flag state responsibilities.
 - d. For Article 8.3 and 8.9, Indonesia has ratified the PSMA and designated four ports namely Jakarta, Bitung, Padang, and Benoa. Indonesia has issued a Minister Regulation on the implementation of port state measures to prevent, deter, and eliminate illegal, unreported, and unregulated fishing.
 - e. or Article 8.5, Indonesia has a Ministerial Regulation on the management of Fishing Gears and Auxiliary Gears including Fish Aggregated Devices (FAD). This management ensures that fishing gears and auxiliary gears in Indonesian fishing vessels have met the criteria of selectivity and capacity based on each area of operation.
- With regard to the implementation and adoption of Article 3.2 and 8 of the 1995 FAO CCRF, Indonesia believes that there are big gaps that need to be filled. Indonesia still has a big challenge to control artisanal fishing vessels. Developing a more adaptive policy designed for small-scale fishing vessels will be a priority for Indonesia. More than that, the prevention of marine pollution has also become another priority. Those measures are very important to protect the marine and fisheries environment since Indonesia believes a healthy ocean is a key to sustainable fisheries.
 - Without ignoring the limitation of each country in adopting the 1995 FAO CCRF, Indonesia recognizes the international tool as a fundamental instrument and a strategic step for each country to achieve sustainable fisheries. MMAF envisages the workshop to be a crucial step in discussing and sharing experiences to accelerate the adoption and implementation of the 1995 FAO Code of Conduct for Responsible Fisheries. Therefore, MMAF wished RPOA-IUU can encourage its participating countries to support the adoption of this instrument into their national legislation.

1.4 Initial Discourse on Roadmap to Develop Regional Guidelines for Responsible Fisheries to Combat IUU Fishing

Speaker: Mr. Eko Rudianto - Deputy Executive Director of RPOA-IUU Secretariat

- Mr. Rudianto, Deputy Executive Director of RPOA-IUU Secretariat on behalf of the RPOA-IUU delivered his presentation on the RPOA-IUU perspective on advancing regional guidelines of responsible fisheries to combat IUU Fishing. The presentation mainly focuses on the expectation and initial agreement for the next steps from the Workshop with the presentation outline are (1) RPOA-IUU Portfolio; (2) Code of Conduct for Responsible Fisheries (CCRF); (3) Regional Guidelines of Responsible Fisheries to Combat IUU Fishing; and (4) Initial discourse on Roadmap of Regional Guidelines.
- Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region (RPOA-IUU) is a voluntary instrument that seeks, among other things,

to strengthen regional efforts to tackle IUU Fishing and serves as a regional information-sharing network on sustainable fisheries management.

- The establishment of the RPOA-IUU was agreed on 4 May 2007 in Bali by its eleven countries members which are Australia, Brunei Darussalam, Cambodia, Indonesia, Malaysia, Papua New Guinea, Philippines, Singapore, Thailand, Timor-Leste, and Viet Nam. In terms of the Monitoring, Control dan Surveillance (MCS), RPOA has three sub-regional groups which are (1) Gulf of Thailand; (2) South China and Sulu-Sulawesi; and (3) Arafura and Timor Sea. RPOA-IUU also collaborates with several advisory bodies such as FAO-APEIC, WORLD FISH, SEAFDEC, and INFOFISH.
- RPOA-IUU has conducted several meetings for coordination including Coordination Committee Meeting (CCM), RPOA-IUU Sub Regional Working Group, RPOA-IUU Consultative Meeting, also other Workshops, Focus Group Discussions, Training, and Meetings on Special Issues.
- RPOA-IUU has 10 core elements with updating status presented in the table below.

No.	CORE ELEMENT	UPDATE STATUS
1	Regional Market Measures	6 countries have ratified Port State Measures Agreement, 4 countries are in progress, and 1 country is in possible accession.
2	Regional capacity building	RPOA-IUU participating countries have implemented catch documentation schemes such as E-ACDS, Catch Certificate, e-logbook, and e-monitoring. Different levels of implementation in each country
3	Strengthening MCS	RPOA-IUU participating countries actively join in several capacity buildings organized by RPOA-IUU Secretariat
4	Transshipment at sea	RPOA-IUU participating countries implement strong measures of transshipment at sea. In some participating countries, transshipment is banned.
5	Implementation	There is research on estimating illegal landings in the three RPOA sub-regions conducted by CSIRO and ATSEA-2 project. RPOA-IUU Secretariat will work closely with countries in implementing the annual work plan.
6	Current resource and management situation in the region	RPOA-IUU participating countries continue to conduct assessments and reviews of national fisheries legislation. Each member country has developed their NPOA-IUU (9 out of 11 RPOA-IUU participating countries)
7	Implementation of	RPOA-IUU participating countries continue to work

	international and regional instruments	toward ratification and implementation of regional and international instruments
8	Role of regional and multilateral organizations	RPOA-IUU participating countries are parties/non-contracting parties of regional and multilateral organizations, including RFMOs
9	Coastal State responsibilities	RPOA-IUU participating countries multilaterally and bilaterally collaborate in data sharing and monitoring of fishing vessel movement and activities
10	Flag State responsibilities	All RPOA-IUU participant countries have reviewed their vessel registration and have no vessel listed as an IUU Fishing vessel of the respective RFMOs. The progress differs from country to country.

- In terms of the MCS key instruments, each country has different progress in its status. For the UNCLOS, UNFSA, and PSMA, mostly have been in ratified status. The NPOA-IUU is mostly in the developing status, for the GRFV/ RFVR all countries' members were in participation status, while each country had a different status on the CDS. The complete overview of the MSC key instruments is presented in Figure X below.

MCS KEY INSTRUMENTS						
COUNTRY	UNCLOS	UNFSA	PSMA	NPOA-IUU	GRFV/RFVR	CATCH DOCUMENTATION SCHEME
Australia	Ratified	Ratified	Ratified	Developed	Participate	e-logbook and e-monitoring
Brunei Darussalam	Ratified	on progress	on progress	Developed	Participate	E-ACDS
Cambodia	signed	Ratified	Ratified	Developed	Participate	Pilot phase, assist from SEAFDEC and FAO-CAP Fish-Capture program
Indonesia	Ratified	Ratified	Ratified	being revised into the 2 nd version	Participate	E-Logbook, E-Catch Certificate, CDS for Southern Blue Fin Tuna fisheries.
Malaysia	Ratified	Possible accession	Possible accession	Developed	Participate	On- going engagement with SEAFDEC on e-ACDS
Papua New Guinea	Ratified	Ratified	working progress to ratifying the PSMA	on progress	Participate	Catch Certificate
Philippines	Ratified	Ratified	Ratified	Developed	Participate	Catch Certificate
Singapore	Ratified	on progress	on progress	In progress	Participate	Work with RFMO on Catch Documentation Scheme
Thailand	Ratified	Ratified	Ratified	being revised into the 2 nd version	Participate	Thai Flagged Catch Certification System (TFCC)
Timor-Leste	Ratified	Not commenced yet	on progress	Developed	Participate	Catch Certificate (Timor –Leste has not applied the catch certificate yet, however Directorate General of Fisheries, Aquaculture and Marine Resources employs enumerators to collect the data in the landing centers after fishing activity. These data collected are tracking activities, Catch per Unit Effort (CPUE) per month, CPUE by habitat, CPUE by fishing gear, CPUE by species and total catch.
Viet Nam	Ratified	Ratified	Ratified	Developed	Participate	Apply Catch Documentation Scheme as requested by imported markets such as EU, ICCAT 1. Cooperate with SEAFDEC, USAID to implement E-ACDT in 2 provinces of Vietnam 2. Complete electronic traceability software on the basis of integration of EU, US regulations and imported market requirements, expected to be implemented throughout the country

- In terms of RPOA-IUU core elements number 2 (Regional capacity building), it is stated that international instruments contain structures and measures upon which to build long-term sustainable fisheries. The key global instruments that countries should consider when implementing responsible fishing practices include the 1982 ‘United Nations Convention on the Law of the Sea’ (UNCLOS), the ‘United Nations Fish Stocks Agreement (UNFSA), the FAO Compliance Agreement’, the **FAO Code of Conduct for Responsible Fisheries**, the

‘International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing’, the ‘IPOA for Reducing Incidental Catch of Seabirds in Longline Fisheries’, the ‘IPOA for the Conservation and Management of Sharks’ and the ‘IPOA for the Management of Fishing Capacity.

- The FAO Code of Conduct for Responsible Fisheries (CCRF) is one of the instruments that has been agreed upon by the RPOA-IUU member countries and encouraged to be adopted and will be discussed whether it is suitable to be implemented in the region. The discussion mainly will focus on Article 8 which is related to IUU Fishing which are: 8.1 Duties of all States; 8.2 Flag State Duties; 8.3 Port State Duties; 8.4 Fishing Operations; 8.5 Fishing gear selectivity; and 8.9 Harbours and landing places for fishing vessels.
- Through the Workshop, RPOA-IUU expects the Region-matched Code of Conduct for Responsible Fisheries (CCRF) principles to be adopted by RPOA-IUU participating country’s national legislation and implemented. In line with this, the RPOA-IUU secretariat will support and facilitate this process and will seek to secure support from the various international organization

SESSION 2: INTERNATIONAL INSTRUMENTS OF RESPONSIBLE FISHERIES AND FISHERIES ENFORCEMENT

2.1 International Instruments to promote responsible fisheries towards regional guidelines for responsible fisheries to combat IUU Fishing

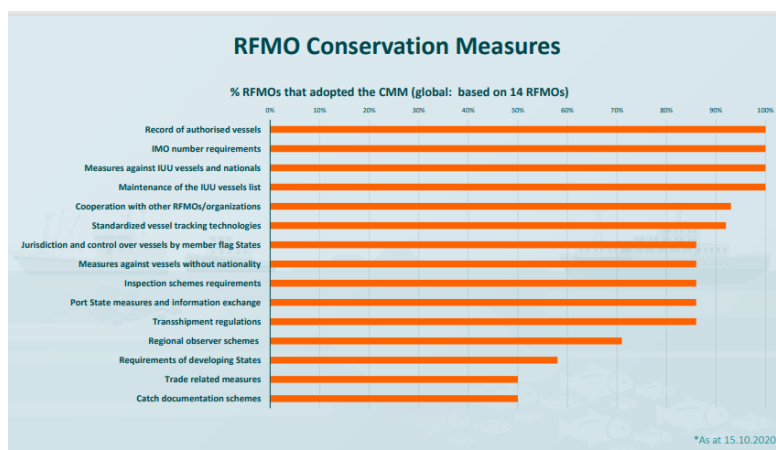
Speaker: Mr. Glenn D. Quelch, Senior International - Food and Agriculture Organization (FAO)

- Mr. Quelch’s started the presentation with an introduction to four topics of outlines that went through (1) International framework to combat IUU Fishing; (2) Responsibilities of State in the variable roles of a flag, port, coastal, and market State; (3) Regional mechanisms; and (4) Tools and guidance to assess the implementation of the Code and related instruments, with a focus on preventing, deterring and eliminating IUU Fishing.
- Mr. Quelch provided a brief overview regarding the background of combating IUU Fishing. The mandate to combat IUU Fishing was reflected in the UN SDGs number 14: Life below water. Mr. Quelch underlined that fisheries management could guarantee the long-term conservation and sustainable use of fisheries resources, maintaining their diversity and availability for present and future generations.
- Regarding the fisheries legal framework, there are three tiers that interlink: the broader international framework, translated into the regional framework and the national level for national implementation.
- The international framework consists of either legally binding or non-binding instruments (soft law instruments). The legally binding instruments consist of Treaties, Conventions, and Agreements. These instruments have binding nature that can lead to dispute settlement against a state party for not meeting its obligations. The legally binding instruments were supported by non-binding instruments (soft law instruments) which include Codes of conduct, Guidelines, and International Plans of Actions (IPOAs).
- Legally binding and non-binding fisheries instruments began with the (1) United Nations Convention on Law of the Sea (UNCLOS) in 1982 which consists of 168 parties ; (2)

Compliance Agreement (CA) 1993, which consists of 42 parties; (3) United Nations Fisheries Agreement (UNFA) and CCRF 1995, consists 91 parties; (4) IPOA-IUU 2001, Rome Declaration 2005, PSMA 2009 consists 70 parties, Voluntary Guidelines for Flag State Performance (VG FSP) AND SFF VG 2014; Global Record and Voluntary Guidelines on Catch Documentation Scheme (VG-DCS) and lastly Voluntary Guidelines on the Marking of Fishing Gear (VG-MFG). All the instruments were implemented through the Flag State, Port State, Coastal State, and Market State Responsibilities to support the efforts on sustainable fisheries resources and combating IUU Fishing.

- The legally binding instruments relevant to fisheries are counted into four instruments, which are (1) the United Nations Convention on the Law of the Sea (LOSC) Adopted in 1982 and entered into force on 16 November 1994 which sets the legal framework for ocean governance; (2) FAO Compliance Agreement (in short adopted in 1993 entered into force on 24 April 2003). The FAO was developed to strengthen the LOSC provisions relating to obligations of the flag States to control the fishing on the high seas more effectively; (3) United Nations Fish Stock Agreement (in short) which was adopted in 1995 entered into force on 11 December 2001 to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks by strengthening the legal regime for their conservation and management through the effective implementation of the relevant provisions of the LOSC; and (4) FAO Agreement on Port State Measures (PSMA), adopted in 2009 entered into force on 5 June 2016, as the first international treaty to specifically target IUU Fishing through the implementation of effective Port State Measures as a means of ensuring the long-term conservation and sustainable use of living marine resources and marine ecosystems.
- In terms of support to combat IUU Fishing and efforts toward long-term sustainable fisheries, Mr. Quelch also mentioned another instrument that needs to be considered, including : (1) ILO Work in Fishing Convention C.188 IMO, adopted in 2007 and entered into force on 16 November 2017, aim to ensure that fishing vessels are constructed and maintained so that fishers have decent living conditions on board, and (2) IMO Cape Town Agreement, adopted in 2012, Mandatory international safety requirements for fishing vessels of 24 meters in length and over-designed to protect the safety of crews and observers
- Regarding “The Code’ and instruments developed in its framework”, there are (1) FAO Code of Conduct for Responsible Fisheries which 1995, sets out principles and international standards of behavior for responsible practices to ensure the effective conservation, management, and development of living aquatic resources, with due respect for the ecosystem and biodiversity International Plan of Action to prevent, deter and eliminate IUU Fishing. Adopted in 2001, provides States with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organizations established in accordance with international law.
- In order to strengthen cooperation in implementing international instruments, concerted actions on information-sharing and cooperation in the four areas of responsibility including Flag, Port, Coastal, and Market State should be enhanced either nationally or internationally. Each area has its own responsibility mentioned as follows:

- **Flag States:** (a) exercise effective jurisdiction and control over vessels flying its flag wherever they operate (in areas under national jurisdiction, in ABNJ, and other States' waters); (b) ensure that their flagged vessels comply with CMMs.
- **Port States:** (a) implement effective measures to verify that foreign-flagged vessels entering its ports have not engaged in IUU Fishing or related activities (b) deny port entry or take other inspection/enforcement measures to prevent fish caught from IUU Fishing from reaching the market.
- **Coastal States:** (a) Has the sovereign right to explore, exploit, conserve and manage the resources in areas under its national jurisdiction; and (b) has the responsibility to adopt and effectively implement appropriate measures to conserve and manage those resources.
- **Market States:** (a) Prevent fish caught by vessels identified to have been engaged in IUU Fishing from being traded or imported cooperate, including through RFMOs, to adopt multilaterally agreed trade-related measures (e.g. CDS); and (b) improve transparency and ensure traceability of fish or fish products.
- RPOA member countries are originally supported by Regional Fishery Advisory Bodies (RFBs) established under Art VI - rt VI – FAO Constitution, which is essentially advisory in nature, do not adopt binding measures; and Regional Fishery Management Organizations (RFMOs – non-species-specific) (Art XIV- FAO Constitution) that can adopt binding measures.
- Mr. Quelch showed information about the percentage of RFMOs that have adopted the Conservation and Management Measures of different kinds (global: based on 14 RFMOs). There are four of the RFMOs adopted majors on Record of authorized vessels IMO number requirements Measures against IUU vessels and nationals Maintenance of the IUU vessels list which. And the least percentage on trade-related measures and catch documentation schemes. The complete percentage is presented in the figure below.



- In terms of developing capacity for effective implementation of the international framework, FAO focuses on three main areas including Policy and legislation, Institutional set-up and capacity, and MCS and Operational procedures. All of the focuses are interlinked with training.
- The CCRF implementation was monitored through a biennial questionnaire. The questionnaire is self-reported by FAO Members, analyzed by the secretariat, and reported

to the Committee on Fisheries (COFI). The questions have evolved and changed over the years and currently have questions on fishing operations that can provide guidance. The statistical table presented at the 34th Session of COFI: <https://www.fao.org/3/cb2211en/cb2211en.pdf>

- In terms of assisting countries to conduct their self-assessment, FAO provided several checklists for assessing the level of implementation of international instruments and regional mechanisms to combat IUU Fishing. The checklists have been published in three-volume, which are:
 - Volume I: Consolidated checklist – coastal, flag, and port State responsibilities: <https://www.fao.org/port-state-measures/resources/detail/en/c/1419023/>
 - Volume II: Legal checklist – coastal, flag, port, and market State responsibilities: <https://www.fao.org/port-state-measures/resources/detail/en/c/1419027/>
 - Volume III: MCS field checklist– coastal, flag, port, and market State responsibilities; available soon at: <https://www.fao.org/port-state-measures/resources/en/>

2.2 Addressing Crime along the Fishery Supply Chain

Speaker: Mr. Collie F. Brown, the Country Manager, and Liaison to the ASEAN, on behalf of the United Nations Office on Drugs and Crime (UNODC)

- Mr. Brown underlined that Fisheries crime and IUU fishing correlate. IUU fishing must be investigated and analyzed in conjunction with the fisheries crime value chain. Crimes along the value chain incorporate the fishing and landing process that can threaten fisheries' resource stability. Either the fishing or landing process consists of criminal practices including Fraud and Forgery and Corruption.
- In the fishing process, Fraud and Forgery Crimes include the practice of fraudulently recording fish information, such as the location, the amount, and the species of fish that were caught. While corruption crime can be found in two main forms of bribery: either bribes for the law enforcement and/or fisheries officials to ignore the illegal activities of illegal harvesters of fish and shellfish or bribes to the officials to release a fishing vessel that has been arrested without any cause. While on the landing process, crimes related to Fraud and Forgery can be found in Fraudulent recording of the quantity or the species, mostly found in layering fish practices. While the corruption crime in the landing process involves the officials who get bribed to ignore the origins and paperwork of the vessel or to false declarations relating to the quantity of the species landed.
- Mr. Brown delivered an illustration of a study case in The Bengis Hout Bay Case, South Africa in 2016 which consisted of various criminal activities involving a massive illegal poaching and fishing scheme, illegal exporting of fish products from South Africa to the United States of America, document's forgery, and illegal workers which caused huge loss to the government of America. In terms of the case accomplishment, the defendants were sentenced and ordered to pay nearly USD22.5 million as restitution to South Africa for illegally harvesting lobster for which the country had a property interest.
- Mr. Brown referenced the Hout Bay Case as it reflected the diversity of law enforcement agencies that were involved in the case between the USA and South Africa. The importance of cross-border cooperation between multiple agencies in multiple countries was really

quick. Mr. Brown also highlighted the United Nations Convention against Transnational Organized Crime (UNTOC) as a very important instrument in terms of states utilizing aspects of domestic laws to prevent similar crimes.

- In terms of defining the UNTOC, Mr. referred to a specific element in Article 2a about “Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert to commit one or more serious crimes or offences established in accordance with this Convention, to obtain, directly or indirectly, financial or other material benefits. And Article 2.b “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.
- Regarding paradigm shift in South Africa example: (1) SA recognized the limitations of the traditional approach to IUUF; (2) Recast illegal fishing as fisheries crime by engaging Law Enforcement; (3) Use of combined laws to address administrative and criminal enforcement; and (4) Codify acts as criminal with environmental laws.
- The investigation and prosecution of fisheries crimes are still challenging because cross-border activity still has not become a priority for police forces, tax authorities, and anti-corruption bodies. Fisheries crime also rarely falls under the mandate of a single agency in a single country which can lead to difficulty in obtaining information from various sources. Therefore, Mr. Brown proposes some recommendations which are:
 - a. The traditional fisheries compliance approach alone is insufficient to address associated offences related to fisheries.
 - b. IUU fishing must be investigated in conjunction with other criminal activities in the fisheries value chain.
 - c. The use of associated crimes is beneficial because illegal fishing itself is not criminalized in many countries and/or the penalty provisions may be weak.
 - d. Many associated crimes are land-based and therefore grant states potential jurisdiction to investigate and prosecute criminal behavior.

DAY 2 – 8 June 2022

SESSION 3: NATIONAL LEGISLATION TO PROMOTE RESPONSIBLE FISHERIES AND FISHERIES ENFORCEMENT AND LESSONS LEARNED FROM RPOA-IUU COUNTRIES

Australia

- **Mr. George Day** – Assistant Secretary, Fisheries Branch, Department of Agriculture, Water and Environment, Australia on behalf of Australia’s Government delivered his presentation on Australia Legislation to Promote Responsible Fisheries. He also conveyed his gratitude and acknowledgement for the distinguished participants in the Workshop.
- IUU Fishing is an issue that cannot be combated alone and needs a cooperative approach to address the issue. In line with this, Australia recognizes the importance of the international plan of action to prevent, deter, and eliminate IUU Fishing and Australia has implemented it into the National Plan of Action (NPOA) as the key step.
- Australia published its first NPOA in 2005, which contained nearly close to the international plan of action which developed with consultations with domestic stakeholders, particularly with fisheries industries and fisheries managers. In 2014, Australia published its second NPOA with a more ambitious and reflected national, regional and international framework.
- There are six key principles in the international plan of action including (1) Participation and coordination, with wide engagement and stakeholders in the community; (2) collaboration, through regional and international forums; (3) phased implementation, with continuing to develop and improve measures; (4) comprehensive and integrated approach, both domestically and internationally; (5) conservation; and (6) transparency and non-discrimination, recognizing the needs of developing countries.
- Australia has implemented the principles and strategies through several efforts including (1) Regular reviews of legislative and regulatory frameworks, to ensure the framework remains fit for purpose. Australia continuously maintained strong and constructive engagement with domestic stakeholders and regional bodies/buddies and supported the regional partners to support IUU Fishing, one of them is the support of the Southeast Asia IUU Fishing program which focused on improving MCS capability and capacity; (2) enhanced surveillance and enforcement capabilities; (3) Implementing innovative technologies and systems that can be used to improve IUU surveillance; (4) Increased cooperation and information sharing, by neighboring countries and conduct joint patrol in surveillance operation in Southeast Asia and Pacific; (5) public information campaigns; and (6) Expanded use of market measures. Given the strong framework that the RPOA-IUU has provided, Australia is in the process of updating the NPOA in 2022, with the expected update of the 3rd version to be published in 2023.
- In terms of FAO’s CCRF, Australia adopted the Code in 1995. The Code played an important role as a reference point for Australia’s national legislators and fisheries management agencies and has been adopted into Australia's policy framework. The policies guide an evidence-based, precautionary approach to ensure fisheries provide maximum economic returns while maintaining stocks at sustainable levels.
- The Fisheries Management Act and Torres Strait Fisheries Act provide the legislative basis for the management and regulation of Commonwealth-managed commercial fisheries. Objectives include: (1) ensuring fishing practices are consistent with the principles of ecologically sustainable development; (2) maximizing the net economic returns to the Australian community from the management of Australian fisheries; (3) implementing

efficient and cost-effective fisheries management on behalf of the Commonwealth; and (4) ensuring accountability to the fishing industry and the Australian community.

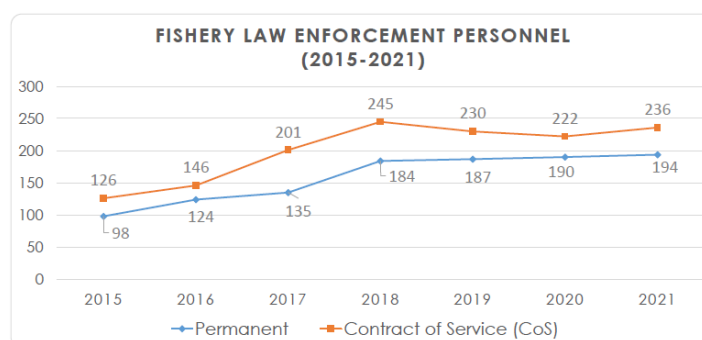
- In terms of the best practices in the implementation of fisheries compliance and enforcement, Australia aims to protect fish stocks, the value of access rights, and the environment.
- To ensure fisheries compliance in Commonwealth fisheries is cost-effective and efficient, Australia uses a risk-based framework consisting of four components including (1) communication and education, to assist industry to understand obligation and to maximize voluntary compliance; (2) general deterrence, to encourage non-compliance which include inspection of patrols, targeted high-risk port; (3) targeted risk; and (4) maintenance program.
- The non-compliance was identified through various information sources such as targeted analysis and investigations; regular, random, or targeted inspections; observations by fisheries officers; and information from the fishing industry, public, and NGOs.
- Australia implements a multi-faceted approach to combating international IUU fishing in its waters through effective enforcement and monitoring, regional cooperation, diplomatic representation, and engagement activities (capacity building, education, and outreach programs). Australia also cooperates closely with countries across Southeast Asia and in the Pacific to build mutual capacity to combat regional IUU fishing.
- In relation to the way forward, Australia will continue to: (1) build stronger regional networks and systems. Australia would like to seek the continuous regional support such as the RPOA since it is important to demonstrate the region taking responsibility to address the issue in its neighborhood; (2) leverage international guidance and agreements, such as the RPOA-IUU in translating the framework into the national context; (3) conduct ongoing review to national legislation ; (4) implement transparent and clear compliance and enforcement activities; and (5) investigate and use modern technology to supplement existing compliance activities.

Philippines

- Ms. Sandra V. Arcamo, on behalf of Mr. Commodore E. Gongona (Director of Bureau of Fisheries and Aquatic Resources) delivered her presentation entitled Prevent, Deter, and Eliminate IUU Fishing - The Philippines Experience with the presentation outlines include: (1) a brief introduction; (2) effort to prevent, deter and eliminate IUU Fishing; and (3) ways forward.
- Ms. Arcamo began her presentation by delivering a brief overview of the Philippines. The Philippines is an archipelagic state with 36,289 km coastline with 2.2 km² territorial waters including EEZ. The Philippines contained 60 of 73 coastal provinces and 17 of 25 are coastal cities.
- The common forms of IUU Fishing in the Philippines includes unauthorized commercial fishing in municipal waters, use of active gear in municipal waters, fishing without a license, poaching (foreign fishing vessels), fishing with explosives, and using a banned fishing method, and fishing of regulated/banned species.
- In terms of efforts to prevent, deter, and eliminate IUU Fishing, the Philippines has conducted its approaches which are: (1) strengthening legal, administrative and policy frameworks; and (2) capacity building.
- In relation to strengthening the legal, administrative, and policy framework, the Philippines has a full and effective implementation of international instruments and MCS.
- For the international instruments, the Philippines acceded and ratified the UNCLOS, UNFSA, FAO Compliance Agreement, Port State Measure Agreement (PSMA), and Conventions of Regional Fisheries Management Organizations, and promoted the CCRF. While for the national instruments, the Philippines continuously review and amend the

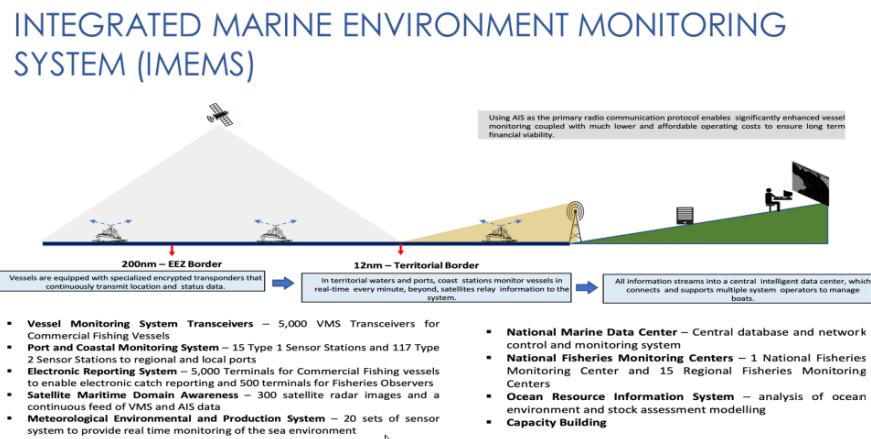
appropriate fisheries policies as well as administrative orders. The national instruments that have been amended are: (1) **Fisheries Code of 1998 (RA 8550) as amended by Republic Act No.10654** “ An act to Prevent and Eliminate Illegal, Unreported and Unregulated Fishing” since 27 February 2017; (2) **Adjudication of Fisheries Law Cases**. The Adjudication Committee was created following the creation of the Rule of Procedure for the Adjudication of Fisheries Laws Cases to impose administrative fines and penalties provided under the law; (3) **Catch Documentation Scheme (CDS)**, which includes the Electronic Catch Documentation and Traceability System (e-CDS) to helps weed out illegally sourced seafood products.

- The national instruments will be enacted to enable Laws of International Conventions including RFMOS Conservation Measures. One of the examples is WCPFC Commission Management Measures transposed into national policy which include: (1) CMM 2007-01: Conservation and Management Measure for Regional Observer Program (ROP) transposed into FAO 240 s. 2012: Rules and Regulations in the Implementation of Fisheries Observer Program in the High Seas; and (2) CMM 2007-02: Commission Vessel Monitoring System (VMS) transposed into FAO 241 s. 2012: Regulations and Implementation of the Vessel Monitoring System (VMS) in the High Seas.
- The Philippines also adopted the National Plan of Action for IUUF and Fishery Law Enforcement Manual of Operations which sets the standard operating procedures for the conduct of preventive and corrective fishery enforcement operations.
- In relation to the MS, the monitoring included data on biophysical characteristics of fisheries and environment; national stock assessments in national waters; and strengthening stock assessments in the municipal waters through technical assistance. While for Control, there are sustainable fisheries management policy formulation; allocation and effort control; import and export controls; catch documentation and certification; pre-shipment inspection; labelling; and paper trails for fish trade. For surveillance, the Philippines has strengthened the use of VMS; observer programs; boarding and inspection at sea; inspection in reports; and application of legal sanctions.
- In terms of capacity building, the Philippines has trained and recruited more people into the enforcement forces which can strengthen the regulatory personnel. The data of the personnel is presented in the figure below, which shows that there is an increase in the Permanent and Contract of Services Personnel every year.



- There is also a Fleet Acquisition Program which is a deployment of Multi-Mission Patrol boats and multi-mission in strategic locations nationwide. The Multi-Mission Patrol boats that have been amended include Multi-Missions Operation Vessels (MMOV), MCS (11 m), MCS (30 m), and patrol boats (24-40 Footer).
- The Philippines also has an Integrated Marine Environment Monitoring System (IMEMS), an innovative, optimized, and integrated monitoring system that expands and improves

the Bureau's current MCS program. The IMEMS system concept is presented in Figure X below.



- Although all the efforts and system has been put in place, the Philippines still believe that there are more ways forward to combat IUU Fishing such as: strengthening further National Fisheries MCs; strengthening capacity in assessing magnitude of IUUF; acquiring high sea endurance and multipurpose mission patrol vessels; strengthening of Port State Control Measures; establishing international cooperation (Interpol, international government agencies, etc).

Thailand

- Mr. Kamonpan Awaiwanont, Ph.D., Senior Fisheries Biologist Professional Level from the Department of Fisheries Thailand, delivered his presentation regarding the Thailand Legislation to Promote Responsible Fisheries and Fisheries Enforcement. The presentation was outlined into four main topics which are: Status of Thailand NPOA-IUU; National legislation relate to CCRF; Implement of fisheries enforcement; and a way forward.
- In terms of the status of Thailand's NPOA-IUU, the Government of Thailand recognizes the significance of the problems of IUU fishing thereby developing Thailand's NPOA-IUU for 2015 –2019 in accordance with CCRF and IPOA-IUU.
- In order to provide a framework for addressing the problems of illegal fishing and fulfilling all dimensions of “All-State Responsibilities” in accordance with the IPOA-IUU, Thailand continues to develop the NPOA-IUU from 2021-present.
- For the national legislation related to CCRF Article 3.2, “Interpreted and applied international instruments”, Thailand has been a Party to International Agreements, as follows: Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 1973; CCRF since 1995; Convention on Biological Diversity since 2003; the UNCLOS since 2011; UNFSA since 2017; and PSMA since 2017;
- Thailand has revoked the Fisheries Act 1947 to the Royal Ordinance on Fisheries 2015, 2017 with the contexts that comply with the provisions of the 1982 United Nations Convention on the Law of the Sea and international fisheries regulations, including fisheries situation of the country; and Thailand has accepted the FAO IPOA-IUU in March 2003;
- For PSMA, Thailand has accepted PSMA including resolution 10/11 of the PSMA by specifying 25 designated ports both in the GoT and the Andaman Sea, for foreign fishing vessels (FVs) to land their fish; and delegate authority to officers to be able to inspect foreign FVs in accordance with the Royal Ordinance on Fisheries 2015 and 2017. Thailand also has been a party to the RPOA-IUU and SEAFDEC.

- For Fisheries Management, Thailand has developed the Marine Fisheries Management Plan (FMP) 2015 –2019, 2020 -2022. Thailand also adopted the International Plan of Action for Conservation and Management of Sharks (IPOA -Shark) by developing the National Plan of Action for Conservation and Management of Sharks (NPOA -Shark) 2020 -2024.
- In relation to CCRF Article 8.1 “Duties of all states”, Thailand has established a vessel inspection team, namely the Multidisciplinary team. The team was formed in collaboration with five staff members which are the Department of Fisheries Officer, Marine Department, Department of Labour Protection and Welfare, employment officer, and interpreter.
- For Article 8.2 “Responsibilities of Thailand as a Flag State”, Thailand has:
 - a. FVs Registration: The registered applicant must have qualifications to obtain a fishing license in accordance with the Royal Ordinance on Fisheries 2015, 2017.
 - b. Record of FVs: Develop a record system of Thai FVs that operate inside and outside Thai waters which includes information on physical characteristics, vessel history, and fishing operations.
 - c. Authorization to Fish: As a flag State, Thailand authorizes overseas fishing operations which request the license based on the Royal Ordinance on Fisheries 2015, 2017.
 - d. Measures to control transport and resupply vessel: Thailand has measures to control transport vessels to prevent IUU fishing or support IUU fishing under the Royal Ordinance on Fisheries 2015, 2017;
- For Article 8.3 “Thailand Port States Duties”, Thailand port has measures, procedures, and control in its capacity as the Port State which follows the conditions and complies with principles of the international laws to effectively prevent IUU fishing under the country’s sovereignty and national laws.
- Thailand has designated ports for foreign FVs to entry into port. Vessel owners and vessel masters must cooperate with the inspection of FVs when entering the port in accordance with the Port State Measures. All foreign FVs or transport vessels that intend to enter port must request in an advance for port entry with adequate time as prescribed by the laws. Thailand has cooperated with Flag States, Coastal States, Port States, and RFMOs to enforce any other measures on the FVs or operators of the foreign FVs upon approval or request. Thailand has an e-PSM system with electronic software to comply with Port State measures.
- For Article 8.4, “Fishing operation”, The FVs must be the vessel registered as Thai vessels in accordance with the Thai Vessel Act; and must have the IMO number for vessels that are required by the IMO. Department of Fisheries has publicized information on Thai FVs and vessels engaged in fishing operations in the FAO Global Record of FVs, Refrigerated Transport Vessels and Supply Vessels. Cooperate with international non-government organizations (NGOs) and relevant agencies at the international level such as the Environmental Justice Foundation (EJF), the International Labour Organization (ILO).
- For Article 8.5, “Fishing gear selectivity”, under the Royal Ordinance on Fisheries 2015, 2017 defined in Section 66: No person shall catch aquatic mammals, rare aquatic animals or aquatic animals near extinction as prescribed by the Minister or take any such aquatic animal on board a fishing vessel, except where it is necessary to do so in order to save the life thereof; and Section and 67: No person shall use or have in possession for the purposes of using any of the following fishing gears: (1) a set bag net, a Rua Sai Man bag net or Kan Su Ruan Sai Man bag net, a Li bamboo trap, or any other tool exhibiting a similar character and requiring a similar method; (2) a foldable trap or an elongated collapsible trap (Ai Ngo) with left and right inlets alternating on the sides for the purposes of trapping aquatic animals; (3) a trawl net with the size of the meshes round the bottom part as prescribed

by Notification of the Director-General; (4) a push net attached to a motor vessel with the exception of a push net for the catching of krill.

- For Article 8.9 “Harbors and Landing Places for FVs”, Thailand has established the standards of FVs ports by the virtual power in accordance with Section 92 of the Royal Ordinance on Fisheries 2015, 2017.
- In terms of the Implementation of Fisheries Enforcement in combating IUU fishing, Thailand has 3 main agencies that have duties of governing and enforcing fisheries-related laws, which are the Thai-MECC, DoF, and Marine Department with the responsibility to review and improve national legislation in order to enhance the effectiveness and comply with changes in agreements and international laws which Thailand is a party; and improve subordinate legislation in fisheries and relevant legislations of Thailand.
- In relation to the way forward, Thailand looks forward to: Exchange with and support to other AMS to study visits on MCS in Thailand to facilitate information exchange; Create cooperation to establish the ASEAN Network for Combating Illegal, Unreported and Unregulated Fishing (AN-IUU) which Thailand as the network coordinator between AMS and external members; Exchange information and learn from international organizations such as Ocean Mind, EJF, SEAFDEC, etc.; Involve in and enhance good cooperation, while also mobilize bilateral and multilateral and cooperation frameworks with international organizations to provide technical support for combating IUU fishing and other relevant issues for the overall benefit of the country; and Strengthen country’s capacity in the undertaking of Flag State, Coastal State, and Port State’s responsibilities as well as Market-related measures for combating IUU fishing.

Timor-Leste

- Mr. Pedro Antero Maria Rodrigues, the Chief Department of Surveillance for Marine Resources Management, Fisheries and Pisciculture National Directorate of Inspection for Fisheries and Aquatic Resources from the Ministry of Agriculture and Fisheries, Timor-Leste delivered his presentation. He started by quoting one of the popular Japanese words, “Mottainai”, which means “Don’t destroy what nature has given to you”. In line with this, Mr. Rodrigues realized the need for talk/discussion/coordination, dream, action, and equipment/facilities to keep nature sustainable.
Mr. Rodrigues's presentation overview was mainly focused on: Status of NPOA-IUU Implementation; National Legislation related to the CCRF; Best Practices in the implementation of the fisheries enforcement; and Future Action Plans/way forward
- In the status of NPOA-IUU implementation, Timor-Leste focused on four key strategies which are: (1) Institutional Strengthening, by coordinating relevant institutions in how to improve capacity; (2) Interagency Cooperation, by establishing national maritime authority; (3) International Cooperation; and Community Partnerships.
- For Timor-Leste national legislation and CCRF are mentioned as follows:
 - a. Article 3.2 Relation with or international instrument, Timor-Leste is a party to UNCLOS
 - b. Article 8.1 Duties of all States, Timor-Leste has Article 4, 11, 19, and 43 of Draft FDL
 - c. Article 8.2 Flag State Duties, Timor-Leste has Article 48, 49, 110, 103 and 104 of Draft RDL
 - d. Article 8.3 Port State Duties, Timor-Leste is in the process of PSMA Accession, Article 106 of Draft FDL
 - e. Article 8.4 Fishing Operations, Timor-Leste has Article of Draft FDL
 - f. Article 8.5 Fishing Gear Selectivity, Timor-Leste has Article 5, 48, 83 of Draft of FDL
 - g. Article 8.9 Harbours and Landing Places for Fishing Vessels, Timor-Leste has the new port of Tibar that started operating in April 2022 which is included in the SAP of Timor-Leste 2011-2030.

- In terms of best practice, Timor-Leste has a community-based IUU reporting system and accident reporting system which contain the structure of Fisheries-victim - Extension worker/local authority - DFO - GDF - MPU/Navy. The system represents a simple method of reporting that can be shared with the local fisher communities through the Public Information Campaign, however, some fishing centers have not been covered yet. The system can be used for reporting accidents at sea. Regularly, the fishers report whenever they identify the different types of fisheries infractions. With good collaboration with the local community (local fishers), the system has been implemented in several cases such as Atauro and Lautem, the compressor in Atauro, and the beach seine net in Batugade.
- Timor-Leste also has a best practice in community data gathering, in collaboration with local fishers to discuss how to design community-based IUU reporting systems.
- To protect fisheries resources Timor-Leste also has customary laws such as Tara Bandu that cover many trees, plants, and mangroves as well. The customary has been implemented in some cases such as Beacou (Cutting the rope of FADs), burning the tamarind tree, Atauro and Com (the fishing boat and fishing nets have been seized)
- The Utilization of MCS Technology in Timor-Leste includes the use of Vessel Monitoring System (VMS)-Argos, Pelagic Data System (PDS)- Currently using, Global Fishing Watch- but cannot access anymore. There are also Satellite Positioned Tracker (SPOT) and Visible Infrared Imaging Radiometer Suite (VIIRS) that are not used anymore since the lack of action because of the low facility to reach remote areas.
- Timor-Leste also has another effort to combat IUU Fishing such as conducting public information campaigns to raise awareness of the fishers in practising sustainable fisheries.
- Funded by General State Budget-Bikeli for Atauro Island, funded by ATSEA-2 to cover 5-south coast municipalities and 8 fishing centers; and funded by ISLME Project-UNFAO, to cover 6-north coast municipalities,
- In terms of the way forward and practical recommendations, Timor-Leste is looking up to: Continue establishing the existing coordination and cooperation with national, regional and international institutions or bodies; Continuous capacity building for the inspectors; Sharing and exchanging the information is still essential; Seek support from other countries regarding the necessary facilities for the IUU-F mitigation; Working on the process for the accession of the international instrument including the PSMA, etc.; and Continue support National Maritime Authority to combating the fisheries crime including IUU Fishing

Vietnam

- Ms. Nguyen Thi Trang Nhung – Deputy Director of the Directorate of Fisheries, on behalf of the Vietnam Government, delivered her presentation entitled Vietnam’s Efforts for Fisheries Sustainable Development and combat IUU.
- In terms of NPOA-IUU implementation, Vietnam issued the NPOA by Decision 78 By Prime Minister on 16 January 2018, and the NPOA was formulated based on FAO IPOA-IUU and other international instruments. The NPOA Comprised a Legal framework; Specific measures to combat IUU; Resources and (4) Mechanisms and Policies.
- For Legal Framework, Vietnam has:
 - a. New Fisheries Law 2017 (Adopted by National Assembly on 21 November 2017 and came into effect in January 2019), which established the main principles and the general legal basis for application and compliance with the existing international obligations. The Fisheries Law is related to International Instruments: UNCLOS (1982), PSMA (2009), UNFSA (1995), CCRF (1995), IPOA-IUU, and FAO Voluntary Guidelines for the Flag States.

In the New Fisheries Law, Vietnam applied different concepts and approaches in combating IUU with new definitions of Fishing vessels, fishing-related activities, and definitions of IUU in consistency with the PSMA and RPOA. Vietnam also has regulated IUU activities; obligation for Flag states measures, Port states measures, Coastal states measures; 10 times increase in administrative sanctions scheme, additional sanctions (Confiscation of fishing vessels, IUU catch.); regulated list of IUU fishing vessels; established Fisheries Resources Force to Provincial Level; and converted from HP to total length as criteria for fishing fleet management;

- b. In conjunction with The Law of the Sea 1982, Vietnam became a member in 1994. To ensure compliance with UNCLOS, in particular Articles 61,62, 63, 94, 117, 118, and 119, as regard obligations as coastal and flag states measures; Article 64, 117, 118, 119 relating to RFMO; Article 94 of UNCLOS on necessary administrative measures to ensure that fishing vessels flying its flag are not involved in activities in the EEZ of coastal States and high seas; and Article 192 of UNCLOS for protecting and preserving the marine environment and conserving the marine living resources which are an integral element of the marine environment.
- c. Vietnam ratified the 1995 UN Fish Stock Agreement in 2019. Vietnam applied a precautionary Approach to fisheries management by citing the TAC for highly migratory species, particular stocks or groups; inputs control by license quota for offshore fleet. Vietnam also improved enforcement through Regional & International Cooperation.
- d. In terms of the 2009 FAO Port State Measures Agreement, Vietnam adopted PSMA in 2019. Vietnam has designed 14 ports for foreign fishing vessels and integrated PSMA into Fisheries Law and under-law regulations (Detailed specification procedures and documents to be submitted to request authorization to enter into port, authorization and denial of entry, the inspections on foreign vessels, actions to be conducted following inspections and communication with the flag State.
- e. For the Legal Framework regarding FAO-CoC A8.5 on fishing gear selectivity, Vietnam has conducted: Regulations on fishing vessels registration (owner, technical specifications), fishing licenses; Circular 19/2018 issued the prohibited list of fishing gears which are trawl fisheries in coastal areas, Nghe Long Xep (coastal and inland areas), fishing gear with light (excluding handling) in coastal areas, and Đàng đáy (coastal and inland areas). There were also regulations on the mesh size of gillnet and purse seine.
- f. For the Legal Framework regarding FAO-COC A.8.9 on Harbors and landing places for fishing vessels. The Fisheries Law includes Article 77. Planning and investment in the construction of fishing ports, and storm shelters; Article 78. Classification of fishing ports; Article 79. Opening, the closing of fishing ports; Article 80. Fishing port management; Article 81. Rights and obligations of the fishing port authorities; Circular 21, 01; Monitoring landing through the port at 100%; and Inspection by a percentage of fishing gears
 - In terms of MCS, Vietnam has rectified identified shortcomings in Monitoring, Control, and Surveillance (MCS) systems. MARD issued Decision 27/QĐ-BNN-TCTS dated 05/01/2018 on promulgating guidelines for the development of fisheries monitoring, control and surveillance plan. 28/28 coastal provinces have established Fisheries Inspection and Control Office (Coordination mechanism between fisheries and border security to control port in and port out, catch the landing of fishing boats)
 - Vietnam also has a compulsory requirement and specific stipulations of VMS installation for fishing vessels from 15m in length and over; Formulating National Technical Standards of VMS in the Under-Law regulation; a roadmap of installation of VMS to ensure the effectiveness of the implementation of the New Fisheries Law; establishing procedures of

VMS images for enforcement; Specific Regulations and measures on the logbook, transshipment, landings control at the port; and Establish a national database on fishing vessels registration and fishing licenses to 28 coastal provinces.

- On the number of the VMS installation, by June 2022, there are 28.219/30.345 (93%) fishing vessels have been installed with the VMS.
- In terms of Strengthening Cooperation in Patrolling, Inspection and Control At Sea Between Relevant Forces, Vietnam has a cooperative mechanism and plan for patrol, inspection and control of fishing operations at sea was signed and implemented by Fisheries Resources Surveillance, Coast Guard, Border Guard and Navy, operated under the cooperation mechanisms.
- In relation to improving traceability of capture fishery products, Vietnam has several key components including: Revising catch statement verification, and catch certification with cross-checking procedures to ensure the legality of the capture fishery products; Enhancing the role of the fishing port authority in catch control and verification; Improving the control system of imported raw material in connection with quarantine measures; and Implementing Electronic traceability pilot model.
- Vietnam's Government considered the capacity of fisheries management as the key component for the sustainable fisheries development to address IUU Fishing. There are several setting input and output control regulation in the new Fisheries Law (Offshore Quotation Fishing Licences which are:
 - a. Decision No. 375/QĐ-TTg by Prime Minister re-organization of the capture fishery industry, regulating a roadmap for reducing the number of trawlers and coastal fleets
 - b. Decision No. 541/QĐ-TTg dated 20th April 2020 by Prime Minister approving the tasks of developing a fisheries resource exploitation and protection Master Plan in 2021-2030, vision to 2050; targets towards sustainable, responsible fisheries development and international integration.
 - c. Decision 339/QĐ-TTg 2021 approving strategy for fisheries development toward 2030, vision to 2045.
 - d. Conducting fisheries resources assessment in the whole seawater of the country.
 - e. Results of aquatic resource assessment in Vietnam's EEZ could provide data on fish stock abundance and TAC for some key fish species (large pelagic fish, small pelagic fish, and demersal fish) for planning the appropriate fishing effort;
- Vietnam also has strengthened education and awareness raising on combating IUU fishing for the whole society, especially for administrative management and enforcement agencies of 28 coastal provinces, enterprises and fishermen.
- For the political willingness and interventions to combat IUU Fishing, there are several instruments issued by the Prime Minister:
 - a. Directive No. 689/CT-TTg dated 18/5/2010 measures to prevent, deter and eliminate Vietnamese fishing vessels, and fishers arrested by foreign countries;
 - b. Telegram No. 1329/CĐ-TTg dated 30/8/2012 of Prime Minister on measures to prevent, deter and mitigate fishing vessels, fishers caught by foreign countries;
 - c. Telegram No.732/CĐ-TTg dated 28/5/2017 of Prime Minister on preventing, deterring and eliminating status of Vietnam fishing vessels, fishers illegally fishing in foreign waters;
 - d. Directive No.45/CT-TTg dated 13/12/2017 on urgent measures to overcome EC's warning on illegal, unreported, and unregulated (IUU) fishing;
 - e. Decision No. 78/QĐ-TTg dated 16/01/2018 on approval of National Plan of Action to Prevent, deter and eliminate Illegal, Unregulated and Unreported fishing toward 2025;

- f. Telegram 1275 /CĐ-TTg dated 19/9/2018 of Prime Minister on preventing, deterring and eliminating status of Vietnam fishing vessels, fishers illegally fishing in foreign waters
 - g. Directive No.17/CT-TTg dated 24/6/2021 on the interagency coordination mechanism among the relevant Ministries and the People's Committees in exchanging and handling information with the aim to prevent, deter and eventually eliminate the violations by Vietnamese fishing vessels against IUU regulations in the areas of jurisdiction of other countries.
- Vietnam also has conducted actions by Ministries, Provinces, and Private Communities and establishment of National Steering Committee to Combat IUU comprising Deputy Prime-Minister as the Chairman, Minister of MARD as the Vice-Chairman, and Relevant Ministries (Defence, Public Security, Justice, Communication, Transportation, etc), Chairman of 28 Coastal provinces for the Members.
 - In terms of INTERNATIONAL COOPERATION, Vietnam has signed MOUs on bilateral cooperation in fisheries sectors and maintaining annual meetings with the Philippines, Brunei, Cambodia, and Thailand; Signed the hotline with China, and the Philippines; MOU on Law Enforcement to fight against IUU with the US; MOU on IUU with Australia; Declaration on IUU with Indonesia, MOU on IUU hotlines with Brunei; and Negotiation to sign hotline with Thailand, Cambodia, Malaysia, Indonesia
 - Vietnam also actively participates in Multilateral Mechanisms by adopting and implementing: Joint ASEAN -SEAFDEC Declaration on Cooperation to combat IUU; ASEAN Catch Documentation Scheme (ACDS); Voluntary Guidelines for Catch Documentation Scheme; Regional Fishing Vessels Record for 24 meters in length and over (RFVR); Regional cooperation on Port State Measures; ASEAN guideline on preventing the entry of fish and fishery products from IUU fishing activities; ASEAN Regional Plan of Action for the Management of Fishing Capacity.
 - In terms of the way forward, Vietnam has conducted its ideas on: Regional Cooperation in the collection of evidence and information about the IUU violations to strengthen profiles for sanctions handlings; Joint MCS; and Establishment network for information dissemination and IUU vessels list, and law enforcement.

SESSION 4: NATIONAL LEGISLATION TO PROMOTE RESPONSIBLE FISHERIES AND FISHERIES ENFORCEMENT: LESSONS LEARNED FROM G20 COUNTRIES

4.1 South Africa - National Legislation to Promote South Africa Responsible Fisheries

Speaker: Ms. Marisa Kashorte, Policy Analyst, Intergovernmental and International Fisheries, National South African Department of Forestry, Fisheries, and Environment

- Ms. Kashorte, delivered her presentation on National Legislation to Promote South Africa Responsible Fisheries which outlined as follows: Regulatory Framework; Fishing Rights; Fishing Permit; MLRA; Fishing Vessels; VMS; PSMA; Compliance & Enforcement; Ops Phakisa; Regional Cooperation; Conclusion
- In terms of Regulatory Framework, South Africa has a Supreme law as its constitution. The Marine Living Resources Act 18 of 1998 (MLRA) act as the key legislation that regulates fishing activities in South Africa. The administration of the MLRA is in the department (Ministry) of Forestry, Fisheries and the Environment which has its regulations that is the subordinate legislation that gives effect to the MLRA

- Fishing rights allocation process (FRAP) is done for commercial sectors (sec 18 of MLRA) In South Africa and has been done for 22 fisheries sectors. The allocation process involves serious balancing exercises underscored by a need to ensure the sustainability of the resources. Once a person has been granted a fishing right, that person shall not engage in fishing or related activity until issued with a permit (sec 13)
- In relation to the Fishing Permission, no person is allowed to fish without a fishing permit issued in terms of section 13 of the MLRA. Fishing without a permit is a criminal offence that carries a sentence of a fine to the maximum of R2 Million and R3 Million (depending on the nature of the contravention)
- For the Marine Living Resources Act, the holder of a permit shall at all times have that permit available for inspection at the location where the right or activity in respect of which the permit has been issued, is exercised. Fishing permits are issued with conditions that include the type of permissible fishing gear. A permit to exercise an existing right in terms of the MLRA may be refused if the conditions of a previously issued permit had not been adhered to.
- For the fishing vessels, the vessels are issued with a fishing vessel license. In order to prevent a collision at sea, fishing vessels are required to have an Automatic Identification System (AIS) transmitting. South African Fishing Vessels are also required to have a VMS unit on board transmitting to the VMS operations center of the department. A failure to comply with permit conditions is a criminal offence thus a person can be fined and/or arrested.
- In terms of VMS, fishing vessels of a particular size are required to have VMS transponder. It is the obligation of the right holder to ensure that the fishing vessel transmits to the VMS center of the department. Through the VMS system, South Africa can even check the historical position of the fishing Vessel. The VMS also helps South Africa in managing the Marine Protected Areas
- For the PSMA, South Africa is now a signatory to the FAO: Port State Measure Agreement with its objective of the Agreement being to curb IUU Fishing. South Africa has three designated Ports (Durban, PE & CT) which allow Foreign Vessels to come to the Ports. However, foreign vessels need to apply and get authorization to come to our port before entering our EEZ. In application to come to Port, the Vessel needs to truthfully declare the species (including quantities) they have on board. If the foreign fishing vessel requests to come to our Port and is listed as IUU Vessel, South Africa has an obligation not to issue authorization.
- In relation to Compliance and Enforcement, South Africa has MCS that is responsible for fisheries Compliance and Enforcement, the MCS has Fisheries Patrol Vessels that patrol South Africa's ocean, and it also has about 250 Fisheries Control Officers (FCOs). The MLRA gives powers to the FCOs to board the Vessel and conduct inspection, but if the FCOs find an infraction, MLRA will empower to take a law enforcement action
- In 2013 the South African government issued a cabinet instruction that all government departments should work in a more collaborative manner to unlock and protect the ocean economy. The Initiative 5 of Operation Phakisa was then established to be a platform where all law enforcement agencies in the ocean arena plan together in order to address any infraction that happens in the maritime space including IUU fishing;
- With regards to Regional Cooperation, the departmental policies, in line with the MLRA, promotes regional cooperation to ensure the sustainability of marine resources. South Africa is a party to various Regional Fisheries Management Organization including IOTC, ICCAT, CCSBT, CCAMLR, and others. These RFMOs are important for the establishment of conservation measures to ensure the sustainability of straddling & Migratory Fish Stocks;
- In conclusion, South Africa has embraced the code of responsible fisheries and South Africa also has sound policy and legal framework to ensure responsible fisheries. South

Africa is in view of the need to improve cooperation at the trade level. Most of the South African illegally harvested Marine Resources are exported and traded in some Asian countries including China. Therefore, South Africa is working toward improving our trade relations with those Asian countries;

- For the challenges of the high sea, there is also a need to improve fisheries management of the high seas. The challenge with the high seas is that they are not the jurisdiction of any State. Therefore, offences committed on the high seas are almost impossible to be prosecuted successfully. Only flag States, in most circumstances, can regulate their fishing vessels on the high seas. It becomes difficult though to deal with the Ghost Vessel (Vessels that cannot be linked to any State).
- South Africa supports and acknowledges the Lacey Act of the USA and emphasized that all countries should have legislation similar to the Lacey Act of the USA. The USA legislation has helped America to prosecute Mr. Bengis even for offences that took place in South Africa. The Lacey Act also allowed the Court in America to order Mr. Bengis to compensate South Africa for the damages caused by his conduct pertaining to IUU.

4.2 Europe Union - Europe Union (EU) IUU Regulation on Establishing a System to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing

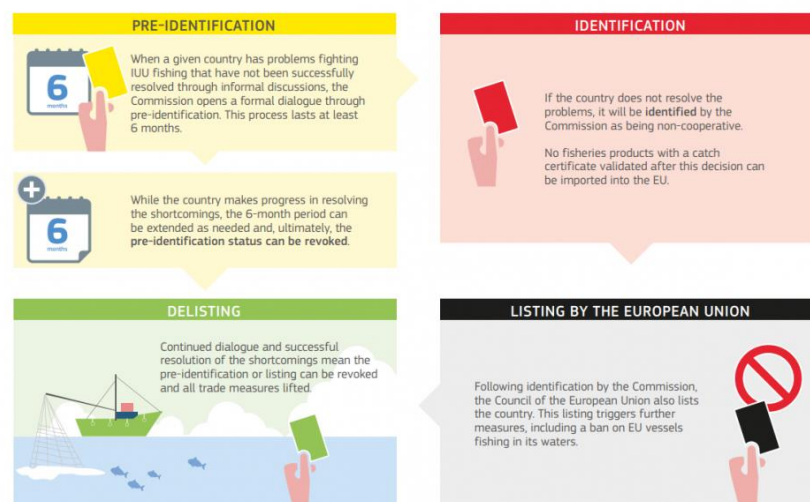
Speaker: Ms. Sara P. Martinez, International Relations Officer, Directorate General for Maritime Affairs and Fisheries, European Union

- Ms. Martinez began her presentation by presenting some important facts that need to be highlighted on IUU Fishing. IUU Fishing is a major global problem, it is one of the main threats to the sustainability of oceans. It depletes fish stocks, destroys marine habitats, puts honest fishermen in an unfair disadvantage position, and is estimated to cost money loss of 22 billion dollars worldwide.
- Ocean, as a source of life on earth, is responsible for half the oxygen we breathe and for determining weather patterns across the globe. Therefore, combatting IUU fishing worldwide is a priority, now more than ever.
- The EU has applied zero tolerance towards IUU fishing. The EU has taken this decision very seriously since The EU is the largest importer of fishery products accounting for 24% of total world trade in value. The EU has a key role as a market state in the fight against IUU fishing; 60% of the fish consumed in the EU is imported. Therefore, the fight against IUU fishing is a priority for the European Commission.
- The EU IUU Regulation does not introduce any new conservation and management measures (applies international rules: UNCLOS; UNFSA; FAO PSMA; FAO IPOA IUU; RFMOs). The Regulation aims at ensuring traceability of all fishery products traded with the EU. For this purpose, EU demanded flag states improve management and control over their vessels and non-discriminatory instruments.
- The IUU Regulations have three main pillars, which are: (1) **Catch Certification Scheme (CCS)** – to ensure the traceability of fisheries products reaching the EU market; (2) **Third country dialogues** – creating a framework to work with third countries to ensure they are playing an active role in the fight against IUU fishing, to stop IUU fish entering the global supply chain; and (3) **Mutual assistance network** – information exchange and better cooperation.
- For the CCS, it plays a role as a tool to fight IUU fishing, to make sure the fish is certified and legal. CCS is required for all consignments of fishery products destined for EU market. It also helps to ensure the full traceability of all marine fishery products and ensures that countries comply with their own conservation and management rules as well as with internationally agreed rules.
- The EU still applied the CCS on a Paper-based system. However, EU currently working on a project to move from a paper-based system to an IT system (CATCH). It is a very important

project since it is necessary to help: Facilitate and harmonize controls and verifications at EU borders; Facilitate cooperation among competent authorities: Better communication and sharing of information; Avoid abusive use of catch certificates: EU-wide quantity management in order to avoid overshooting of catch certificate quantities; Include risk analysis that results in alerts; Create level playing field for all operators; and Reduce administrative burden for Member States and other stakeholders.

- The CATCH System has now been developed but it was only used on voluntary basis by EU IUU authorities and EU stakeholders, which means the system implementation is still a bit lacking. EU currently working on a legal basis for the compulsory use of CATCH by EU authorities. Once the legislation is adopted, there will be a 2-year transitional period. Third country's authorities and operators will be granted access to the system on request.
- Regarding the second main pillar of IUU Regulations, Third Country Dialogues has four mechanisms which are presented in figure below.

The IUU process explained



Ms. Martinez emphasized that the third country dialogues have very good tangible results: Improved governance, through revised legislation, strengthened sanctions also cooperation, coordination and mobilization of different relevant authorities; Strengthened MCS: improved vessel monitoring and reinforcement of inspections and controls; and Improved traceability throughout the supply chain through cross-checking and validation of catch certificates data.

- On the third pillar, mutual assistance comprised: Cooperation, where the administrative authorities responsible for the implementation of this Regulation in the Member States shall cooperate with each other, with administrative authorities of third countries and with the Commission in order to ensure compliance with this Regulation; Verifications, when well-founded doubts about the validity of a catch certificate EU MS may request the assistance of the competent authorities of the flag State or a third country other than the flag State; and Refusal of importation: EU MS shall notify the flag State and, where appropriate, the third country other than the flag State. A copy of the notification shall be sent to the Commission (other MS are also informed)
- In terms of Regional Cooperation on Combating IUU Fishing, EU has coordinated with several regional organizations, such as:
 - a. EU-ASEAN COOPERATION, in the establishment of Plan of Action (2018 – 2022) “Strengthen fisheries cooperation, including among others, supporting efforts to combat IUU fishing, and promote sustainable fisheries management and

aquaculture development”. The EU and ASEAN Member States have been working together to find ways of better fighting IUU fishing in the region.

- b. There were also established E-READI: Enhanced Regional EU-ASEAN Dialogue Instrument, a demand-driven dialogue instrument that supports ASEAN regional integration by drawing on European experience and facilitates ongoing or new dialogues between the EU and ASEAN in policy areas of joint interest, with 3 meetings on combating IUU fishing (April 2019, December 2019, and February 2021). Brought together the relevant enforcement agencies and national authorities competent in IUU fisheries, the dialogue was a good forum to exchange information, policy activities, evidence learning, and share experiences of each ASEAN Member State and the EU, handed main objectives: To promote intensifying the combating IUU fishing in the ASEAN region with an emphasis on information and intelligence-sharing on vessel registration, fishing license, illegal fishing operations, tracking data/ analyzed information, fishing area, transshipment information, and to discuss and identify priorities and best practices sharing.
- The IUU discussions have delivered the idea of ASEAN IUU network, a platform to exchange information on IUU fishing activities with a very cost-efficient and operational tool with good results proven in other areas. It also plays a first step for more comprehensive cooperation to fight IUU fishing in the region and complements the existing efforts at regional level to fight against IUU fishing, notably the RPOA-IUU and SEAFDEC. EU encourages ASEAN Member States to commit to this regional initiative that will reinforce regional cooperation in fighting IUU in the region.
 - ASEAN IUU network has several benefits which are: To enhance regional cooperation; To develop and use common investigative tools for information and intelligence sharing on a real-time basis, to track and identify vessels suspected of IUU fishing; To analyse the information gathered to build robust cases and ensure appropriate follow-up action; To reinforce capacity on Monitoring, Control and Surveillance; and to establish of a level playing field in the region
 - In terms of EU-ASEAN Cooperation on IUU, it can be concluded that: EU is committed to continuing supporting ASEAN to improve regional cooperation to fight against IUU fishing; EU strongly supports the creation of the ASEAN IUU network; and EU looks forward to receiving confirmation of the establishment an IUU Network at ASEAN level.

4.3 National Oceanic and Atmospheric Administration (NOAA) - NOAA Fisheries (USA) National Legislation and Enforcement to Prevent IUU Fishing

Speaker: Ms. Elizabeth O’Sullivan, Senior Attorney from the National Oceanic and Atmospheric Administration (NOAA), USA

- Ms. O’Sullivan’s presentation gave a different perspective which mainly focused on prosecution. Office of Law Enforcement (OLE) and General Counsel – Enforcement Section (GCES) are NOAA’s law enforcement team who protect marine wildlife and habitat by enforcing domestic and international laws and treaty requirements.
- NOAA has several different Laws related to IUU requirements, with the primary law being the Magnuson-Stevens Act (MSA). NOAA also has PSMA, and RFMOs. There are also two market-based laws, the Lacey Act and the Seafood Monitoring Program.
- In terms of Enforcement Review of Proposed Laws, NOAA reviews all of the proposed laws and regulations to ensure the way they are worded can be enforced. Having a lawyer review the regulation from an enforcement perspective can make the difference between an effective rule and an ineffective rule to be enforceable, the requirements must be specific and clear, to be example: Good language that is enforceable: “All fishermen

holding this permit must use circle hooks” is better than saying in a bad language that is harder to enforce: “All fishermen holding this permit should try to avoid bycatch”.

- The common theme with all different IUU related laws is the broad enforcement authorities- which makes them effective and has to be accompanied by ability to enforce the rules. The Magnuson Stevens Act Enforcement tools found in Sections 308 and 311 (16 USC §1858 and §1861) apply to all of these statutes except the Lacey Act, and provide broad authority to inspect, investigate, and to hold violators responsible;
- In terms of Fishing Enforcement Authorities, Authorized officers (NOAA Fisheries Office of Law Enforcement, U.S. Coast Guard) may: Arrest any person if he has reasonable cause to believe such a person has violated the law; Board, search and inspect any fishing vessel subject to the law; Seize any fishing vessel (with gear, furniture, appurtenances, stores and cargo) used or employed in, or which reasonably appears to have been used or employed in, the violation of the law; Seize any fish wherever found that was taken or retained in violation of the law; Seize any other evidence related to any violation of the law (electronic data, gear, logbooks, etc.); Access information required under the law including VMS data, satellite-based maritime distress/safety systems, subject to confidentiality provisions; and Exercise any other lawful authority.
- In relation to the NOAA National Penalty Policy, when NOAA prosecutes cases, it assessed a penalty or a permit sanction based on our national penalty policy, and this mechanism has created a very effective deterrent. NOAA’s penalty policy is publicly available so a person who has been charged may look at the policy and see how the penalty was calculated.
- NOAA also provided casework information to the Public, in terms of building public trust. The website provided visibility into the casework - shows people are treated equally. The information provided includes the cases as well as the penalties that link to Court decisions.
- NOAA penalty assessments are based on (a) seriousness of offense and (b) adjustments based on circumstances of case; and Amount to recoup the economic benefit of noncompliance. In deciding the penalty policy, there are several adjustment factors include: history of non-compliance; commercial vs recreational activity; level of violator’s cooperation; and the ability of the violator to pay. In the policy penalty, there are also Proceeds and Economic Benefits to help violators understand the penalty only cost large business but also recoups the economic gain such as from tour vessels.
- Another very effective tool available is the Permit Sanction, which the USA has been using very effectively. Depending on the violation, NOAA can suspend a permit for a day or a few months or permanently revoke the permit. This Permit Sanction is a tool that is also used when a penalty that was assessed is not paid - If the violator does not pay the penalty, NOAA can revoke the fishing permit.

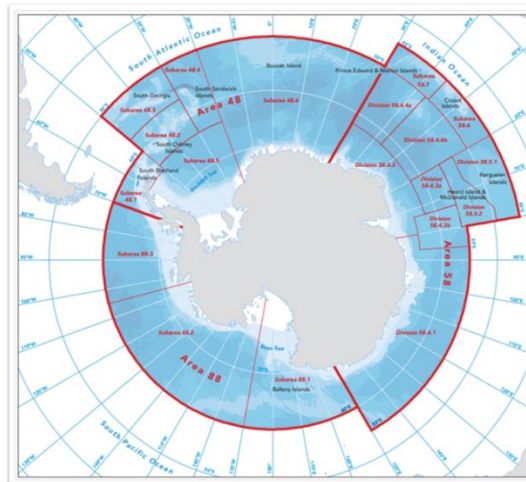
SESSION 5: IMPLEMENTATION OF RESPONSIBLE FISHERIES TO COMBAT IUU FISHING AT REGIONAL LEVEL

5.1 Conservation of Antarctic Marine Living Resources (CCAMLR)

Speaker: Mr. Todd Dubois - Fisheries Monitoring and Compliance Manager on behalf of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

- Mr. Dubois started his presentation with his gratitude to the participants and began his presentation with a brief overview of CCAMLR.

- CCAMLR was established by the international convention in 1982 with the objective of conserving Antarctic marine life as well as being responsible for managing fisheries resources and the ecosystem around the Antarctic region. Based in Australia, CCAMLR has 26 member nations (Argentina, Australia, Belgium, Brazil, Chile, China, EU, France, Germany, India, Italy, Japan, South Korea, Namibia, Netherlands, New Zealand, Norway, Poland, South Africa, Spain, Sweden, Ukraine, United Kingdom, USA, and Uruguay); 10 Acceding States; and 3 cooperating non-contracting parties.
- Mr. Dubois further delivered his presentation about the efforts and tools that CCAMLR has done in combating IUU Fishing by starting the information about the CCAMLR area's responsibility, which is in Antarctica with the specific region presented in the figure below.



- In terms of Antarctic fisheries management, CCAMLR mainly focuses on four species which are Patagonian toothfish (*Dissostichuseleginoides*), Antarctic toothfish (*Dissostichusmawsoni*), Mackerel icefish (*Champsocephalusgunnari*), and Antarctic krill (*Euphausiasuperba*). Similar to other regional fisheries management bodies, primary compliance monitoring tools utilized by CCAMLR were: (a) **Vessel Monitoring Systems (CM 10-04)**, used to report on the location of vessels operating in the Convention Area by reporting online; (b) **Inspections (CM 10-03 and CCAMLR SOI)** at the Port and at-sea of vessels fishing in the Convention Area under CCAMLR's System of Inspections (SOI); and (c) **Catch Documentation Scheme (CDS) (CM-10-05)** in the ability to track Toothfish from landing through the trade cycle.
- The CDS was designed to track Toothfish from the point of landing throughout the trade cycle. CCAMLR provided a completely electronic system intended to establish the origin of all Toothfish caught. The CCAMLR member was still required to have CDS associated with the Toothfish even if they are harvested within the Exclusive and Economic Zone, they still need to be tracked through the CDS. CDS was implemented by Conservation Major (CM) 10-05 with various annexes to it that gave access to the trade road document, also utilized to clarify either the importing or landing country where the harvest occurred, who harvested, and to determine if it were harvested in compliance to the conservation major. Each participating State nominates CDS officers who manage other e-CDS users in that country. The CDS is completely done in an electronic format so that it can reduce fraud, control each user's role within the system, and be able to recognize every entry and change recorded.
- In terms of engagement and cooperation to address IUU Fishing, CCAMLR was committed to working not only with members but also with non-contracting parties engaged in the harvest and trade of Toothfish. CCAMLR also has discussed with many RPOA-IUU

members about cooperation with CCAMLR CDS (CM 10-05 Annex C), Mr. Dubois considered it a valuable way that members and non-members can cooperate building on the CCRF both regionally and globally in combating IUU Fishing. CCAMLR also has collaborated with various partners including INTERPOL, International MCS Network, RPOA-IUU, and also other regional fisheries bodies (SIOFA, WCPFC, SPFRMO, etc.)

- Specifically, with the RPOA-IUU, CCAMLR has collaborated on several IUU cases, for example on the Thunder vessels case, an IUU listed vessels in CCAMLR. In collaboration with Malaysia, Indonesia, and Australia through the RPOA, the inspections can be done, evidence can be gathered, documents were reviewed, and the vessels were denied port services and were sunk. Although it may not seem like a major success, it was huge as it represents the PSMA implementation.
- In terms of IUU Fishing, there are several practices in the CCAMLR, which are: Fishing without a license; False or not reporting catches; Fishing in a closed period/closed area; Fishing with prohibited gear; Transshipping with known IUU vessels (vessels on CP IUU Vessel List or NCP IUU Vessel List); Failure to provide valid catch documents; and Fishing activities that undermine the objectives of the Convention
- Mr. Dubois also presented an example of the case of MV Nika where RPOA was involved, and there was also cooperation in the multinational investigation. MV Nika was boarded within the convention area by the United Kingdom, information was gathered, and successfully place the MV Nika into the IUU vessel lists. CCAMLR and INTERPOL start working to monitor the vessels with members. Indonesia ultimately intercepted and sees the vessels, and Indonesia, Australia, the United States, INTERPOL, and CCAMLR, participated in the inspections and investigation. Mr. Dubois highlighted the case as it represents the true meaning of the code of responsible fisheries and cooperation that can happen and how it can impact IUU Fishing.
- Lastly, Mr. Dubois proposed recommendations that RPOA-IUU members can consider: (a) formal and/or informal cooperation with CCAMLR; (b) education and “Control of Nationals” (CCAMLR CM 10-08) within the framework of National legislation; (c) Effective implementation of port inspection regime and sharing of applicable results with CCAMLR; and (d) Cooperation with CCAMLR in CDS and/or trade monitoring of Toothfish species. CCAMLR is very open to discussion and cooperation for RPOA-IUU members to collaborate with.

5.2 National Policies and Regulations of RPOA-IUU Participating Countries

Speaker: Mr. Arie Afriansyah Ph.D, Center for Sustainable Ocean Policy (CSOP)

- Mr. Arie Afriansyah Ph.D. on behalf of the Center for Sustainable Ocean Policy (CSOP) delivered his presentation on “National Policies and Regulations of RPOA-IUU Participating Countries”, which outlined as follows: Introduction; International Legal Responses; National Legal Responses; and Conclusion.
- CSOP has been doing a study on the Review of National Policies and Regulation of RPOA-IUU Participating Countries which was reported in 2020 that can be accessed through the hyperlink: https://atsea-program.com/wp-content/uploads/2022/03/Final-Report_Review-of-National-Policies-and-Regulation.pdf However, the study that was conducted in 2020 only focused on the ATS Countries. Considering the implementation of the international obligation to receive responsible fisheries, CSOP thought that it would be better to have not only ATS Countries but also the other RPOA-IUU participating countries as well.
- Regarding the International Response, there are a number of important instruments including: (1) FAO Compliance Agreement 1993; (2) UN Fish Stocks Agreement 1995; (3) FAO Code of Conduct 1995; (4) The IPOA-IUU 2001; (5) FAO Guidelines; (6) Rome

Declaration on IUU Fishing 2005; (7) FAO Port States Measures 2009; and (8) The RPOA-IUU.

- The study of the National Legal Responses was arranged by using the Framework Study for Model Fisheries Legislations from 11 RPOA-IUU participating countries in 2010 as the baseline with the study highlighted: “Reviewing National Policies and Regulations Regarding IUU Fishing within 10 years development comparison (2010-2020)”. The CSOP used methods - Point of comparison (Categorized on RPOA Action Plan Components) in their study: (1) Identifying the weakness of the Model Fisheries Legislation report (2010); (2) Reviewing RPOA-IUU Prioritized Work Plan Item(s) (2015-2019) - Common items in the last 5 years to recognize whether there is any significant development in each country; and (3) Conducting special requirement for developing countries.
- Later on, Mr. Afriansyah presented the national legal responses based on the study with a specific focus on the ATS Countries.
- In terms of Australia, the update including of (1) The 2nd National Plan of Action updated the current NCS system by setting the minimum requirements set in reporting with electronic monitoring and Australia’s observer program and vessel monitoring system; (2) The Commonwealth Fisheries Harvest Strategy Policy conjunction with Commonwealth Fisheries Bycatch Policy, is generally accepted becomes noticeable progress in 2019 which ensure long-term sustainability and managed the impact accordingly; and (3) Australia’s effort was concentrated into two: a) prevention of IUU fishing takes form participating in various regional and international management plans; and b) prosecution through enhancing patrol in the Australian fishing zone. As part of the prosecution strategy, compliance mechanisms over the existing regulations are based on the Australian Fisheries National Compliance Strategy 2016 and 2020 and strengthened through the regulate three powers act 2014 which was mandated in 2017.
- CSOP conducted possible recommendations which are: (1) Conducted an assessment for impacts of the establishment of NPOA Fishing Capacity, and (2) Consider the implications and strive towards implementation of the FAO guidelines on Flag State Performance.
- In terms of Indonesia, the update mentioned as follows: (1) the Indonesian Government has taken a different approach in law enforcement on illegal fishing; (2) In addition to regulation and policy, the Indonesian Government also focuses on the institutional aspect to combat IUU Fishing: *Badan Keamanan Laut* (BAKAMLA) and Task Force on Illegal Fishing, so-called SATGAS 115; and (3) Illegal activities associated with illegal fishing are also regulated.
- CSOP recommends Indonesia to: (1) Revise the fishing licensing regulations, by requesting applicants to fill in history of compliance and vessel information; (2) Implement highly coordinated monitoring and law enforcement at sea to ensure the effective implementation of fisheries laws; (3) Progress the implementation of fisheries measures, particularly in small-scale fisheries to make sure it reported and monitored; (4) Amend regulations to include the history of flagging and ownership of a vessel; (5) Progress the domestication of SCTW-F Convention 1995. Effectively implementing regulations on transshipment at sea; and (5) Disclose more information about fishing vessels that are authorized to fish within and outside the Indonesian Fisheries Management Area.
- In terms of Papua New Guinea, the updates found were: (1) The principal act of Fisheries Management was amended in 2015; (2) Breakthrough of the IUU fishing regulations in PNG written in the 2016 amendment; (3) Several changes in port state measures and penalties; (4) PNG has also published a National Ocean Policy (NOP) 2020-2030 which served as policy guidance for ocean governance; and (5) Engagement with bilateral/regional agreement.
- CSOP recommends Papua New Guinea to: (1) Review and enhances the institutional and human capacity of marine research institutions and conduct fisheries resources

assessment in PNG; (2) Revise the fishing licensing regulations by requesting applicants to fill the history of compliance and history of vessels information; (3) Amend the existing provisions with respect to the effective control over the fishing activities of PNG nationals and to maintain records on vessels; (4) Enact supporting order or relevant regulations for the implementation of the PSMA; and (5) Regulate measures on Transshipment at sea by fishing vessels flying their flags.

- While in Timor-Leste, CSOP found that: (1) There are several legislative measures developed throughout the years; (2) Bilateral Agreements with neighboring countries were embodied in the Certain Maritime Arrangements Treaty; (3) Timor-Leste also established MoU and Joint Communique on Fisheries and to combat IUU Fishing Cooperation; (4) In collaboration with WorldFish, Timor-Leste was developed the award-winning small-scale fisheries catch monitoring mechanism (PesKAAS–Automated Analytics System for Small Scale Fisheries in Timor-Leste).
- In terms of recommendation, CSOP found that Timor-Leste could consider (1) Review and report its capacity on actions taken against foreign fishing vessels and nationals involved in IUU Fishing; (2) Additionally, conduct an annual review of PesKAAS; (3) Regulating the control and management of the transshipment activities; (4) Take the FAO voluntary guidelines on Flag State Performance during the amendment of the Act; (5) Revise the fishing licensing regulations by request applicants to fill the history of compliance and history of vessels information; (6) Enact regulations or supplement a section on the existing principal act to regulate the local fishing vessels' MCS on the ABNJ; (7) Ratify the PSMA followed by the enactment of the supporting orders or relevant regulations for the implementation of the PSMA; and (8) Provide obligation to report to the FAO and other international and regional organizations in its laws.
- Regarding the conclusion of the assessment, CSOP conclude that: (1) Generally, countries shall seek greater alignment between regulatory systems and industry structure; (2) The lack of data-driven reference for policymakers, therefore there's a need to share structured data system; (3) One common issue: the absence of a history of vessels information, to ease the enforcement agency to enforce the law within the jurisdiction; and (4) Learning from Australia's best practices with their compliance procedures, it implies that a government should start with regulatory reform and structure by establishing compliance procedures for better enforcement.

5.3 Lessons Learned on the Establishment and Implementation of Regional Guidelines for Responsible Fisheries.

Speaker: Mr. Kongpathai Saraphaivanich Southeast Asian Fisheries Development Center (SEAFDEC)

- Mr. Kongpathai Saraphaivanich, on behalf of SEAFDEC delivered his presentation on Lesson-learned on the Establishment and Implementation of Regional Guidelines for Responsible Fisheries. He began his presentation by presenting an introduction to SEAFDEC.
- The Southeast Asian Fisheries Development Center (SEAFDEC) is an autonomous inter-governmental body established as a regional treaty organization established on 28 December 1967. Holding a vision of “Sustainable management and development of fisheries and aquaculture to contribute to food security, poverty alleviation, and livelihood of people in the Southeast Asian region”, SEAFDEC currently comprises 11 Member Countries (the ASEAN Member States + Japan).

- After the adoption of the global Code of Conduct for Responsible Fisheries (CCRF) in 1995, SEAFDEC initiated a program on the Regionalization of the Code of Conduct for Responsible Fisheries (RCCRF) during the 30th SEAFDEC Council Meeting in March 1998. The program, later on, was part of the ASEAN-SEAFDEC Fisheries Consultative Group and subsequently was supported by the Special Official Meeting for ASEAN Ministers on Agriculture and Forestry in 1999. During 1998-2005, SEAFDEC in collaboration with the AMSs developed the Regional Guidelines for Responsible Fisheries in Southeast Asia, encompassing its culture, its fisheries structure, and the region's fishery ecosystems, elaborated under the framework of the global CCRF.
- In line with the global CCRF focus thematic articles, the RCCRF was developed and generated 4 "Regional Guidelines for Responsible Fisheries in Southeast Asia" mentioned as follows: (1) Responsible Fishing Operations, Article 8 of the CCRF; (2) Responsible Aquaculture, Article 9 Responsible Fisheries Management, Article 7; and (3) Responsible Post-harvest Practices and Trade, – Article 11.
- The process of development of such Guidelines was carried out through a series of activities conducted by SEAFDEC Responsible Departments of each theme, in collaboration with the Secretariat.
- Regarding the Rationale of the Preparation of the Regionalization of the Code of Conduct, CCRF was a comprehensive and global guiding principle to achieve sustainable fisheries. For the specific regions or countries, it required some modification in order to be effectively implemented in specific circumstances. In the Southeast Asian Region, three specific regional situations must be fully considered for inclusion in the modifications and applications of the Code, which are: (1) Cultural Situation ; (2) Fisheries Structure; and (3) Ecosystem.
- In terms of developing procedures for Regionalization of the CCRF the processes includes: (1) Defining clear objectives for the regionalization of the CCRF; (2) Agreeing on the rationale for the preparation of the regional guidelines and area of coverage of the Guidelines; (3) Regionalization of the definitions and terminology taking into account the regional specificity; and (4) Regionalization of Articles in the CCRF (with additional articles developed in accordance with the Resolution and/or the Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region, including recommendations from relevant technical meetings of SEAFDEC).
- Later on, Mr.Saraphaivanich provides an example of the process of the development of the Regional Guidelines for Phase 1 on Responsible Fishing Operations.
- At the 30th Meeting of the SEAFDEC Council in March 1998, the Council supported the program for the Regionalization of the Code of Conduct for Responsible Fisheries and agreed to implement it in SEAFDEC's prioritized program in view of the fact that: (1) some parts of the global Code of Conduct require modification to adjust to the regional specificity; and (2) clear regional policy should be reflected in the Code.
- In this regard, regional core experts and advisors were selected in June 1998 for the preparation of documents on the draft regional definition of terminology and draft Regional Technical Guidelines. A Pre-Meeting of Core Experts was organized to harmonize the approach for the preparation of documents.
- Later on, the Expert Consultation on the Regionalization of the Code of Conduct for Responsible Fisheries was organized in November 1998 to discuss the Regional Guideline for Article 8. Fishing Operations of the Code of Conduct for Responsible Fisheries. It also discussed the required regional definitions of terminology prepared by the Core Expert Group. The Regional Guideline for Responsible Fishing Operations was finalized and published in 1999. In 2000, a Regional Workshop on Responsible Fishing Technologies and Practices was organized to review the implementation of the Regional Guidelines for Responsible Fishing Operations in Southeast Asia.

- In terms of Resourcing Core Experts and Advisors Inputs, in 1998, core experts from relevant countries and advisors were selected for the preparation of the draft regional definition of terminology and draft Regional Guidelines. The composition of the Core experts were Five regional core experts from Indonesia, Malaysia, the Philippines, Thailand, Vietnam and Four Advisors
- A preparatory meeting among the selected core experts and SEAFDEC was organized to discuss the standardized format of the Regional Guidelines and to jointly work under the agreed timetable. The regional core experts and advisors responded to prepare documents on the draft regional definition of terminology to clarify taking into account the regional specific fisheries situation mentioned in the general principles, for the terminology used in the CCRF and regional guideline is required in order to have a common understanding on the issues.
- The Member States involved throughout the process of the development, the Regional Guidelines of the Responsible Fishing Operation were drafted by the Regional Core Expert group from the AMSs. The series of Consultations were organized by inviting the representatives from AMSs to provide comments and views until it was finalized and tabled the results to the SEAFDEC Council and ASEAN mechanism for adoption. After the adoption of the Regional Guidelines for Responsible Fisheries Operations, SEAFDEC carried out the follow-up programs which are:
 - a. Promotion of the RCCRF and translation into national language;
 - b. Regional Programs to support AMSs in the implementation of articles in the CCRF such as: Promotion of responsible fishing technologies and practices, selective fishing gears, low-impact gears, trawl fisheries management;
 - c. Promotion of coastal fisheries management, co-management, EAFM;
 - d. Combating IUU fishing through regional initiatives, e.g. RFVR, ACDS, Regional Cooperation for PSM Implementation, Strengthening cooperation for MCS;
 - e. Promotion of sub-regional approach for fisheries management;
 - f. Obtaining information on fish stock status as a basis for management.

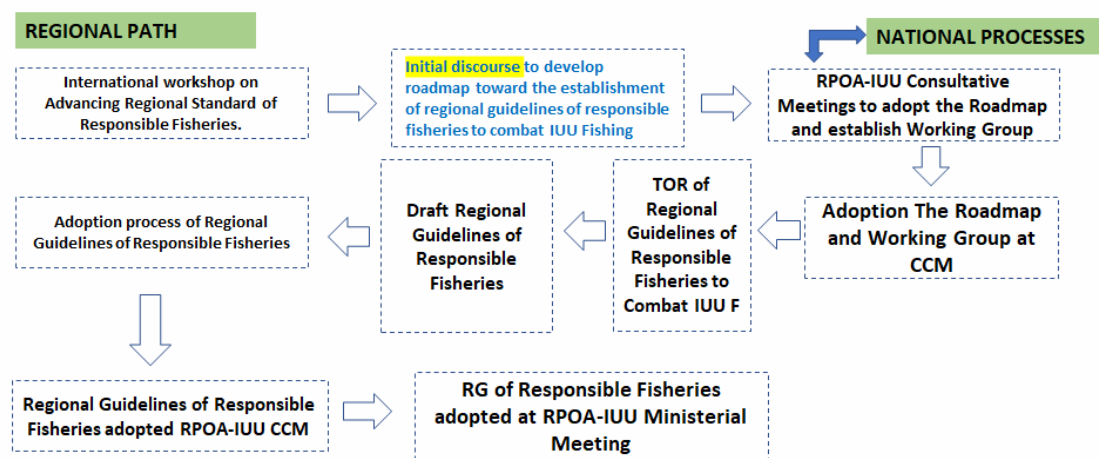
SESSION 6: A WAY FORWARD ON ADVANCING REGIONAL STANDARDS OF RESPONSIBLE FISHERIES TO COMBAT IUU FISHING

Speaker: Mr. Eko Rudianto, Deputy Executive Director of RPOA-IUU Secretariat

- Mr. Rudianto, delivered his presentation regarding The Proposed Roadmap Towards Regional Guidelines of Responsible Fisheries to Combat IUU Fishing.
- The RPOA-IUU proposed a roadmap for advancing regional standards for responsible fisheries to combat IUU Fishing. The information sharing and gaps identification as well as a way forward from the presenters have been recognized and noted by RPOA-IUU.
- RPOA-IUU presentation was focused on the development of a Roadmap toward the Establishment of Regional Guidelines for Responsible Fisheries to Combat IUU Fishing. The content of the Guidelines can be discussed in future meetings. RPOA-IUU expects the outcome of the workshop will be a Guideline that combined several instruments needed.
- Regarding FAO presentations on tiers of the fisheries legal framework, RPOA-IUU will be focusing on the 2nd tier which is Regional Framework. While for the relevant international instruments, RPOA-IUU will focus on the Flag State, Coastal State, and Market State Responsibilities

- In developing capacity for effective implementation, RPOA will put all three elements (Policy and legislation, Institutional set-up and capacity, as well as MCS and Operational procedures) together.
- RPOA-IUU noted that most RPOA-IUU participating countries have put efforts to develop national legislation in accordance with international law and instruments, including CCRF. RPOA also that there are different stages of institutional capacity among the member countries, the use of multiple policy measures, and there is also a different implementation of the Port State, Coastal State, and Market State. In order to fill the gap, RPOA proposed a Regional Standard on Responsible Fisheries.
- Later on, Mr. Rudianto presented the regional path of a way forward proposed by the RPOA presented in figure below.

A WAY FORWARD- Initial Ideas (need further discussions)



The roadmap was still an initial idea that can be discussed either in the current Workshop or in the further consultative meeting to discuss whether the Guidelines are necessary or not, and what content will be included in the Guidelines. Therefore, RPOA proposed to establish a Working Group to discuss in advance. The proposal recommendations and Working Group idea then will be delivered to the coordination meeting in order for adoption. The Working Group then will start to draft the TOR Regional Guidelines of Responsible Fisheries to Combat IUU, based on the accepted scope of the guideline, and also can adopt the lesson learn from SEAFDEC. The Guidelines will be proposed to the ministerial meeting and if it is accepted, the Regional Guidelines of Responsible Fisheries can be adopted and implemented.

- If the RPOA-IUU member countries agree to move forward, RPOA-IUU Secretariat will communicate with some donors to support the implementation of the Regional Guidelines Roadmap. RPOA-IUU also encouraged participating countries to further discuss this idea and inform relevant countries' agencies about the workshop result and a way forward.
- Lastly, Mr. Rudianto ended his presentation by informing an announcement about Australia's SEA IUU Fishing Program. Australia announced a new program called Combating IUU Fishing and Promoting Sustainable Fisheries, which runs from 2022 – 2025. The program has four components for eligible countries i.e., (i) Capacity Building Activities, (ii) Accredited MCS Course, (iii) Fisheries Officer Exchange Program, and (iv) Southeast Asia Regional Innovation Fund for Fishing (SEA-RIFF). RPOA-IUU encourages it participating countries p in the program by submitting their expression of interest through the RPOA-IUU Secretariat or the Australian

Department of Agriculture, Water, and the Environment (DAWE). The Secretariat is available for further queries regarding the program.

- In line with this, RPOA encourages that the proposal be submitted by each country may focus on filling the gaps. RPOA also suggests the idea of the proposal may highlight the efforts to strengthen institutional capacity, MCS capability, and the process of adoption of international instruments into national legislation.

SESSION 7: CLOSING

7.1 Feedback from Participants

- On behalf of Timor-Leste, Ms. Maria Tae expressed her appreciation to the organizer committee for organizing the Workshop and all the speakers for sharing their best practices and way forward. The Workshop was a very important meeting for other countries to learn from each other since IUU Fishing itself cannot be tackled alone, it required regional and international cooperation. There are so many suggestions, comments, and ideas raised in the Workshop and Ms. Tae hoped all the knowledge that has been shared can be implemented in the future to combat the IUU Fishing issue in the Region.
- Ms. Sandra Arcamo, on behalf of the Philippines considered the Workshop as a good discussion yet still needs more review. There are a lot of good International Laws since the ocean decade, but still, need to be transposed into the National Policies and effectively implemented. The workshop was a first step that can be built into the next step. Ms. Arcamo conveyed her gratitude to all the speakers and Workshop participants and She looking for the next future collaboration.

7.2 Moderator's Perspective

Mr. John Parks:

- Mr. Parks noticed the IUU Fishing as a very difficult issue and all the participants spent their time in the last three days contributing, listening to the extensive experience and lesson-learn shared. It is obvious that all of the participants have a deep commitment to the issue as can be seen since the inceptions of the RPOA-IUU, particularly in the last 5-10 years there was important progress being made by the participating countries in adopting the Regional Standards, moving forward with the new policy and becoming much more effective in addressing the IUU Fishing.
- Although there were a lot of fisheries technologies being used it is still necessary to improve the capacity building of the member countries. Mr. Parks commended not only the organizing committee but also the secretariat for providing leadership. Mr. Parks conveyed his compliments to the MMAF, RPOA-IUU, and ATSEA-2 who did a very great job and organized the Workshop professionally. Mr. Parks felt honored for being part of the Workshop and affirmed to the participants and organizations that the workshop has done successfully.

Mr. Kobayashi

- Mr. Kobayashi appreciated the speakers who shared up-to-date information on the implementation as well as gaps and challenges in combating IUU Fishing. He also had a lot of analytical observations by the experts and practitioners in the regions. As Mr. Kobayashi mentioned in his previous statement, the IUU Fishing elimination does required concerted

actions by all countries. In line with this, he suggested that Southeast Asia member countries be able to reach out to other countries either within the region or outside the region in order to boost the policy action. He also considers the stakeholder merging and the sectoral collaboration as a very important action, since many colleagues talk about CDS, but in order to implement it, collaboration with fishermen, fishing industry, seafood industry, distributors, and consumer groups should be done. It was a good step to recognize more good practices in engaging marine stakeholders with initiatives from the government, NGOs, and Private Sector.

- Asia does not have a good record on marine plastic and IUU Fishing handling. Mr. Kobayashi hoped that Asia can become one of the solutions to ocean challenges, and therefore Asia should demonstrate innovative actions, good practices, and prototypes for success stories in the future. He hoped that more success stories arising can be generated by this kind of international dialogue. Lastly, Mr. Kobayashi congratulated the organizers and all the participants for very rich discussions. He looked forward to further collaboration.

7.3 Closing Remarks

- Mr. Ari Prabowo, head of the Bureau for Public Relations and Foreign Cooperation of MMAF, conveyed his gratitude to all the distinguished participants as well as the speakers. The Workshop was held from 7 to 9 June 2022 using a hybrid mechanism and presenting notable speakers from various organizations, including the FAO, UNODC, SEAFDEC, RPOA-IUU also representatives from RPOA-IUU participating countries, and G20 member countries, and academicians. In the three-day Workshop, it was recorded around 150 participants from the representatives of 11 RPOA-IUU participating countries, 10 G20 countries, the Embassy G20 member countries in Indonesia, the universities, international and regional organizations, as well as marine and fisheries civil community organizations.
- In the Workshop, MMAF still noted IUU Fishing as one of the most challenging issues to face together. There were several best practices and lesson-learned to consider the responsible fisheries from the RPOA-IUU participating countries and G20. The countries agreed on the necessity of promoting responsible fisheries practices implementation to combat IUU Fishing in the region by exchanging information and developing personnel also capacity building on surveillance which is expected to be supported by international institutions such as FAO, UNODC, EU, UNDP, AND USA.
- In the workshop, a roadmap for preparing Regional Guidelines for CCRF adoption and accelerating responsible fisheries practices to combat IUU Fishing was also discussed. The Regional Guidelines were expected to guide international responsible fisheries instruments adoption mainly on Port State, Flag State, Coastal State, and Market State into respective RPOA-IUU participating countries' National Laws and Regulations.
- On behalf of the MMAF of the Republic of Indonesia, Mr. Prabowo conveyed his gratitude to ATSEA-2 and the Regional Secretariat of RPOA-IUU who collaborated with MMAF in conducting the workshop. Mr. Prabowo also conveyed his appreciation to the notable keynote speakers and experts from the marine and fisheries sector for their time to share knowledge and experiences, as well as to the active participants. Mr. Prabowo wished everyone good health during the Covid-19 pandemic and the ability to continue the collaboration in advancing marine affairs and the fisheries sector, particularly in combatting IUU Fishing.

ANNEX 1. ATTENDANCE LIST

Participant Name	Country	Gender	Institution
Agostina Salvaggio	Argentina	Female	Embassy of Argentina
Amela Ayu Ashikin Haji Osman	Brunei Darussalam	Female	Department of Fisheries
Haji Muhd Faisal Haji Adam	Brunei Darussalam	Male	Department of Fisheries
Raihan Hj Morsidi	Brunei Darussalam	Male	Department of Fisheries
Heloise Humbert	France	Female	France Embassy
Ade Christine Sofyan	Indonesia	Female	Embassy of Japan
Adhitya Wisadha	Indonesia	Male	Ministry of Foreign Affairs
Afien Heriyanna	Indonesia	Male	Coordinating Ministry for Maritime Affairs and Investment Indonesia
Agung Tri Prasetyo	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Ali Sungkar	Indonesia	Male	Ministry of Foreign Affairs
Alza Rendian	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Andriyanto Winarkusumo	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Arik Sulandari	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Arisya Fitri Nugraha	Indonesia	Female	Destructive Fishing Watch Indonesia
Aulia M Khatami	Indonesia	Female	Ministry of Marine Affairs And Fisheries
Caecilia Rini Parwati	Indonesia	Female	Coordinating Ministry for Maritime Affairs and Investment Indonesia
Cindy Mudeng	Indonesia	Female	Destructive Fishing Watch Indonesia
Dhea Afifa Triandani	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Dwi Ariyoga Gautama	Indonesia	Male	ATSEA-2 Indonesia National Coordination Unit - UNDP
Dyah Mayastuti	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Dyah Ayu Safitri	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Eko Sunarko	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Faradiba Rahmadina	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Galuh Rarasanti	Indonesia	Female	Ministry of Foreign Affairs
Hansen Ganda Siregar	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Hari Kushardanto	Indonesia	Male	Rare
Hendri Kurniawan	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Ikhsan Muhammad	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Indri Yani Zaini	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Joshua Siagian	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Joudy R.R. Sangari	Indonesia	Male	Faculty of Fisheries and Marine Science, Sam Ratulangi University
Jovita Putri	Indonesia	Female	Embassy of Mexico in Indonesia
Laeli Sukmahayani	Indonesia	Female	ATSEA-2 Indonesia National Coordination Unit - UNDP

Lola Dwi Pahlevi Seroja	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Maria Nareswari	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Mohamad Abdi	Indonesia	Male	Destructive Fishing Watch Indonesia
Mohammad Irsan Fauzie	Indonesia	Male	Ministry of Foreign Affairs
Nara Wisesa Wiwardhana	Indonesia	Male	ATSEA-2 Indonesia National Coordination Unit - UNDP
Ni Made Mahatma Devi	Indonesia	Female	Ministry Of Marine Affairs and Fisheries
Nugroho Aji	Indonesia	Male	Ministry Of Marine Affairs and Fisheries
Nur Asih	Indonesia	Female	Ministry Of Marine Affairs and Fisheries
Nurhayadi Nurhayadi	Indonesia	Male	Coordinating Ministry for Maritime Affairs and Investment Indonesia
Prasetya Gunung	Indonesia	Male	Ministry Of Marine Affairs and Fisheries
Prayekti Ningtias	Indonesia	Female	WCS
Ratih Seftiariski	Indonesia	Female	Ministry Of Marine Affairs and Fisheries
Rizqi Rahman	Indonesia	Male	WCS
Sijbrand Peeters	Indonesia	Male	Environmental Justice Foundation
Singgih Prihadi Aji	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Siti Indriasari Galuh Sekar Arum	Indonesia	Female	N/A
Sitti Hamdiah	Indonesia	Female	Ministry of Marine Affairs and Fisheries
Trisari Paramita	Indonesia	Female	Ministry of Foreign Affairs
Yuliadi Kadarmo	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Arif Hidayatullah	Indonesia/Regional	Male	Ministry of Marine Affairs and Fisheries/RPOA-IUU Secretariat
Cassandra Tania	Indonesia/Regional	Female	ATSEA-2 Regional Project Management Unit
Deti Triani	Indonesia/Regional	Female	ATSEA-2 Regional Project Management Unit
Dita Primaoktasa	Indonesia/Regional	Female	Ministry Of Marine Affairs and Fisheries/RPOA-IUU Secretariat
Dwi Aryo Tjiptohandono	Indonesia/Regional	Male	ATSEA-2 Regional Project Management Unit
Erlinda Qurrotu Aina	Indonesia/Regional	Female	Ministry Of Marine Affairs and Fisheries/RPOA-IUU Secretariat
Ezekiel Benjamin T.M	Indonesia/Regional	Male	ATSEA-2 Regional Project Management Unit
Handoko Adi Susanto	Indonesia/Regional	Male	ATSEA-2 Regional Project Management Unit
Matheus Eko Rudianto	Indonesia/Regional	Male	Ministry Of Marine Affairs and Fisheries/ RPOA-IUU Secretariat
Nur Junaidi	Indonesia/Regional	Male	ATSEA-2 Regional Project Management Unit
Vivekananda Gitandjali	Indonesia/Regional	Female	ATSEA-2 Regional Project Management Unit
Vita Andriana	Indonesia/Regional	Female	ATSEA-2 Regional Project Management Unit
Maurizio Pitton	Italia	Male	It Mod
Masanori Kobayashi	Japan	Male	Ocean Policy Research Institute of the Sasakawa Peace Foundation

Mazidah Binti Ab Hamid	Malaysia	Female	Department of Fisheries
Nur Fadhlina Chan Mahadie Chan	Malaysia	Female	Department of Fisheries
Uraini Ujang	Malaysia	Female	Department of Fisheries
Ivan Garcia	Mexico	Male	Embassy of Mexico in Indonesia
Michael Andayog	Philippines	Male	Bureau of Fisheries and Aquatic Resources
Rommel Adolf Diciano	Philippines	Male	Bureau of Fisheries and Aquatic Resources
Sandra Victoria Arcamo	Philippines	Female	Bureau of Fisheries and Aquatic Resources
Cristine Ingrid Narcise	Philippines/Regional	Female	ATSEA-2 Regional Project Management Unit
Kathrine Rose Aguiling	Philippines/Regional	Female	ATSEA-2 Regional Project Management Unit
Patvakan Giulazian	Russian Federation	Male	Ministry of Economic Development of Russia
Lai Kim Low	Singapore	Female	Singapore Food Agency
Delricia Augustus	South Africa	Female	National Department of Forestry, Fisheries and the Environment,
Marisa Kashorte	South Africa	Female	Department of Forestry, Fisheries and Environment
Ko-Jung Lo	Taiwan	Female	Global Fishing Watch
Chutima Sittiwong	Thailand	Female	Department of Fisheries
Kongpathai Saraphaivanich	Thailand	Male	SEAFDEC/Td
Namfon Imsamrarn	Thailand	Female	SEAFDEC/Td
Thira Rodchevid	Thailand	Male	Department Of Fisheries
Yanida Suthipol	Thailand	Female	SEAFDEC/Td
Maria Sarmento Tae	Timor-Leste	Female	Ministry of Agriculture and Fisheries
Pedro A.M Rodrigues	Timor-Leste	Male	Ministry of Agriculture and Fisheries
John Parks	United States	Male	USAID Sustainable Fish Asia Technical Support (SuFiA TS)
Mai Huong Nguyen	Vietnam	Female	Department of Science Technology and International Cooperation, Directorate of Fisheries
Thi Trang Nhung Nguyen	Vietnam	Female	Department of Science Technology and International Cooperation,
Vu Van Tam	Vietnam	Male	Department of Fisheries
Dzulfikar B Prasetyo	Indonesia	Male	Ministry of Marine Affairs and Fisheries
Todd Dubois	United States	Male	Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

ANNEX 2. DISCUSSION SESSION

Session 2

Questions from Slido:

We already have binding and non-binding agreements. But not one instrument is optimally used and seen as means for achieving better benefits. Why do you think this is happening?

Answers:

Mr. Quelch:

Trying to look for one optimal instrument is not the best way, the instruments need to be viewed and implemented as a package that supports state responsibilities as a port, flag, and coastal state as well as the role of the market state.

Mr. Brown:

Mr. Brown emphasized the need for the actual implementation of the instruments since no matter how good the instruments are, they will be useless if it's not implemented.

Questions from Participants:

1. Mr. Pedro Rodrigues

Questions for UNODC:

Regarding the last report on the type of fisheries crime that is number 7th happening in the world, are the current international and regional instruments now tend to reduce the crime that is happening in the world? And what are your practical recommendations to the UNFAO in terms of reducing the number of crimes in the fisheries sector?

Regarding RPOA's member countries, what are the crimes that happened mostly in the RPOA area so that we can work on that? You can also tell us what happened in the FAO member country so that we can compare and use it as a reference for the Fisheries Law that is currently being drafted. Therefore, the reference will be more practical than theoretical.

Answers:

Mr. Brown:

Mr. Brown thinks that the currently available instruments can have a significant impact if implemented effectively. We see evidence in terms of associated crimes.

In terms of types of crime in the RPOA, there was a lot of evidence from associated crimes, including human trafficking, migrant smuggling, job trafficking (certainly one of the biggest in the region), and illegal vessel operations. Regarding the instruments and legislation, it is important to reflect the appropriate elements in every state's fisheries law, which has to be accompanied by appropriate support and tools to make the laws effective. The instrument is very important to be implemented, reflected, and supported.

Mr. Quelch:

The international framework should be viewed as a minimum standard. This means nothing stops every state from going further. It is one thing to write the measures to support the implementation of the national legal framework. And every country needs to have the capacity to implement it.

With regard to small-scale fishings in Timor-Leste, FAO considered the small scales as a low impact, but it also depends on the number of vessels involved. If there are too many vessels on the available resources then it will be a problem, although the individual impact is very low, the collective impact is very high.

2. Mr. Eko Rudianto

Questions for FAO:

What is your opinion on the idea to have CoC for the ASEAN Region?

For FAO and UNODC:

Regarding the categorization of IUU as a serious and transnational crime, IUU is yet categorized. One of the reasons is because of the limitation Article 73 of UNCLOS that prohibits imprisonment for IUU Fishing, especially in the Exclusive Economic Zone. Does UNODC still work on that?

Answers:

Mr. Quelch:

Mr. Quelch emphasized that the CCRF was a self-guiding principle for sustainable fisheries management, and nothing can really stop RPOA to implement it at the regional level. The CCRF can be used to guide the implementation of the self-guiding principle, specific to the RPOA region.

Mr. Brown:

Mr. Brown is not sure whether UNODC looking at criminalizing IUU Fishing. UNODC looks at a wide range of offences/behavior along with the value and supply chain in the fisheries sector just like document fraud, corruption, and money laundering. These are the activities that may be certified in domestic law that could be pursued as criminal offences. IUU Fishing is often related to local fishermen operating artisanal vessels in small-scale operations, UNODC does not tend to criminalize someone for a thing that can be addressed administratively.

Question:

Mr. Eko Rudianto:

Do you have any suggestions/advice or maybe support regarding the RPOA in their efforts on combating IUU Fishing?

Answers:

Mr. Quelch:

At the State level, FAO has a capacity building program ongoing. Mr. Quelch still needs to do consultations on what support FAO may be able to plug into the RPOA.

Mr. Brown:

UNODC has been very much involved in the RPOA region in terms of working with various member states and providing support in a variety of programs for the last number of years. Currently, UNODC has the program ongoing now. In terms of suggestions, UNODC still needs bilateral discussion to understand what is needed for capacity building; work training for investigators and prosecutors on the fisheries sector crime; support interagency cooperation; and there's a variety of different support that UNODC can give. Mr. Brown is happy to have the opportunity to see what support the UNODC can give to RPOA.

Session 3

Questions from Slido

To Mr. Day:

Australia seems to use market measures extensively, what is your opinion about that?

Answers

Mr. Day:

Australia is still in the early stages of considering the issue. There's also a new government on the federal level which commits to investigating the market measures framework for preventing IUUF. However, Australia had the opportunity to investigate the system around the world to see their approach and will continue its investigation to create the most suitable system. However, Australia may provide updates in future meetings.

Mr. Kobayashi, in addition, with regard to Mr. Day's presentation, assumes that there are still many illegal fishing vessels entering Australia's port. Mr. Kobayashi asked Mr. Day how Australia collaborated with neighboring countries in addressing countries as well as the flag government in making sure the fishing or boat operating in Australia had an appropriate license to do distance fishing and they complied with Australia's regulation for fisheries related activities.

Mr. Day:

In relation to illegal fishing, Australia has to work closely with neighboring countries. In terms of fishing within Australia, Australia for example joined the patrol with Indonesia; looking at facts to recognize there are drivers for illegal fishing operations, including understanding fisheries laws, undertaking port visits in neighboring countries as an education campaign to assist fishers in understanding their obligations and consequences for illegal fishing. Meanwhile, for the outside area, Australia worked closely through RFMOs in undertaking joint patrols, as well as high-seas boarding inspection approaches.

Question for Ms. Armano:

Regarding the Philippines presentation, it was mentioned that there are two external factors which are seawater warming and Covid-19. Can you elaborate a bit more on how the Philippines has been dealing with these kinds of challenges?

Answer

Ms. Armano:

The Covid-19 pandemic actually gives benefits to the enforcer since the violations are less than normal time. However, the Philippines has not stopped deploying law enforcers, and they also served as emergency personnel to help in other disastrous situations at sea.

Session 4

Questions from Slido

To all G20 countries, is there any reward that the government can give to the domestic consumers who are aware of choosing fish products?

Answers:

Ms. O'Sullivan:

The most powerful tool that probably can be used in the USA is marketing. For example, the USA has used branding marketing for dolphin-safe tuna fisheries which became a very successful

program since it created a lot of requirements for tuna that comes to the USA that they do not cause dolphins bycatch. Marketing can be the most effective tool since people pay attention to the certification label.

Ms. Martinez:

The policy option is to ensure the products in the market are sustainable products which represent the objectives of UN Legislation on Forest Sustainable.

Ms. Kashorte:

Mr. Kashoret echoed the EU as well as the USA in terms of ensuring we worked by IUU certification process and trade regulations on import products, and also to ensure the sustainability of the product.

Question:

Regarding AN-IUU, the initiative is expected to be a great one to enhance the capacity of ASEAN members, but how to ensure it does not overlap (i.e. with SEAFDEC and RPOA-IUU)?

Answers:

Ms. Martinez:

The EU has been discussing with ASEAN members the framework of AN-IUU. To avoid overlapping with existing initiatives from SEAFDEC and RPOA-IUU, the EU has hired an expert that has been working closely with ASEAN member states to establish guidelines for the operationalization of the ASEAN Network. The Guidelines were delivered to the ASEAN Secretariat in March 2022. Ms. Martinez wished the Guidelines could provide beneficial as well as avoid overlapping.

Ms. O'Sullivan:

The USA also overlaps within the RFMOs and Central-West Pacific. As a solution, the USA tends to find ways to make the rules complementary to each other.

Ms. Kashorte:

To address the overlaps program, the SA has implemented a high cross border cooperation as presented in Ms. Kashorte's presentation.

Questions for EU:

In terms of EU-ASEAN cooperation in 2018-2022, will the E-READI cooperation have an extension?

Answer:

Ms. Martinez:

The cooperation actually not only covers IUU Dialogue but also other sectors. The cooperation has been extended until 2023.

Session 5

Questions from Slido to CCAMLR:

Could the non-contracting parties actually explore a collaborative arrangement and what is the benefit the non-contracting parties can gain in their collaboration with CCAMLR?

Answer:

Mr. Dubois-CCAMLR:

Most definitely, non-contracting members can seek cooperation with CCAMLR.

The benefit of actually cooperating with CCAMLR formally such as in the CDS scheme is to have limited access to the entire CDS system so that a country could see what documents are coming into the Port, then the country can verify the legality of the product entering the country. Likewise, CCAMLR could give support for countries reaching out for assistance. Mr. Dubois also felt glad if the country can discuss specific topics as far as becoming civing state and becoming a full member. Most of all, regarding the benefits for the RPOA-IUU member particularly with the CDS, CCAMLR feels glad to assist in terms of combating IUU Fishing in any way it can.

Questions for SEAFDEC:

1. How can SEAFDEC encourage AMS to implement the existing regional guidelines that have been endorsed or adopted at the regional level?
2. Does SEAFDEC contribute again to the gulf of Thailand sub-regional meeting?

Answers:

Mr. Saraphaivanich-SEAFDEC:

1. The Guidelines have the agreement and cooperation with ASEAN member state. SEAFDEC also has promoted the guidelines through the document translation into the national language and also supports ASEAN member states to implement the Article such as the promotion of responsible fishing, coastal fisheries management, combating IUU, and also promotes sub-region.
2. SEAFDEC could commit now, but if there are any projects in the future, SEAFDEC can consider giving their contribution.

Question:

Mr. Kobayashi-Moderator:

In terms of PSMA, what are the next steps for some countries to exceed the PSMA?

Answers:

Dr. Afriansyah-CSOP:

PSMA is a good mechanism to combat IUU Fishing because it creates a more difficult situation for illegal fishers. The Port State can have the authority to afford the vessels if they provide the required information.

Dr. Afriansyah saw that the states that have not become PSMA members are in the stage of waiting and see how far PSMA can give a beneficial impact. In line with this, Mr. Afriansyah hoped for the member countries to show their best practices and persuade the other states to become a member. With this mechanism, Mr. Afriansyah believed that there will be less chance for illegal fishers to operate.

Dr. Sharaphaivanich-SEAFDEC:

ASEAN Member countries are aware of the PSMA already, and six countries have already implemented it. In terms of supporting PSMA promotion, SEAFDEC, in cooperation with the Department of Fisheries of Thailand has encouraged its member countries to conduct capacity building in the implementation of PSMA through inspection of Port State. However, Mr. Sharaphaivanich believed that other countries are in the stage of considering implementing the PSMA.

Questions:

Mr. Kobayashi-Moderator:

Is there any kind of organization behind IUU Fishing that may be involved in extensively supporting IUU Fishing operations and what kind of approach does CCAMLR do to investigate it?

Answer:

Mr. Dubois-CCAMLR:

CCAMLR is glad to support its member countries to have their authority in the legal jurisdiction to investigate. CCAMLR members are required to have national control which means they are responsible for investigating any of their citizens that are tied up with IUU vessels and IUU-related activities.

CCAMLR has collaborated with INTERPOL. Realistically, it is a very difficult pattern to recognize, but there are ways that CCAMLR could cooperate, especially by using the Code of Conduct. Mr. Dubois underlined cooperation as the key to solving IUU fishing and CCAMLR is always willing to support it. However, there is a control of national authorities in the state area. In terms of that, CCAMLR relies on the members in particular with CCAMLR support to investigate.

Questions from audiences:

Mr. Pedro Rodrigues-Timor-Leste:

For CSOP:

Regarding the update and possible recommendations for the ATS area from CSOP, Mr. Rodrigues noted that the possible recommendations are only related to industrial Vessels, since there are a lot of issues in small-scale fisheries that have not been solved yet. Therefore, Mr. Rodrigues suggested that CSOP also include small-scale fisheries in the recommendations.

Also, he wanted to know because even though Timor-Leste is not a member of PSMA yet, he noted that it is maybe applied only to foreign fishing vessels, also not apply to national fishing vessels when the vessels entering some member countries to catch fish illegally and not apply the PSMA procedures when it landed.

For CCAMLR:

Regarding the CCAMLR presentation that's applied to the PSMA and CDS, what is the effectiveness of the instruments during the implementation? Did CCAMLR still find illegal products exported to other countries? Mr. Rodrigues found there are still illegal exports in some countries which means we still need to look at the PSMA and CDS, or maybe we can look for other recommendations focusing on the foreign vessels.

Mr. Rodrigues additionally asked CSOP and CCAMLR for their opinion of his recommendations to apply 5-15 % total fees for vessels that landed in other countries.

Answers:

Mr. Afriansyah-CSOP :

In terms of the small-scale fisheries, indeed there is no related recommendation that has been touched on clearly since the small-scale fisheries issue has a different approach of methodology to be researched. However, Dr. Afriansyah has considered this as an issue to be researched further because, in Indonesia, small-scale fisheries also might have significant impacts.

In terms of the national illegal fishing operation vessels that landed in their national port, they will be subject to national law. Dr. Afriansyah believed that in every country there is a certain mechanism to ensure the fishers catch the fish legally in terms of the license, fishing area, as well as gears.

Mr. Dubois-CCAMLR :

Regarding the CDS, CCAMLR affirmed the CDS has been very effective since it put major control on the trade. CDS certainly does not stop illegal trade, but it has a lot of member countries identify

products that did not meet the standard and all Conservation Majors in CCAMLR. Mr. Dubois considers better results the implementation can be applied to broader areas through the extended global network, additionally CCAMLR is open for further discussions if needed.

Session 6

Comments:

Ms. Nguyen Thi Trang Nhung-Vietnam:

Regarding the Regional Guidelines, Ms. Nhung wants to clarify the title of the Guidelines. Vietnam agreed that the Guidelines will focus on regional implementation, but the proposed Guidelines from the RPOA are Regional Guidelines for Implementation of Responsible Fisheries. As a member of SEAFDEC, Vietnam has Regional Guidelines for Responsible Fisheries already, therefore, Ms. Nhung suggested for the Regional Guidelines under the RPOA focus on the IUU, particularly in the gaps. Ms. prefers maybe the RPOA could have a consideration on “Regional Guidelines for the IUU Enforcement” for the title of the Guidelines so that the countries’ members could improve their Legal Framework in order to be consistent with the regional standard.

Regarding the roadmap, Ms. Nguyen suggested the RPOA take into consideration the internal process of the member countries in conducting the proposal, in order to bring the Documents to the ministerial meeting for adoption.

Responses:

Mr. Rudianto:

1. **As is known so far**, RPOA actually focuses on the National Plan of Action to Combat IUU Fishing, but there are also other International Instruments as well. The RPOA is trying to combine those documents in their proposed Guidelines in order to have a clear path, clear documents, and a clear monitoring system.
2. Regarding Vietnam's questions, RPOA agreed that the Workshop is a kick-off meeting, and in the next consultative meeting RPOA members can start to discuss the scope of the Guidelines, identify the gap between the SEAFDEC technical Guidelines, and from the outline and the content, RPOA can develop the title of the Guidelines. Mr. Rudianto agreed with Vietnam regarding the process for the ministerial meeting. However, it probably may need at least 3 CCMs before going to the ministerial level, remembering the RPOA's last statement in joining into the ministerial level which is now still not concluded yet.

Comments:

Mr. Rodrigues-Timor-Leste:

Many countries have systems implied while other country does not. Based on Timor-Leste's experience in joining many previous workshops, there were mainly only discussions on technological use in IUU Fishing. In some cases, Timor-Leste still has to deal with small-scale fisheries, may there be any practices that other countries could share with Timor-Leste in dealing with this kind of challenge?

Timor-Leste also has tried to find solutions, one of them being to establish a community-based IUU reporting system to build relationships among the state's institutions and then also the fishers. The system maybe can be applied to small-scale fisheries only, but Timor-Leste's target is, if it has national vessels and crew that will work for some company, Timor-Leste will involve all of them in how reporting IUU Fishing, and Timor-Leste also will reactivate the spot that was used if any industrial fishing vessels is coming up.

Timor-Leste also has to learn more from other neighboring countries, because as a new country, Timor-Leste does not have any legal advisors, especially in the fisheries sector which has been a challenge for Timor-Leste. Although Timor-Leste knew how to solve the problem technically, Timor-Leste still has to follow the rule. That's why Timor-Leste requesting to the FAO to support the drafting of the regulation identified. At last, Timor-Leste totally supports what RPOA-IUU has proposed.

Ms. Sandra-Arcamo-Philippines:

It's difficult now to decide whether it is a yes or no to the regional standard. Because based on the slide that you present there are two, regional standards and regional guidelines. And it is a very different standard and difficult because the range of the member countries' capability is really wide. It also deals a lot with budget financial allocation, especially for the infrastructures. It is something that the Philippines need to consider.

Response:

Mr. Rudianto-RPOA-IUU Secretariat response to Ms. Arcamo:

The statement from Ms. Arcamo is valid indeed. That is why we are thinking about these regional guidelines and the different capacities of each country so that maybe we can agree on the baseline for the next meeting and also at what level we collaborate. Mr. Rudianto agreed with the presentation from SEAFDEC that every region has a different situation and conditions and there will be a big gap if we go to FAO international instruments, and that is why RPOA-IUU initiated this workshop to start talking about that. Either the title or the standards can be discussed in the next technical meeting, and Ms. Arcamo's concern was noted by the secretariat.

Australia comments:

Noted by the point of translating the international instruments into the region and point of small-scale fisheries problems. But before the guidelines are proposed for the ministerial endorsement, they need to be tested. Australia is currently having a change in government and still trying to find out the guidelines for the particular issues on IUU Fishing.

Questions from Slido:

1. What is the difference between Regional Guidelines of Responsible Fisheries to Combat IUU Fishing and the FAO Original Plan of Action for Combating IUU Fishing?
2. Following up on the first question, will it be redundant if we develop a kind of standard? Why do not we focus on the implementation of the existing FAO CCRF instead of the standard?
3. Many international guidelines talked about issues rather than specific issues and ratifying the international instruments is motivating, how can it be embedded with the guidelines?

Answers:

Ms. Sandra Arcamo-Philippines:

Indeed it will be very helpful to be clear on what the region needs. In the ASEAN region, RPOA countries have a lot of guidelines but still struggling with compliance with such guidelines. On behalf of ASEAN, RPOA countries even still struggling with the Code of Conduct for the South China Sea. On behalf of the Philippines, if the guidelines are really the instruments that are needed, maybe existing guidelines can be previewed to avoid redundancy.

Mr. Rudianto-RPOA-IUU Secretariat:

RPOA Secretariat thinks the workshop discussion is a good start to understanding RPOA participating countries' status and needs. Instead of developing the guideline, the identification of what is necessary for the next meeting is still open. And that's why RPOA Secretariat tried to put the title open as possible. As an idea, the challenge from the participating countries is a good point to give a new spirit for RPOA to talk further. The committee has already taken note of the

comments from participating countries and there will be a list of ideas that can be found and will be delivered.

Comments:

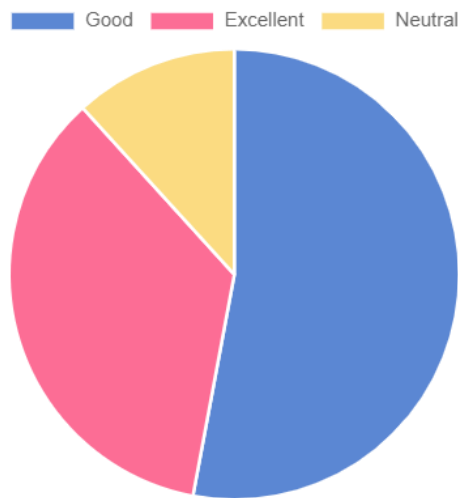
Mr. Masanori Kobayashi-Co-Moderator:

Mr. Kobayashi recognized that the work program is quite impressive and promising. Mr. Kobayashi was concerned on what can ASEAN do within the region. But, as the participants had discussed in the workshop, the elimination of IUU Fishing has to be done in globally concerted actions. With that regard, at the G20 meeting where the global leaders came from the different parts of the world and discussed ocean management including fisheries issues, Mr. Kobayashi suggested Indonesia or ASEAN member countries could provide statements on what additional actions should be undertaken globally not just in ASEAN countries. It also could become a message from Southeast Asia to the international communities.

Mr. Kobayashi shared that PSMA has not achieved universal membership. Mr. Kobayashi thought that it may still leave a kind of policy of institution efficiencies in dealing with IUU Fishing problems. From that, Mr. Kobayashi suggested maybe it will be good for Indonesia as a leader of ASEAN member countries to take the lead in expressing the commitment of Southeast Asia region countries to eliminate IUU fishing and promote regional cooperation. Also, at the same time encourages countries in the other region to PSMA for facilitating implementation and force globally concerted actions toward eliminating IUU Fishing and promoting sustainable fisheries. That kind of political statement or policy statement may be useful if Indonesia can put it forward in the context of the G20 summit.

ANNEX 3. WORKSHOP FEEDBACK

1. Pre-Workshop (Invitation, communication, email reminder, etc)



2. Duration of Workshop

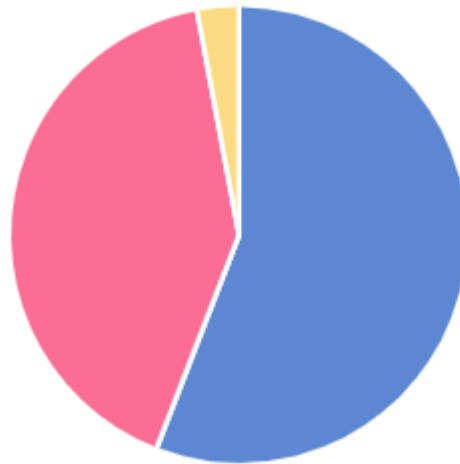


3. Agenda of Workshop



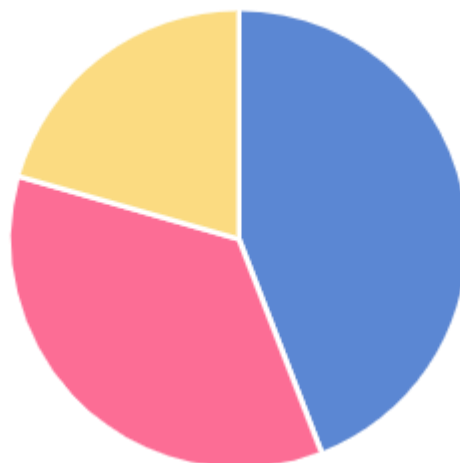
4. Event Organizer, Visual Content

Good Excellent Neutral

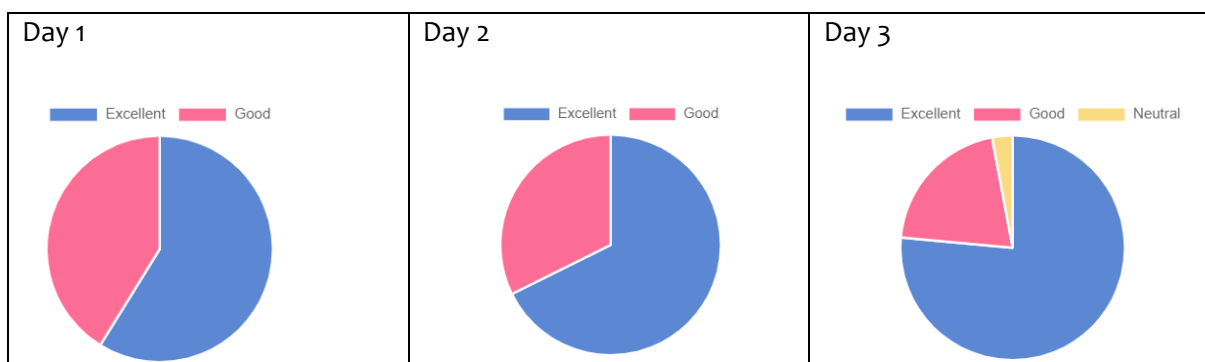


5. Duration of Discussion Session

Good Excellent Neutral



6. Moderator



7. topic should be covered in the next workshop that relates to sustainable fisheries and IUUF

Topic
The update of each member countries national legislations about IUUF and related issues
include gap analysis of the guidelines

The legal support needed for effective enforcement.
Capacity Building and Skills development.
IUUF and relation to other transnational crime
Catch documentation scheme for commercial fisheries and seafood distributors, assessment on gaps regarding policy-institutional-market mechanisms for eliminating IUU fishing.
The lack of mechanism and information on the unregulated and unreported aspect remains to be a key gap. Hopefully, the next steps as discussed in this workshop would also support further strengthening efforts or establishment of effective mechanisms that could facilitate the recording of these aspects.
Key emerging themes related to capacity gaps needing to be filled by participating countries: (1) Use of market mechanisms to combat IUUF; (2) Application of appropriate MCS tools for use at the small-scale fishery level; (3) Identification of priority capacity needs and relative capacity levels across 11 participating countries; (4) Training on emerging innovative MCS technologies; and (5) Support to adopt electronic catch documentation and traceability to ensure legality of catch.
I believe it will be great to identify specific gaps between existing regional guidelines and the FAO CCRF. The next workshop hopefully can be conducted in physical meeting.
small scale fisheries
State of play and next steps with reference to the regional guidelines development.
Should focus in one subject not generally so can elaborate more better perspective
roadmap finalisation
Intersection between sustainable fisheries management and IUU fishing in Southeast Asia and other neighbouring regions (Indian and Pacific oceans). Engagement with RFMOs.
Best practices and bad practices in implementation of PSMA, CDS and so on
Legal support for effective enforcement.
a way forward on advancing regional standards of responsible fisheries to combat IUUF should be covered in the next workshop
Overview of combined cross regional national laws to address administrative and criminal enforcement of IUU - cross border cooperation *There are limits to having virtual workshops and (pandemic allowing) an in-person follow up workshop should be considered
Regional collaboration is such a critical aspect of combating IUU fishing and continually changing. Discussion on expanded information sharing, best practices, and potentially more operational aspects of combating IUUF (if feasible). Continued discussion and focus on collaboration and continuous improvement on regional/global cooperation is critical and RPOA-IUU seems to deliver that with each workshop.

Small scale fisheries

IUU Fishing in protected areas, transboundary fishing by small scale/artisanal fishermen
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8. Workshop satisfactory

Mean	Median	Mode	Standard deviation
8.24	9.00	9.00	1.65

ANNEX 4. DOCUMENTATION







More photos can be accessed at: https://bit.ly/RPOA_June_Documentation



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