

CO-CHAIRS' SUMMARY REPORT

ARF Workshop on Improving Fisheries Management

Honolulu, Hawaii, 21-23 March 2016

Introduction

- Pursuant to the decision of the 22nd Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Kuala Lumpur on August 2015, the ARF Workshop on Improving Fisheries Management was held in Honolulu, 21-23 March 2016. The Seminar was co-chaired by Indonesia and the United States.
- Representatives from ARF participants, namely Australia, Cambodia, China, Indonesia, New Zealand, Republic of Korea, Russia, Singapore, Thailand, Timor-Leste, the United States, and Viet Nam attended the meeting. The List of Participants is attached as **ANNEX A**.

Opening Session

- At the keynote address, Rear Admiral Vincent B. Atkins, Commander, Fourteenth U.S. Coast Guard District welcomed the meeting participants and provided an overview of Illegal, Unreported, and Unregulated (IUU) Fishing, maritime domain awareness, regional governance, and at-sea and in port enforcement.

Session I: Policy Approaches to Combat IUU Fishing

- Speakers of the session: Lori Curtis – Fisheries Consultant and Blaise Kuemlangan – Chief of Development Law Service (UN Food and Agriculture Organization)
- The Workshop noted the difference between ratification, acceptance, approval, and accession when depositing instruments to the FAO. Countries that signed the Port State Measures Agreement (PSMA) deposit an instrument of ratification, acceptance, or approval; conversely, a country that did not sign the PSMA may only deposit instrument of accession. Currently, 24 countries have ratified, accepted, approved, or acceded to the PSMA. PSMA will enter into effect 30 days after deposit of the 25th instrument. In the interest of transparency, the presenter recommended that flag states encourage their vessels to make landings in PSMA country ports. Article 21 of PSMA discusses how resources should be allocated to developing States who are parties to PSMA. States not party to PSMA are ineligible for capacity building support under Article 21. However, developing states can make general requests for capacity building assistance from FAO through an official request made to an FAO regional office. The Workshop also took note of the recommendation that all ARF countries become parties to PSMA.

- The Workshop explored an overview of IUU fishing, IUU-related governance instruments, and FAO IUU fishing initiatives. Further detail was provided on The FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing. There was a discussion on FAO's collaboration to combat IUU fishing and other forms of criminal activity with other, non-fisheries related international and UN organizations such as the International Maritime Organization and the UN Office on Drugs and Crime. The challenge with following the requirements of Articles 73 and 292 of the UN Convention on the Law of the Sea was also mentioned regarding the prompt release of fishing vessels detained for illegal activity after the posting of reasonable bond and the need to conduct a thorough investigation of the illegal activity.

Session II: Overview of ASEAN Regional IUU Fishing Challenges

- Speakers of the session: Dr. Mas Achmad Santosa, Coordinator for Special Advisors, Indonesia Task Force to Combat Illegal Fishing – Indonesia; Khun Chuanpid Chantarawarathit, Chief of International Cooperation Group – Thailand; Acacio Guterres, Director General of the Ministry of Agriculture and Fisheries – Timor-Leste; and Dr. Sochivi Kao, Deputy Director General, Fisheries Administration, Ministry of Agriculture – Cambodia.
- Indonesia began taking measures to comprehensively combat IUU fishing in October 2014. Since then, Indonesia has put a moratorium on ex-foreign fishing vessels, banned transshipments, banned destructive fishing gears and methods, audited 1,132 ex-foreign fishing vessels, and have taken measures to strengthen law enforcement. In October 2015, Indonesia enacted a comprehensive enforcement system that includes the establishment of an Indonesia Task Force to combat illegal fishing comprised of representatives from the Ministry of Marine Affairs and Fisheries, Navy, Marine Police, *Badan Keamanan Laut*, Attorney General Office, and other experts under a single commander, unifying standard operating procedures, and centralized budgeting. This comprehensive system improves cooperation and coordination, and streamlines Indonesia's enforcement efforts. Dr. Santosa explained Indonesia's "multi-door" approach to addressing IUU fishing that considers violations of all domestic laws during the investigation of fisheries cases. Indonesia also encourages linking fisheries cases to criminal violations, when possible, to maximize the severity of penalties and deterrent effects, and to gain support from a wider range of international enforcement organizations.
- Thailand is expediting the process of ratification of the PSMA and the UN Fish Stock Agreement. Thailand has designed 27 ports in order to implement the PSMA. Thailand has nearly 46,000 active fishing vessels; 76% of them are artisanal. Thailand is taking steps to reduce fishing capacity and overfishing by freezing vessel registrations, buying back fishing vessels, implementing science based fisheries management, and banning destructive fishing gears. IUU fishing challenges in Thailand include: effective monitoring, control, and surveillance (MCS) measures;

collaboration among stakeholder agencies; fisheries law and enforcement transparency; fisheries management data availability; and cooperation with other nations.

- Small-scale fishing boats less than 12m in length comprise 99.5% of Timor-Leste's domestic fishing fleet. Timor-Leste desires to grow their small scale fisheries to maximize employment and improve food security, while ensuring the sustainability of their fisheries through sound management and the protection of critical habitats, like mangroves and coral reefs. Timor-Leste's EEZ is under-exploited due to the lack of sufficiently sized fishing vessels and domestic distribution limitations. To capture economic benefits in their EEZ, Timor-Leste has sold fishing permits to two Chinese fishing vessels and is considering selling additional permits to other regional country vessels. Ensuring Timor-Leste receives appropriate revenue for their resources and preventing IUU fishing are two challenges associated with issuing these types of permits. Timor-Leste loses approximately \$214M USD each year to IUU fishing. Timor-Leste is tackling their fisheries challenges by 1) developing a centralized fisheries database; 2) deploying a Mobile Law Dissemination Service and Mobile Licensing Service to improve fishermen's knowledge of regulations; gather information on local customs, arrangements, and conflicts; and register fishing vessels; 3) developing a community based IUU reporting system, and 4) making fisheries data and information transparent and publically-available.
- Cambodia has a wide range of freshwater and marine species; Tonle Sap Lake accounts for more than 60% of Cambodia's fisheries production. Fish accounts for 81.5% of Cambodian's protein intake. Cambodia's fisheries are valued at \$1.25B USD per year, which accounts for 8-10% of Cambodia's GDP. Over 45.5% of Cambodians rely on fisheries for their livelihood. Cambodia is improving their fisheries governance by reducing fishing lots, establishing community based fisheries management, strengthening natural resource conservation, and promoting aquaculture. Threats to the sustainability of Cambodia's fisheries include: overfishing, overcapacity, illegal fishing (use of illegal gears and area, season, and species violations), land reclamation surrounding Tonle Sap Lake for agriculture, and EEZ incursions by foreign fishing vessels. Cambodia was red-carded under the European Commission's IUU Regulation and is, therefore, unable to export fisheries products to the European Union. Cambodia is improving their fisheries governance by instituting a comprehensive legal framework, an effective MCS regime, and a new vessel registration and licensing system. Cambodia is also strengthening cooperation with international agencies, neighboring countries, and supportive donors and partners. Cambodia has allowed small scale fishing to occur in its waters by neighboring countries as historic fishing activity; however, Cambodia is reviewing this arrangement because of concern that it may be abused by IUU fishing operations.
- Viet Nam stated that small-scale fisheries in the ASEAN region present unique challenges for addressing IUU fishing; that socioeconomic factors and fair labor practices must be addressed; and that conflicting maritime claims in the South China Sea presents a significant challenge for addressing IUU fishing in the region. China

affirmed its commitment to combat IUU fishing and promote fisheries sustainability with a focus on the support of international IUU frameworks and RFMOs, address illegal ship building and fraudulent fishing licenses, and to cooperate with ARF nations to combat IUU fishing, especially through information sharing and joint law enforcement with neighboring countries.

Session III: Regional Perspectives: Participation in regional fisheries management organizations (RFMOs)

- Speakers of the session: Mike Tosatto, Regional Administrator for the Pacific Islands Regional Office of the National Oceanic and Atmospheric Administration (NOAA) – United States.
- The session began with an overview of Pacific RFMOs (highly migratory species: Western and Central Pacific Fisheries Commission and Inter-American Tropical Tuna Commission (IATTC), straddling stocks: North Pacific Fisheries Commission and South Pacific Regional Fisheries Management Organization). It further discussed RFMO MCS tools to combat IUU fishing; which include VMS, authorized vessel lists with unique vessel identifiers, IUU vessel lists, regional observer programs, transshipment monitoring and control; high seas boarding and inspection programs, and compliance and monitoring schemes. RFMOs are obligated to assess and improve member nation compliance with conservation and management measures; however, the methods for doing so and the penalties for inadequate compliance are subjects of debate.
- The session also discussed about RFMO compliance programs, potential RFMO penalties and external sanctions, and considerations for developing countries.
- Viet Nam acknowledged the benefits of RFMOs and that it would like to see the development of RFMOs in the ASEAN region and the South China Sea. The Philippines further stated its efforts to take effective domestic measures to address violations of RFMO conservation and management measures.

Session IV: Regional Cooperation on Sustainable Fisheries Issues

- Speakers of the session: Topan Renyaan, Expert Staff, RPOA-IUU Secretariat-Indonesia; Kom Silapajarn, Secretary General, Southeast Asian Fisheries Development Center – Thailand; and Alfred Nakatsuma, Regional Environment Director for the Regional Environment Office in Bangkok - USAID/EcoFISH – United States.
- The RPOA-IUU was established in 2007 by Ministers from 11 countries to improve regional cooperation, promote responsible fishing practices, and combat IUU fishing. These actions are important to promote the sustainability of fisheries

resources, protect food security, alleviate poverty, and optimize the benefits for the people and economies of the region. Participating countries are: Australia, Brunei Darussalam, Cambodia, Indonesia, Malaysia, Papua New Guinea, Philippines, Singapore, Thailand, Timor-Leste, and Vietnam. Supporting organizations are: APFIC, SEAFDEC, Worldfish Centre, and InfoFish. Since its inception, the RPOA-IUU has worked to strengthen legal, administrative, and policy frameworks; build capacity; and strengthen regional and international cooperation. The RPOA-IUU MCS network maintains a list of IUU vessels and encourages member nations to apply port state measures to deny IUU vessels access to ports and conduct investigations when possible; RPOA-IUU nations have a noteworthy record of actions taken against infamous IUU vessels including, most recently, the fishing vessel VIKING. Mr. Renyaan described specific initiatives underway in each of the three RPOA-IUU sub regions – Southern and Eastern of South China Sea and Sulu-Sulawesi Seas (Malaysia, Indonesia, Brunei Darussalam, and Philippines), Gulf of Thailand (Thailand, Cambodia, Malaysia and Vietnam), and Arafura-Timor Sea: (Timor-Leste, Indonesia, Australia and Papua New Guinea). Upcoming RPOA-IUU meetings are planned for the Coordination Committee and each of the three sub regional groups.

- Mr. Silapajarn began with a discussion of the types of IUU fishing frequently encountered, which are: illegal domestic fisheries activities (i.e. fishing without a license, fishing area and season violations, unauthorized gears and methods, and transshipments); landing catch across borders; poaching in other nations' EEZs; illegal fishing and trade of live reef food fish and ornamentals; and illegal fishing in RFMOs and high seas areas. Important domestic initiatives needed to more effectively combat IUU fishing include: strengthening MCS regimes; improving legislative frameworks, promoting effective fisheries governance including vessel registrations and licenses, improving traceability of fish and fish products, and enhancing interagency cooperation. Key ASEAN and SEAFDEC initiatives for combating IUU fishing in the region are: the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain, the establishment of the Regional Fishing Vessels Record for vessels 24m in length and greater, the ASEAN Catch Documentation Scheme, and regional cooperation to support the implementation of the Port State Measures Agreement. SEAFDEC and ASEAN are working toward a joint statement on IUU fishing in 2016.

Mr. Nakatsuma discussed past and future Our Ocean Conferences, the U.S. Presidential Task Force on Combating IUU Fishing and Seafood Fraud, and the general risks resulting from IUU fishing. He then described USAID's active initiatives in the ASEAN region. These include: Ecosystems Improved for Sustainable Fisheries (ECOFISH) in the Philippines; and SEA Project, Marine Protected Areas Governance (MPAG), and enforcement support in Indonesia. USAID is also starting an Ocean and Fisheries Partnership, which aims to address IUU fishing through market measures by supporting a regional catch documentation and traceability system, strengthening the capacity of regional organizations, and engaging in private partnerships. USAID plans to commit \$20M USD on the Ocean

and Fisheries Partnership over the next 5 years. Years one and two of the program will focus on developing the catch documentation and traceability system and strengthening sustainable fisheries management plans, years two and three will focus on demonstrating them in coral triangle pilot sites, and years three to five will focus on expanding the program to the wider Asia-Pacific region. Proposed pilot sites for this voluntary program include: Bitung, Northern Sulawesi, Indonesia; Gulf of Thailand (Kelantan, Malaysia; Songkla, Thailand); General Santos City, Philippines; Andaman (Thailand/Malaysia); Zamboanga/Eastern Sabah (Philippines/ Malaysia); and Eastern Sabah/Palawan (Malaysia/ Philippines). Mr. Nakatsuma's statement regarding measures to tackle IUU fishing from all angles was supported by several workshop participants.

- New Zealand made an intervention stating that combating IUU fishing is highly important to New Zealand because fisheries are fundamental to their economy. New Zealand participates in RFMOs, has a robust MCS program, conducts capacity building in the South Pacific, and engages in MCS activities in Antarctic waters, primarily in the Ross Sea. New Zealand is concerned with foreign fishing fleets fishing illegally in their northern EEZ and discussed the challenge of providing adequate enforcement during the primary fishing season, May-August. New Zealand would like to see more robust enforcement regimes.
- Indonesia mentioned concerns with the U.S.'s proposed seafood traceability regulation and asked how countries can provide input. Mr. Nakatsuma answered saying that the U.S.'s seafood traceability regulation was currently open for public comment until April 5, 2016. He encouraged countries and organizations with questions or concerns to provide comments before the deadline.

Session V: Lessons Learned and Best Practices Presentations on Combating IUU Fishing

- Speakers of the session: John Henderschedt, Director of the Office of International Affairs and Seafood Inspection, NOAA-United States; Vasili Sitnikov, Chief of Division, Federal Fishery Agency – Russia; and Ronely Sheen, Tanggol Kalikasan – Philippines.
- The U.S. Presidential Task Force on Combating IUU Fishing and Seafood Fraud released its action plan in March 2015. The action plan consisted of 15 recommendations in 4 general categories: international, enforcement, partnerships, and traceability. The U.S. National Ocean Council Committee on IUU Fishing and Seafood Fraud now has oversight of the IUU Task Force. Information on the U.S. IUU Fishing and Seafood Fraud Task Force can be found at www.iuufishing.noaa.gov. The U.S. traceability program will initially apply only to the following priority species identified as at risk of IUU fishing and seafood fraud: Abalone, Atlantic Cod, Blue Crab, Dolphinfish, Grouper, Red King Crab, Pacific Cod, Red Snapper, Sea Cucumber, Sharks, Shrimp, Swordfish, and Albacore,

Bigeye, Skipjack, and Yellowfin tunas. The factors considered when making the at-risk determination included: enforcement capability, the presence/absence of a catch documentation scheme, the complexity of the chain of custody and processing, prevalence of species misrepresentation, mislabeling or other misrepresentation, history of fishing violations, and human health risks. The eventual goal is for all U.S. fisheries imports to be under the traceability program. The U.S. importer will bear the burden of reporting traceability data. The U.S. will also be instituting a trusted trader program to streamline the traceability process for legal supply chains. The draft U.S. traceability rule was published in February, 2016. Public hearings were conducted in February and March 2016 and public comments were due on April 5, 2016. The final rule will be published in August 2016 and will take effect in September 2016. Implementation and enforcement will be enacted at a later, yet to be determined, date. The U.S. is considering implementation and enforcement timeframes ranging from 90 days to 12 months after the effective date. Challenges for the U.S. traceability program include its relationship with other related programs (e.g. the European Commission's IUU Regulation Catch Certification Requirement), expanding the program to include all seafood, and budgetary support to fund expanded enforcement requirements. The U.S. traceability working group will publish a report in December 2016 that will evaluate the traceability program and its future expansion, update the list of priority at-risk species (if necessary), identify any new authorities required to implement the program, and provide recommendations for providing traceability information to consumers.

- Mr. Sitnikov provided background information on the Russian Federation's efforts and programs to combat IUU fishing. He explained the Russian Federation's Fisheries Monitoring System in detail and explained its value for ensuring economic and food safety security, preventing IUU fishing, supporting marine resource conservation and sustainability, supporting scientific research, improving fishing fleet activities, and facilitating international information cooperation. Future developments planned for the Russian Federation's Fisheries Monitoring System include the implementation of fishing gear control tools, audio and video monitoring systems aboard fishing vessels, and electronic weighing systems. The Russian Federation has numerous bilateral IUU agreements, including agreements with China, Japan, and South Korea in the Asia-Pacific region.
- Tanggol Kalikasan is a non-governmental organization that focuses on public interest environmental law in the Philippines. Tanggol Kalikasan's goal is, "to encourage greater citizen's participation in environmental law enforcement and policy-making on resource allocation." Ms. Sheen provided an overview of fisheries management in the Philippines and explained that the Philippines' fisheries resources are fully-exploited to over-exploited. The Aquino administration has greatly increased the number of fisheries enforcement officers from 4 to 700 with plans for a total of 1,500; and procured over 70 new patrol vessels to augment the 14 that were previously in service. The Philippines Bureau of Fisheries and Aquatic Resources (BFAR) has developed a Fisheries Law Enforcement Management

Information System and has developed robust programs for fishermen registration, fishing vessel and gear registrations, national fisheries stock assessments, and the strengthening of domestic fisheries policies and legislation. The Philippines' Republic Act 10654 included provisions that increased vessel monitoring and surveillance requirements and increased penalties for violations. The Act enables liens against violators' property to ensure fines are paid and allows for the imposition of community service for violators unable to pay fines. Fines collected from violations and proceeds from forfeited fish, fishing vessels, and gears go into a BFAR account to support programs related to fisheries conservation, preservation, protection, management, development and regulation; research and development; capacity building; and poverty alleviation.

Session VI: ARF Foreign Ministers' Statement on Strengthening Cooperation to Address Illegal, Unreported and Unregulated Fishing

- The co-chairs presented the draft ARF Foreign Ministers' Statement on Strengthening Cooperation to Address Illegal, Unreported and Unregulated Fishing that was compiled by Indonesia and the U.S. in the weeks leading up to the workshop. Hard copies were distributed to the workshop attendees. The co-chairs explained that feedback and comments from ARF countries will be solicited in the coming months to make the Statement applicable and acceptable across all ARF nations. The Statement will be discussed at several ARF meetings in the coming months, including the follow-on ARF IUU fishing workshop in Bali, Indonesia in April 2016, with a goal of having it signed at the ARF Ministerial Meeting in July 2016.
- Comments from meeting participants were generally positive and in support of the Statement. Questions arose about the need for an ARF statement on IUU fishing when similar statements are already in place or in progress through ASEAN, SEAFDEC, and the RPOA-IUU. The co-chairs explained that the ARF Foreign Ministers' Statement on IUU fishing will likely be similar to other IUU statements in the ASEAN region, and emphasized that its unique value and the reason for pursuance, it should be pursued would be its wider acceptance and support across the 27 ARF Participants.
- Some workshop participants expressed a desire for the Statement to be signed by Heads of States *in lieu of* Foreign Ministers; and some participants desired for the non-binding Statement to instead be a binding agreement with firmer commitments and requirements for cooperation.

Site Visit: NOAA's Daniel K. Inoyue Center Led by Captain Barry Choy

- Participants visited the state-of-the-art NOAA Daniel K. Inoyue Center and received presentations and tours of the Pacific Tsunami Warning Center, Science on a Sphere, and live undersea research viewing facility. The site visit and discussions

were highly informative and enjoyed by all participants.

Recommendations from the Co-Chairs

Consistent themes to effectively combat IUU fishing discussed during the workshop were the need for:

- Strong political commitment from ARF countries to combat IUU fishing.
- Robust and comprehensive domestic fisheries management and legislation frameworks.
- Fisheries stock assessment programs and science-based and enforceable management measures that ensure the conservation and sustainability of marine resources.
- Effective MCS programs with vessel registrations, fishing vessel activity monitoring, real-time catch documentation, and seafood and seafood product traceability.
- Enforcement manpower and resources capable of patrolling the full extent of a nation's EEZ.
- Intelligence-based enforcement to optimize the use of limited enforcement resources.
- Adequate investigation capabilities to thoroughly investigate fisheries cases and detect evidence of all illegal activity.
- Participation in RFMOs and other international fisheries-related organizations.
- Support of regional and international instruments to combat IUU fishing like the UN Fish Stocks Agreement and the FAO Port State Measures Agreement.
- Effective national, regional, and global cooperation, coordination, and information sharing.

Acknowledgements

We would like to thank the workshop presenters for their informative and thought provoking discussions; and the workshop attendees for their engaging participation and discussions. We express sincere gratitude to Ms. Jennifer Leff of Meridian International Center for coordinating the workshop venue and meeting logistics and for assisting with participant travel arrangements.

