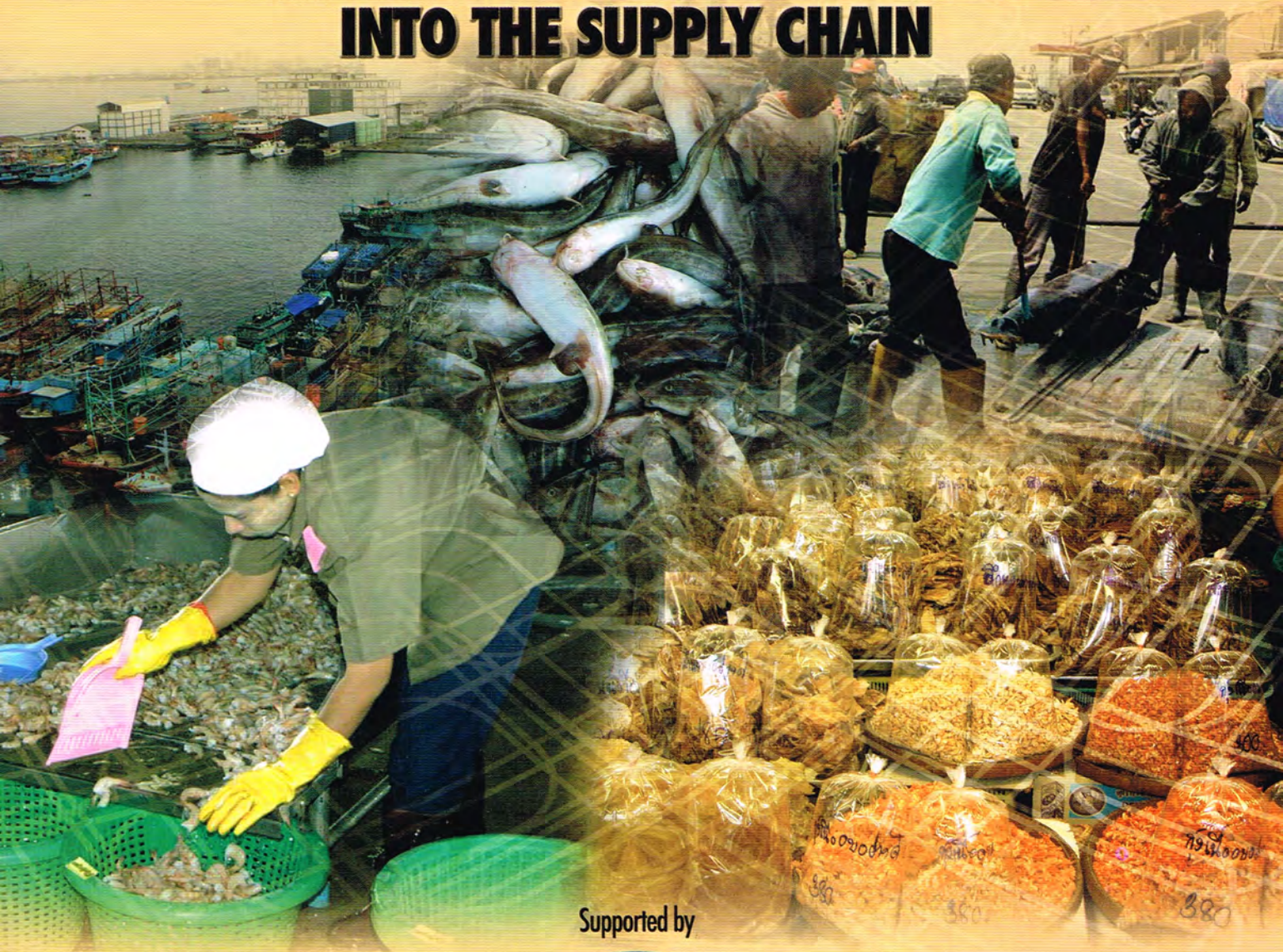




ASEAN GUIDELINES FOR PREVENTING THE ENTRY OF FISH AND FISHERY PRODUCTS FROM IUU FISHING ACTIVITIES INTO THE SUPPLY CHAIN



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**SOUTHEAST ASIAN FISHERIES DEVELOPMENT CENTRE
MARINE FISHERY RESOURCES DEVELOPMENT AND MANAGEMENT DEPARTMENT
TAMAN PERIKANAN CHENDERING, 21080 KUALA TERENGGANU**

**ASEAN GUIDELINES FOR
PREVENTING THE ENTRY OF FISH AND FISHERY PRODUCTS FROM
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2015

MFRDMD IN COLLABORATION WITH SECRETARIAT

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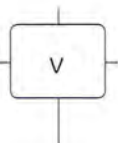
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ABBREVIATIONS AND ACRONYMS

ACDS	ASEAN Catch Documentation Schemes
AEC	ASEAN Economic Community
AFCF	ASEAN Fisheries Consultative Forum
AMAF	ASEAN Ministers of Agriculture and Forestry
AMS	ASEAN Member States
ASEAN	Association of Southeast Asian Nations
ASEAN-WEN	ASEAN Wildlife Enforcement Network
ASWGFi	ASEAN Sectoral Working Group on Fisheries
CCRF	Code of Conduct for Responsible Fisheries
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CDS	Catch Documentation Scheme
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CTI-CFF	Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security
eBCD	electronic Bluefin Catch Documentation System
EC	European Commission
EEZ	Exclusive Economic Zone
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FCG/ASSP	Fisheries Consultative Group of the ASEAN-SEAFDEC Strategic Partnership
ICCAT	International Commission for the Conservation of Atlantic Tunas
IGO	Inter-governmental Organization
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate IUU Fishing
IUU	Illegal, Unreported and Unregulated
JTF	Japanese Trust Fund
LRFF	Live Reef Food Fish
LRFFT	Live Reef Food Fish Trade
MALSINDO	Malaysia, Singapore and Indonesia
MCS	Monitoring, Control and Surveillance
MFRDMD	Marine Fishery Resources Development and Management Department
MRC	Mekong River Commission



MRC-FP	MRC Fisheries Programme
NGO	Non-governmental Organization
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate IUU Fishing
PSM	Port State Measures
RAC	Regional Advisory Committee on Fisheries Management in Southeast Asia (2009-2012)
RCCRF	Regional Code of Conduct for Responsible Fisheries for Southeast Asia
RFMO	Regional Fisheries Management Organization
RFVR	Regional Fishing Vessels Record
RPOA	Regional Plan of Action
RPOA-IUU	Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in Southeast Asia
RSAP	Regional Strategic Action Program
SEAFDEC	Southeast Asian Fisheries Development Center
Sec	Secretariat
SOM-AMAF	Senior Officials Meeting of the AMAF
SSME	Sulu-Sulawesi Marine Ecoregion
SSME-CAP	Sulu-Sulawesi Marine Ecoregion Comprehensive Action Plan
TD	Training Department
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission
WWF	World Wide Fund for Nature

FOREWORD

SEAFDEC/Secretariat

During the past decade, many attempts had been initiated to improve fisheries management with the fundamental objective of reducing illegal and destructive fishing. The seriousness of this concern has been increasingly expressed through discussions and recommendations in various meetings and consultations. In support of global efforts to combat IUU fishing, ASEAN Member State (AMSs) has requested SEAFDEC since 2011 to provide assistance in coming up with guidelines to prevent the entry of fish and fishery products from IUU fishing activities into the supply chain of the inter- and intra- regional as well as international fishery trade system. In this regard, SEAFDEC/MFRDMD in cooperation with the Secretariat conducted a series of consultative meeting involving the SEAFDEC Member Countries, as well as with expert from national and regional organization to identify the issues of IUU fishing activities that occur in the Southeast Asian waters.

After a series of consultations, these Guidelines had been developed to provide tools for the AMSs to make sure that fish and fishery products from the region entering the global supply chain do not come from IUU fishing activities. Thus, these Guidelines are meant to enhance the credibility and competitiveness of the region's fish and fishery products.

We are therefore pleased to present these Guidelines, which was made possible through the collaborative efforts of the AMSs and SEAFDEC. We expect that these Guidelines would serve as basis for the AMSs in formulating relevant policies and in providing an enabling environment for all stakeholders from the AMSs to have clear direction and understanding of the need to prevent the entry of IUU fish and fishery products into the Supply Chain.

Dr. Chumnarn Pongsri
SEAFDEC Secretary-General

FOREWORD

SEAFDEC/MFRDMD

Illegal, Unreported and Unregulated (IUU) fishing can take place in all areas of capture fisheries, whether within national jurisdictions or in the high seas. IUU fishing can contribute to the overfishing of fish stocks; even lead to the collapse of a fishery. This, in turn, may result in lost economic and social opportunities, both short-term and long-term. The countries in the Southeast Asian region and regional organizations are putting efforts on the promotion of sustainable fisheries management and countermeasures to combat IUU fishing. In order to combat IUU fishing, SEAFDEC Training Department (SEAFDEC/TD) in collaboration with the Marine Fishery Resources Development and Management Department (SEAFDEC/MFRDMD) have initiated the project in 2011 on the promotion of fishing license, boats registration and port state measures to combat with IUU fishing in the region, with funding support from Japanese Trust Fund II. Activity on preventing the export of IUU fish and fishery products is under the responsibility of SEAFDEC/MFRDMD. A new project related to IUU fishing was later developed under the Japanese Trust Fund VI. The project is implemented from 2013 to 2017 and aims to combat IUU Fishing in the Southeast Asian Region through the application of catch certification for international trade in fish and fishery products.

SEAFDEC also has been requested by the ASEAN Member States (AMSs) since 2011 to come-up with guidelines to prevent the entry of fish and fishery products from IUU fishing activities into the supply chain of the inter- and intra-regional as well as international fishery trade system. The said guidelines would take into consideration the relevant international trade-related measures that prohibit the marketing of fish and fish products derived through unsustainable means and from unsustainable sources. In this regard, SEAFDEC/MFRDMD in cooperation with the Secretariat had conducted series of consultative meetings involving all SEAFDEC Member Countries especially with Singapore as the ASEAN Lead Country of the program, experts from national and regional organizations to identify issues of IUU fishing activities that occur in the Southeast Asian waters. For the development of the ASEAN Guidelines, the AMSs have been encouraged to (1) Manage Fishing Activities within a Country, (2) Regulate Transshipment and Landing of Fish / Catch across Borders, (3) Prevent Poaching in the EEZs of Other Countries, (4) Control Illegal Fishing and Trading Practices of Live Reef Food Fish (LRFF), Reef-based Ornamentals and Endangered Aquatic Species, and (5) Strengthen the Management of Fishing in the High Seas and RFMO Areas.

I would like to express my sincere thanks to the Government of Japan for funding this project through the Japanese Trust Funds II and VI and also tireless efforts made by those people involved in drafting the Guidelines.

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PREFACE

The growing domestic and international demand for fish and fishery products has resulted in the excessive exploitation of aquatic resources anywhere in the world including in the Southeast Asian region. The increasing demand for fish has driven fishers to catch more fish by all means even to the extent of practicing Illegal, Unreported and Unregulated (IUU) fishing. IUU fishing not only contributes to overexploitation of fish stocks but is also a hindrance to the recovery of fish populations and ecosystems. It damages the marine environment, distorts competition and puts those fishers who operate legally at a disadvantage, adversely affecting the economic and social well-being of fishing communities, especially in the third world countries where coastal communities rely heavily on fish resources. On the global scale, IUU fishing is a big problem and very difficult to quantify, as it can occur in virtually any fishery, from shallow coastal or inland waters to the offshore areas. It is a particular issue in developing countries including the Southeast Asian countries where fisheries management strategies need to be strengthened, and where resources are limited to enforce regulations such as landing controls and vessel inspections, and deploy adequate number of patrol vessels.

During the past decade, many attempts had been initiated to improve fisheries management with the fundamental objective of reducing illegal and destructive fishing. The seriousness of this concern has been increasingly expressed through discussions and recommendations in various meetings and consultations such as those of the SEAFDEC Council, the ASEAN Fisheries Consultative Forum (AFCF), the SEAFDEC Regional Advisory Committee (RAC) on Fisheries Management in Southeast Asia, the Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in Southeast Asia (RPOA-IUU), as well as during the Meetings of the ASEAN Heads of States especially at the launching of the roadmap for the ASEAN Economic Community. Within SEAFDEC, the ASEAN-SEAFDEC collaborative projects under the Fishery Consultative Group of the ASEAN-SEAFDEC Strategic Partnership (FCG/ASSP) mechanism have been organizing consultations and discussions at the regional and sub-regional levels to find the ways and means of promoting effective fisheries management as well as managing fishing capacity in order to combat IUU fishing in the Southeast Asian region.

IUU practices could create major threats to the sustainable exploitation of living aquatic resources as well as to regional and international efforts to protect biodiversity and the world's fisheries. It is estimated that the annual production from IUU fishing activities could be from 11 to 26 million metric tons (MT) accounting for about 10 to 22% of the world's total fisheries production, and valued at about US\$ 9.0 to 24.0 billion per year¹. However, estimates of the extent of IUU fishing operations vary widely and considering its very nature, production from IUU fishing in the region is difficult to quantify.

¹ MRAG. 2009. Illegal, Unreported and Unregulated Fishing, Policy brief 8. Available in website: http://www.mrag.co.uk/Documents/PolicyBrief8_IUU.pdf. Accessed 25 September 2012

Nonetheless, some studies estimated that the value of IUU fishing in the Asia-Pacific region (including South Asian countries) could be around US\$5.8 billion annually². Some facts on IUU fishing are shown below:

“In Raja Ampat (RA), Indonesia, only about 26% of the catch from reef fish fishery in 2006 is reported and 20% is caught illegally. RA’s revenues from IUU catch in 2003-2006 amounted to US\$ 160 million (in 2003 US\$ equivalent) or an average of US\$ 40 million a year. The estimated revenue generated by illegal fishing of reef fish is almost equal to the revenue from all reef fish catch in RA (reported and unreported combined). Hook and line is one of the most important fisheries for reef fishes in this area targeting high price fishes such as groupers and Napoleon wrasse. Most of the fisheries are small-scale and do not contribute to government revenue in the form of taxes³”.

“In the Philippines, it is estimated that the average annual revenue loss due to local and foreign illegal fishing could amount to US\$ 1.6 million and 80,000 MT of fish and other marine resources are lost annually to foreign IUU fishing⁴”.

It is very clear that the main driver for IUU fishing is economic benefit considering that a vessel that is fishing illegally is able to minimize operating costs in terms of licensing, regulation, use of vessel monitoring systems and documentation. Moreover, IUU fishers could ignore quota levels, enter closed fishing areas, and catch undersized fish or target rare or even endangered species, while attracting premium price from unscrupulous buyers. In order to combat IUU fishing effectively, SEAFDEC has adopted several measures which include the establishment of the Regional Fishing Vessels Record (RFVR) for fishing vessels 24 meters in length and over in the ASEAN Member States (AMSs)⁵, port state measures and the development of the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain⁶ of the inter- and intra-regional as well as international fishery trade system and drafting of an ASEAN Catch Documentation Schemes (ACDS)^{7,8}.

² Lungren, R. *et al.* 2006. *Status and Potential of Fisheries and Aquaculture in Asia and the Pacific 2006*. RAP Publication 2006/22. FAO Regional Office for Asia and the Pacific, Bangkok

³ Varkey, D. *et al.* 2010. *Illegal, Unreported and Unregulated Fisheries Catch in Raja Ampat Regency, Eastern Indonesia*. *Marine Policy* 34: 228-236

⁴ Palma, M.A and M. Tsamenyi. 2008. *Case Study on the Impacts of Illegal, Unreported and Unregulated (IUU) Fishing in the Sulawesi Sea*. APEC, Singapore

⁵ SEAFDEC/TD. 2014. *Report of the Technical Workshop on Regional Fishing Vessel Record (RFVR) Database Development and management in Southeast Asia, 20 – 21 August 2014, Pattaya, Thailand*. TD/RP/180 October 2014. SEAFDEC Training Department, Samut Prakan, Thailand.

⁶ SEAFDEC/MFRDMD. 2014a. *Report of the Regional Technical Consultation on the Regional Guidelines for Preventing the Entry of Fish and Fishery products from IUU Fishing Activities into the Supply Chain, 23 – 25 September 2014, Kota Kinabalu, Sabah, Malaysia*. SEAFDEC Marine Fishery Resources Development and Management Department, Kuala Terengganu, Malaysia.

⁷ SEAFDEC/MFRDMD. 2014b. *Report of the Small Group Experts Meeting on Catch Documentation Scheme / System, 14 – 16 October 2014, Sepang, Malaysia*. SEAFDEC Marine Fishery Resources Development and Management Department, Kuala Terengganu, Malaysia.

⁸ SEAFDEC/MFRDMD. 2014c. *Report of the Regional Technical Consultation on ASEAN Catch Documentation System, 16 – 18 December 2014, Langkawi, Malaysia*. SEAFDEC Marine Fishery Resources Development and Management Department, Kuala Terengganu, Malaysia.

Therefore, the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain had been developed through a participatory and consultative process involving fishery experts from the ASEAN-SEAFDEC Member Countries. A series of meetings with all ASEAN-SEAFDEC Members Countries for the development of these Guidelines (**Annex 1**) had been organized by the Marine Fishery Resources Development and Management Department (MFRDMD) in collaboration with the SEAFDEC Secretariat to review and finalize the draft Guidelines before endorsement through the process of FCG/ASSP, ASWGF_i, SOM-AMAF and AMAF under the ASEAN protocol. The Guidelines was endorsed by the 17th meeting of the FCG/ASSP (4 – 5 December 2014, Ubon Ratchathani, Thailand), the 47th meeting of the Council SEAFDEC (31 March – 3 April 2015, Chiang Rai, Thailand) and the 23rd of the ASWGF_i (10 – 12 June 2015, Nay Pyi Taw, Myanmar).

The Guidelines outlines the possible future actions in the ASEAN region in combating IUU fishing, in accordance with the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region towards 2020 adopted in 2011. The Guidelines comprises three main parts. The Introduction as Part 1 includes the objective of ensuring that fish and fishery products in the supply chain do not come from IUU fishing activities. The introduction part also includes the objectives, nature and scope, guiding principle, and definition of terminologies for better understanding of the basic elements and focus of the Guidelines; Part 2 deals with the forms of IUU fishing activities found in the Southeast Asian region; Finally, Part 3 which is the most important part of the Guidelines provides guidance on preventing the entry of fish and fishery products from IUU fishing activities into the supply chain based on the root cause of IUU fishing activities that occur in the region. These Guidelines should be reviewed regularly and update when necessary as proposed by AMS. Annexes are also appended in the Guidelines to expound on matters that need lengthy discussion.

Thus, it is expected that the Guidelines could serve as basis for the AMSs in formulating relevant policies and provide an enabling environment for a clear direction and understanding of the need to prevent the entry of IUU fish and fishery products into the supply chain. In this connection, AMSs are encouraged to develop and/or strengthen strategies and measures based on these Guidelines during the period from 2015 until 2017, for implementation as soon as possible.

PART 1
INTRODUCTION

1. Goals and Objectives

- 1.1 The Guidelines is intended to provide tools for the ASEAN Member States (AMSs) to ensure that fish and fishery products from the region entering the global supply chain do not come from IUU fishing activities. Thus, the goal of these Guidelines is to enhance the credibility of the region's fish and fishery products.
- 1.2 The specific objectives of the Guidelines are:
- 1.2.1 To introduce strategies and recommend appropriate measures for the AMSs to prevent the entry of IUU fish and fishery products into the supply chain;
 - 1.2.2 To provide guidance for the AMSs to develop, strengthen and implement effective fisheries management for responsible and sustainable fisheries; and
 - 1.2.3 To promote regional collaboration among the AMSs in strengthening monitoring, control and surveillance systems of fish and fishery products entering in the supply chain.
- 1.3 The goal and objectives could be achieved through the promotion of good fisheries governance with the active participation of all stakeholders in decision-making processes and assuming the responsibilities for sustainable use of fishery resources, and an appropriate catch documentation scheme in place.

2. Nature and Scope

- 2.1 The Guidelines is applicable to all marine and inland catch of small-scale/artisanal and large-scale/commercial fisheries, and is intended to be regional and international in scope but with specific focus on the needs of the AMSs.
- 2.2 Voluntary and non-legally binding in nature, the Guidelines provide guidance for the AMSs to strengthen their national efforts in preventing the entry of IUU fish and fishery products into the supply chain.
- 2.3 The Guidelines is directed to the AMSs, sub-regional, regional and international organizations, as well as inter-governmental organizations (IGOs). The Guidelines would also be useful for research and academic institutions, private sector, non-governmental organizations (NGOs), and other stakeholders.
- 2.4 The Guidelines takes into consideration many forms of illegal, unreported and unregulated (IUU) fishing that occur in the Southeast Asian region, such as illegal fishing activities within a country; unauthorized transshipment and landing of fish/catch across borders; poaching in the EEZs of other countries; illegal fishing and

trading practices of live reef food fish, reef-based ornamentals, and endangered aquatic species; and IUU fishing in the high seas and RFMO areas.

3. Guiding Principle

- 3.1 In view of the need to prevent the occurrence of IUU fishing as it hinders the sustainability of fisheries development in the region, this Guidelines is developed based on the principles found in international and regional instruments, such as the FAO Code of Conduct for Responsible Fisheries (CCRF), the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU), the Regional Code of Conduct for Responsible Fisheries for Southeast Asia (RCCRF), the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region (2001, 2011), the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in Southeast Asia (RPOA-IUU). Trade measures introduced by the European Union (EU) such as the European Commission Regulation 1005/2008 (EC-Regulation) is also referred to in the development of the Guidelines.
- 3.2 These Guidelines also refer to the initiatives undertaken by national, bilateral/multi-lateral, regional organizations and RFMOs in combating IUU fishing (as appeared in **Annex 2**).

4. Definition of Terminologies

- 4.1 **Catch Certification** is a flexible instrument that can take into account different situations such as the nature of products, the type of fisheries, existing control systems and other factors. Catch certification scheme are issued at the point of harvesting and cover all fish to be landed or transhipped (FAO Report of the Expert Consultation of Regional Fisheries Management Bodies on Harmonization of Catch Certification, 2002) for both processed and unprocessed marine products to imports, exports and re-exports to and from the ASEAN and/or international markets, irrespective of the means of transport (fishing vessel, other vessel, air or land transportation). The objectives of the catch certification scheme are:
- ensuring product traceability at all production stages, from catch to marketing, including processing and transport;
 - enabling flag States to better monitor the fishing activities carried out by its vessels and so support compliance with conservation and management rules; and
 - providing a legal basis for cooperation between flag States, countries of processing and of marketing and improving the dissemination of information.

- 4.2 **Catch Documentation Scheme (CDS)** is defined in the paper on Harmonization of Catch Documentation Schemes presented at the 11th Session of FAO Sub-committee on Fish Trade, 2008 as a scheme that combines both catch certification and trade documentation, *i.e.* it documents verifiable information on fish catch from point of capture to the final destination. A CDS covers selected aquatic species from the point of first capture by a flag State through regional/international trade routes (*i.e.* imports, exports and re-exports) to the State of final destination. In the CDS, it is necessary for fishing and trading nations to ensure that fish entering the market are harvested in accordance with conservation and management measures. In order to guarantee compliance, the following sets of documents are required:
- Copies of all validated catch documents issued to fishing vessels, and
 - Copies of all export or re-export documents issued or received.
- 4.3 **Catch Documentation System** refers to the specific system or technical approach to support the CDS implementing process, such as the electronic Bluefin Catch Documentation System (eBCD) developed by ICCAT.
- 4.4 **Coastal State** is a State with a coastline and sovereign right to manage fisheries in waters under its jurisdiction.
- 4.5 **Double flagging or double registration** refers to fishing vessels that hold more than one flag state of vessel registration.
- 4.6 **Endangered aquatic species** refer to those aquatic species considered to be at risk of extinction according to the respective national laws and regulations.
- 4.7 **Fish** means all species of living aquatic resources, whether processed or not.
- 4.8 **Fishery Products** refer to all living aquatic resources and their derivatives that had been processed.
- 4.9 **Fishing Vessels** refer to any vessel of any size used or intended for use for the purpose of exploitation of fishery resources, including support ships, fish processing vessels, vessels engaged in transshipment and carrier vessels equipped for the transportation of fishery products, except container vessels.
- 4.10 **Foreign Fishing Vessels** refer to any fishing vessel other than the country's fishing vessels.
- 4.11 **Fishing License** refers an authorization given by a country's local/central government to individuals or companies to enable them to conduct fishing in designated areas.
- 4.12 **Flag State** refers to the State under whose laws the vessel is registered and licensed. The flag state has the authority and responsibility to enforce regulations over vessels registered under its flag, including those relating to inspection and certification. According to FAO website on Voluntary Guidelines on Flag State Performance, a flag state is defined as any country— whether coastal or landlocked — that registers a fishing vessel and authorizes the vessel to fly its flag.

4.13 **Illegal, Unreported and Unregulated (IUU) Fishing** (IPOA-IUU, 2001):

- a. **Illegal Fishing:** refers to fishing activities: conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations; conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international laws; or in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.
- b. **Unreported Fishing:** refers to fishing activities: which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.
- c. **Unregulated Fishing:** refers to fishing activities: in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

4.14 **Monitoring, Control and Surveillance** refers to activities undertaken by the fishery enforcement system to ensure compliance with fishery regulations (FAO Term Portal).

- a. **Monitoring** is the collection, measurement and analysis of fishing capacity including, but not limited to catch, species composition, fishing effort, by-catch, discards, areas of operation;
- b. **Control** involves the specification of the terms and conditions under which resources can be harvested; and
- c. **Surveillance** involves the regulation and supervision of fishing activity to ensure that national legislations as well as terms and conditions of access and management measures are observed.

4.15 **Poaching** refers to fishing in violation of access restrictions (FAO Term Portal).

- 4.16 **Port State** is the country which provides landing sites for vessels to land their fish/catch.
- 4.17 **Port State Measures** (PSM) are requirements established or interventions undertaken by port States for which a foreign fishing vessel must comply with or is subjected to as a condition for use of ports within the port State (FAO website on Port State Measures).
- 4.18 **Small-scale/Artisanal and Commercial/Large-scale Fisheries** are characterized in accordance with the countries' respective descriptions due to the different legal definitions adopted by each country.
- 4.19 **Transshipment** refers to the act of transferring the catch from one fishing vessel to either another fishing vessel or to a vessel used solely for the carriage of cargo. (FAO Technical Guidelines for Responsible Fisheries – Fishing Operations).

PART 2

FORMS OF IUU FISHING ACTIVITIES OCCURRING IN THE SOUTHEAST ASIAN REGION

5. Common Issues

- 5.1 It is recognized that IUU fishing brings about negative impacts on the economic, social and ecological attributes of fisheries that affect food security. Specifically, IUU fishing has contributed to the reduction in food supply, lost livelihoods and state revenues, diminishing fish stocks, and damaging ecosystems, with the most devastating effects concentrated in developing countries due to their greater vulnerability. These illegal activities form a complex web – from illegal fishing activities to illegal trade, and finally to persistent catching from unsustainably fished stocks with the underlying objective of getting high profit from illegally caught fish.
- 5.2 Moreover, the driving forces that lead to the rampant occurrence of IUU fishing in the waters of Southeast Asia could include: inadequate regulatory control over national fishers and fishing vessels, insufficient effective management tools to manage fishing capacity, weak enforcement of fishing legislations, evading the payments of fishing fees and taxes, absence of or inadequate maritime boundary agreements, and incompatible legal frameworks for combating IUU fishing.
- 5.3 Furthermore, the need to strengthen regional and sub-regional efforts to combat IUU fishing has been considered as one of the priority actions of the AMSs in parallel with the establishment of the ASEAN Economic Community (AEC) on 31st December 2015.

6. Various Forms of IUU Fishing Activities

- 6.1 Many AMSs have encountered and experienced IUU fishing in various forms. The Guidelines specifically addresses five (5) major forms of IUU fishing activities occurring in the Southeast Asian region that include the following:

6.1.1 Illegal fishing activities within a country:

This includes several root causes of illegal fishing activities such as fishing without valid license or registration document, vessel with specifications different from those indicated in the fishing license, double flagging, fishing in waters outside the permitted or designated fishing areas, operating prohibited fishing gears and methods, landing of fish in unauthorized ports, transferring of catch at sea, and unreporting or misreporting of catch.

6.1.2 Unauthorized transshipment and landing of fish/catch across borders:

This includes fishing vessels operating in a country but transshipping or landing their fish/catch across borders without authorization.

6.1.3 Poaching in the EEZs of other countries:

This type of IUU fishing practices includes foreign fishing vessels illegally fishing in another country's waters.

6.1.4 Illegal fishing and trading practices of live reef food fish, reef-based ornamental and endangered aquatic species:

This includes illegal fishing activities such as the use of chemicals and other unregulated practices to collect and trade live reef food fish, as well as reef-based ornamental and endangered aquatic species for consumption and the aquarium industry.

6.1.5 IUU fishing in the high seas and RFMO areas:

In the high seas and RFMO areas, IUU fishing include a range of illicit activities, such as fishing without permission or during out-of-season; using outlawed types of fishing gears; disregarding catch quotas; unreporting and misreporting catch volumes and species. The AMSs should ensure that fish imported or landed from high seas and RFMO areas do not come from IUU fishing activities.

PART 3

PREVENTING THE ENTRY OF FISH AND FISHERY PRODUCTS FROM IUU FISHING ACTIVITIES INTO THE SUPPLY CHAIN

7. Managing Fishing Activities within a ASEAN Member States

- 7.1 Flag States should consider controlling fishing access through proper registration and licensing system for fishing vessels and gears including their accurate specifications e.g. photographs of vessels, standard vessel markings *i.e.* color coding of hull, marking system (engraving and use of copper plate) which could be shared with the AMSs. The vessel identification and licensing system of Malaysia (**Annex 3**) could be used as reference by other AMS.
- 7.2 States should promote responsible fishing practices and methods based on the Regional Guidelines for Responsible Fisheries in Southeast Asia: Responsible Fishing Operations, and the RPOA-IUU.
- 7.3 States are encouraged to:
 - 7.3.1 Update related laws and regulations as well as system of reporting catch and compiling appropriate logbook information.
 - 7.3.2 Monitor all fishing vessels by maintaining records and their performance with respect to compliance to their national laws and regulations, including current owners and operators authorized to undertake fishing activities at designated fishing areas.
 - 7.3.3 Implement, where appropriate, a Vessel Monitoring System (VMS) for all commercial fishing vessels licensed by the respective States.
 - 7.3.4 Intensify efforts to address IUU fishing, especially destructive fishing (*e.g.* blast and cyanide fishing) by promoting community-based management approach to prevent, deter and eliminate any violations with support from relevant government agencies and communities.
- 7.4 Coastal States should intensify their respective surveillance during fishing operations where appropriate, as well as port state control at designated landing ports (after landing and at market places by checking market reports).

8. Regulating Transshipment and Landing of Fish / Catch across Borders

- 8.1 States should establish formal arrangements with respect to landings between bordering countries.

- 8.2 States should consider conducting regular bilateral/multi-lateral meetings to discuss mutual agreements on licensing system, data recording, and sharing of information on licensing system, regulations, and other relevant information.
- 8.3 Port States should strengthen measures to regulate fishing vessels accessing their ports for transshipping and/or landing catch and collect and exchange relevant data including origin of catch, among neighboring countries.

9. Preventing Poaching in the EEZs of ASEAN Member States

- 9.1 Coastal States should take appropriate actions against fishing vessels operating illegally beyond their designated areas, e.g. through flag States measures, port State measures and coastal State measures.
- 9.2 States should cooperate in compiling a list of vessels reported to have been illegally operating (poaching) beyond their respective EEZs, and share this list among the relevant countries.
- 9.3 States should support in regularly updating information for the Regional Fishing Vessels Record (RFVR) endorsed by the Special SOM-34th AMAF. The basic requirements for the RFVR database are shown in **Annex 4**.
- 9.4 States are encouraged to establish mutual bilateral/multilateral agreements among neighboring countries to set terms and conditions (including enforcement, penalties, and other regulations), for permission to fish in each other's fishing areas.

10. Controlling Illegal Fishing and Trading Practices of Live Reef Food Fish, Reef-based Ornamentals and Endangered Aquatic Species

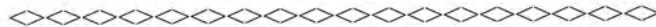
- 10.1 States should conduct regular inter- and intra- meetings among relevant authorities (including customs departments) and exporting companies for mutual agreements on harvesting practices and data reporting of live reef food fish, reef-based ornamentals, and endangered aquatic species.
- 10.2 States should have appropriate mechanisms for the monitoring and data collection of live reef food fish and reef-based ornamentals trades.
- 10.3 States should ensure that export of endangered aquatic species is avoided, except for research and experimental purposes for which such export should be accompanied by appropriate documents.
- 10.4 States should encourage participation of small-scale/artisanal fishers, who account for majority of LRFF production, in co-management, and to enhance their awareness of the impacts of illegal fishing and trading of such aquatic species.
- 10.5 States should consider establishing a network between the LRFF importing and exporting countries, to strengthen LRFFT management at the regional level.

11. Strengthening the Management of Fishing in the High Seas and RFMO Areas

- 11.1 Port States should strengthen their respective port state measures including control of port entry, use of port services, requirements for pre-port entry notification and designation of ports for fishing vessels.
- 11.2 Flag States should implement, where appropriate, observer programs in accordance with relevant national, regional or international regulations with respect to high seas fisheries.
- 11.3 Flag States should cooperate with the relevant RFMOs in complying with their Catch Document Schemes to prevent the landing of fish and fishery products from IUU fishing in the RFMO areas.

12. Review of the Guidelines

- 12.1 These Guidelines should be reviewed regularly when necessary as proposed by AMSs.



Annex 1

Meetings under the JTF IUU Project 2011 – 2014 for the Development of these Guidelines

1. The Regional Core Experts Meeting on Fishing License, Boat Registration and Information on Export of Fisheries products in Southeast Asia, 4 – 7 October 2011 in Bangkok, Thailand
2. The Regional Core Expert Meeting on Preventing Export of IUU Fishing Products In Southeast Asia, 20 – 22 November 2012 at Concorde Inn KLIA, Sepang, Malaysia.



3. The Meeting with Malaysian Officials for Preparation of the “Core Expert Meeting on Combating IUU Fishing in Southeast Asian Region through Application of Catch Certification for International Trade in Fish and Fishery Products”, 11 – 13 June 2013 at KL International Hotel, Kuala Lumpur, Malaysia.
4. The Regional Core Expert Meeting on Combating IUU Fishing in Southeast Asian Region Through Application of Catch Certification for International Trade in Fish And Fishery Products” 07 – 09 October 2013 at Quality Hotel, Kuala Lumpur, Malaysia.



5. Meeting with Malaysian officials to further developed the regional guidelines from 10 – 11 February 2014 at Empress Hotel, Salak Tinggi , Malaysia.
6. IUU project discussion between officials from SEAFDEC Secretariat and MFRDMD, 28 – 30 April 2014 at SEAFDEC/MFRDMD, Terengganu, Malaysia.
7. The meeting with Singapore (ASEAN Lead Country) on Combating IUU Fishing in Southeast Asian Region 25 Aug. 2014 at Furama Hotel, Kuala Lumpur, Malaysia.
8. The Regional Technical Consultation (RTC) on the Regional Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain, 23 – 25 September 2014 at Horizon Hotel, Kota Kinabalu, Sabah, Malaysia



Annex 2

National, Bilateral / Multi-Lateral and Regional Initiatives to Combat IUU Fishing

1. National Initiatives

In order to strengthen national efforts in combating IUU fishing, the AMS are encouraged to develop their respective National Plan of Action to Prevent, Deter and Eliminate IUU Fishing (NPOA-IUU). Recently several AMSs, namely: Brunei Darussalam, Indonesia, Malaysia, Philippines, and Vietnam have adopted their respective NPOA-IUU Fishing while the remaining AMS are in the developing process. Examples of activities to combat IUU fishing based on some national practices are as follows:

- Improved registration and licensing of fishing vessels to ensure that only licensed vessels are allowed to access the country's fishery resources.
- Intensification of activities and development of the country's capacity for fisheries surveillance including monitoring at sea, from air, and/or in ports.
- Establishment of ad hoc fisheries courts, e.g. Indonesia, in areas where there are more cases of fisheries violations and/or national coordination fora involving relevant government institutions to enhance the effectiveness of enforcement of respective fisheries laws.
- Implementation of a Vessels Monitoring System (VMS) to enhance fisheries management through monitoring and surveillance, and to provide accurate data and information on the activities of fishing vessels.
- Development of community-based fisheries surveillance system as means of enhancing MCS, where community groups undertake observations at sea and on land, and to report to proper authorities in their community fishers' groups about vessels suspected to be conducting illegal fishing activities.
- Strengthening capacity building activities for fishers to enhance their awareness on fisheries regulations.

2. Bilateral / Multi-lateral Enforcement Activities

Establishment of the bilateral or multi-lateral arrangements among the AMSs in combating IUU fishing in their common or shared or transboundary waters had been recently carried out through sub-regional programs supported by some donors including SEAFDEC. Some examples of the initiatives of AMSs are as follows:

- Collaborative measures through a Memorandum of Agreement between Cambodia and Vietnam to combat IUU fishing in their shared waters.

- Trilateral arrangements with Malaysia, Singapore and Indonesia (MALSINDO) to conduct collaborative patrol activities and the joint “Eye in the Sky” air patrol to monitor anti-piracy activities and IUU fishing activities in the Strait of Malacca.
- Trilateral arrangement of Indonesia, Malaysia and Philippines to combat IUU fishing in Sulu-Sulawesi Sea including the countries’ participation in the World Wide Fund for Nature (WWF) program under the Sulu-Sulawesi Marine Ecoregion initiatives and RPOA-IUU as well as in the joint patrol exercises.

3. Regional and RFMOs Initiatives

a) ASEAN Wildlife Enforcement Network

The ASEAN Wildlife Enforcement Network (ASEAN-WEN) is the world’s largest wildlife law enforcement network that involves police, customs and environment agencies of all ASEAN countries, namely: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. ASEAN-WEN is a regional intergovernmental law-enforcement network designed to combat the illegal wildlife trade; a proactive response to Southeast Asia’s alarming levels of wildlife trafficking and loss; and a mechanism by which countries can share information and learn from each other’s best practices. Through annual meetings, workshops and trainings, ASEAN-WEN facilitates increased capacity and better coordination and collaboration of law enforcement agencies among the Southeast Asian countries, regionally and globally. Links with the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) offices, Interpol, U.S. Fish and Wildlife Service, U.S. Department of Justice and other wildlife law enforcement groups have broadened the Network’s reach. Along with an increase in ASEAN-WEN’s visibility, the region has also experienced a recent increase in wildlife law enforcement actions in Southeast Asia (www.asean-wen.org).

b) Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF)

A multilateral partnership of six countries, namely: Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and Timor-Leste, the CTI-CFF is aimed at sustaining the extraordinary marine and coastal resources by addressing crucial issues such as food security, climate change and marine biodiversity. In order to support the initiatives of the CTI-CFF, the relevant AMS are encouraged to implement policies that would address regional problems, including measures to mitigate the impacts of climate change and combat IUU fishing in the region. These two aspects are the corner stone of the CTI-CFF in promoting a regional approach towards ocean governance (www.coraltriangleinitiative.org).

c) Mekong River Commission

The 1995 Mekong Agreement signed on 5 April 1995 by Lower Mekong Basin countries, namely: Cambodia, Lao PDR, Thailand, and Vietnam, outlines the legal mandate of the Mekong River Commission (MRC). The MRC-Fisheries Programme (MRC-FP) conducts research on inland capture fisheries, trains fisheries managers, promotes aquaculture of indigenous Mekong fish species, and disseminates information to policy makers and planners in the four Lower Mekong countries. MRC-FP is implemented through the national fisheries agency in each country to ensure good alignment of the MRC-FP with national priorities and uptake of its results at national level. The goal of MRC-FP is to achieve coordinated and sustainable development, utilization, management and conservation of the fisheries of the Mekong Basin and to aid the MRC member countries in implementing sustainable fisheries management and development at local, national and regional levels. (www.mrcmekong.org).

d) Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in Southeast Asia (RPOA-IUU)

Represented in the RPOA-IUU are eight (8) of the 10 AMSs, *i.e.* Brunei Darussalam, Cambodia, Indonesia, Malaysia, Philippines, Singapore, Thailand, and Vietnam, with the overall objectives of enhancing and strengthening the overall level of fisheries management in the region in order to sustain the fisheries resources and marine environment, and optimizing the benefits of adopting responsible fishing practices. The actions under the RPOA-IUU include conservation of fisheries resources and their environment, managing fishing capacity, and combating IUU fishing in the areas of the South China Sea, Sulu-Sulawesi Sea (Celebes Sea) and the Arafura-Timor Sea (www.rpoaiuu.org).

e) Sulu-Sulawesi Marine Ecoregion

The Sulu–Sulawesi Marine Ecoregion (SSME), as the apex of the Coral Triangle, is considered the center of marine biodiversity where the highest number of colorful reef and marine fishes, various sizes of corals and shells, myriad shapes of algae, and protective mangrove forests are found. In order to address threats to SSME’s diversity and productivity, an ecoregion conservation plan was forged collaboratively by Indonesia, Malaysia, and the Philippines in 2004. The SSME Ecoregion Conservation Plan has spurred the development of three comprehensive action plans for 2010–2012. These plans are implemented by the subcommittees on Migratory and Threatened Species, Marine Protected Areas and Networks, and Sustainable Fisheries, and guided by the SSME’s Tri-National Committee⁵.

⁵ Comprehensive action plans of the Sulu-Sulawesi Ecoregion: A priority seascape of the Coral Triangle Initiative. Mandaluyong City, Philippines: Asian Development Bank, 2011. 154 pp.

The Regional Strategies Action Program (RSAP) of the Sulu-Celebes Sea Sustainable Fisheries Management Project 2013 which was endorsed by Indonesia, Malaysia and Philippines, identified one of the work plans on Monitoring, Control, and Surveillance (MCS) targeted by 2020 with the main objective of strengthening law enforcement through cooperation and exchange of information among marine law enforcers (trans-border). Such activities include applying the RPOA strategy on IUU fishing in the SSME, improve bi- or multilateral coordination to combat IUU fishing in the SSME, and adopt the relevant MCS activities in the SSME-CAP on sustainable fisheries⁶.

f) RFMOs Initiatives


Some AMS are actively participating in the various RFMOs that implement regulations to combat IUU fishing in the RFMO areas. These include the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Indian Ocean Tuna Commission (IOTC), and Western and Central Pacific Fisheries Commission (WCPFC).

⁶ Sulu Sulawesi Marine Ecoregion Tri-National Committee 2013. Strategic Action Program for the Sulu-Celebes Sea Large Marine Ecosystem. Prepared for the Sulu-Celebes Sea Sustainable Fisheries Management Project under GEF/UNDP/UNOPS. 19 pp.

Annex 3

Example of Vessel Identification and Licensing System of Malaysia

1. Licensing of Vessel

Issues	Details or Photographic Examples
1) All vessels engaging in fishing activities in Malaysian waters need a License to operate	
2) A license need to renewed on a yearly basis subject to vessel inspection report	
3) Secured features (protective element) for Fishing License	<ul style="list-style-type: none"> ➤ Use scattered watermark ➤ Fluorescent on the Fisheries Department logo in each page is only visible under the ultra violet light ➤ Serial Number in the front page is of invisible colored and only visible under ultra violet light
4) Information of fishing vessel registration	<ol style="list-style-type: none"> 1) Registration number; 2) Name, address and identification card number of owner or owners; 3) Where and when built; 4) Type of vessel; 5) Length, breadth, depth; 6) Name and address of operator (manager) or operators (managers) (if any); 7) Type of fishing method or methods; 8) Gross registered tonnage; 9) Power of main engine or engines; 10) Nationality and the number of crews to be employed; 11) Fishing vessel base.
5) Validity of Licenses	<ul style="list-style-type: none"> ➤ Traditional < 40 GRT 3 YEARS ➤ Commercial < > 70GRT 1 YEAR



State	Color	State	Color
Perlis	Dark Blue	Melaka	Purple
Kedah	Dark Red	Johor	Blue
Pulau Pinang	Light Blue	Pahang	Light Yellow
Perak	Dark Yellow	Terengganu	Light Green
Selangor	Orange	Kelantan	Dark Red
Negeri Sembilan	Dark Green	Labuan	Red

- Prefix of the Registration No.

➤ The permanent letters of the registration no. is according to state :

State	Permanent Letters	State	Permanent Letters
Perlis	PSF	Melaka	MKF
Kedah	KHF	Johor	JHF
Pulau Pinang	PPF	Pahang	PAF
Perak	PKF	Terengganu	TRF
Selangor	SLF	Kelantan	KNF
Negeri Sembilan	NSF	Labuan	LNf

- Registration Number

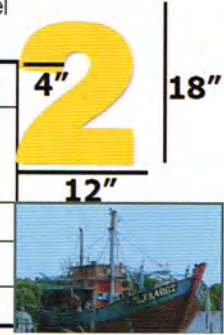
- The Registration number must be carved on both sides of the fore part of the hull of the vessel
- In the case of the deep sea vessel (> 70 GRT) the number must also be carved on the roof of the wheelhouse
- The carved number must be painted in white with a black background

PAF3954 KNF1234

- Size of registration number

➤ Size of the registration number to be carved and painted is based on the size of the vessel

Vessel	Size of the No.
Vessel without engine/with portable engine	6" x 4" x 1.25"
< 25 GRT	9" x 8" x 1.75"
25 - < 40 GRT	12" x 8" x 2.5"
40 - > 40 GRT	18" x 12" x 4"



- Tin Plate

➤ With the department logo and the signature of Director General of the Department, is placed in the inner side of the hull.



- Hammer emblem on the hull

➤ The alphabet used as emblem represent the state code eg. JHF 1, where JH stand for Johor, F for fisheries and for number the one district in Johor that is Muar District



In the future DOF Malaysia plans to use Radio Frequency Identification (RFID) chips to be embedded in fishing vessel

Annex 4

Basic Requirements of the Regional Fishing Vessels Record (RFVR) for the Vessel of 24m in Length and Over

1. Name of vessel
2. Vessel Registration Number
3. Owner Name
4. Type of fishing method/gear
5. Port of registry
6. Gross tonnage (GRT/GT)
7. Length (L)
8. Breadth (B)
9. Depth (D)
10. Engine Power
11. Shipyard/Ship Builder
12. Date of launching
13. International Radio Call Sign
14. Engine Brand
15. Serial number of engine
16. Hull material
17. Date of registration
18. Area (country) of fishing operation
19. Nationality of vessel (flag)
20. Previous name (if any)
21. Previous flag (if any)
22. Name of captain/master
23. Nationality of captain/master
24. Number of crew (maximum/minimum)
25. Nationality of crew
26. IMO Number (If available)



MARINE FISHERY RESOURCES DEVELOPMENT AND MANAGEMENT DEPARTMENT
SOUTHEAST ASIAN FISHERIES DEVELOPMENT CENTER

