

2017 ASEAN REGIONAL FORUM STATEMENT ON COOPERATION TO PREVENT, DETER, AND ELIMINATE ILLEGAL, UNREPORTED, AND UNREGULATED FISHING

Adopted in Manila, the Philippines on 7 August 2017

Noting with serious concern the conservation, transnational, and complex impacts of Illegal, Unreported and Unregulated (IUU) fishing on the marine environment, sustainability of marine resources, and the well-being of coastal States as a whole;

Noting the concerns of connections when factually evident, between IUU fishing and other illegal activities, such as document fraud, money laundering, human trafficking, labor exploitation, corruption, and tax and customs fraud;

Recognizing the role of maritime law enforcement in addressing IUU fishing as well as the need to address any illegal activities present in the fisheries value chain;

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS);

Bearing in mind the ASEAN Political and Security Community Blueprint 2025 article B.6.2.vii, mandating ASEAN to expand maritime cooperation, to effectively combat transnational crimes as well as to address trans-boundary challenges, including IUU fishing;

Welcoming the contributions of the Southeast Asian Fisheries Development Centre (SEAFDEC) to promote sustainable fisheries and to address the challenge of IUU fishing in the region;

Recalling the commitments made by the Head of State/Government of the East Asia Summit (EAS) Participating Countries, in the EAS Statement on Enhancing Regional Maritime Cooperation, including utilizing relevant ASEAN-led mechanisms as appropriate venues to ensure that the region is free of various trans-boundary challenges including IUU fishing;

Recalling also the United Nations General Assembly Resolution Number A/RES/70/75 on Sustainable Fisheries, as well as the 1995 Agreement for the Implementation of the Provisions of the 1982 UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;

Noting the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, the FAO Voluntary Guidelines for Flag State Performance and the FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing and the recommendations therein;

Noting also efforts at the FAO to establish an “International Day for the Fight against Illegal, Unreported and Unregulated Fishing”, with a view to include it in the UN Calendar of International Days in order to increase the awareness of IUU fishing;

Welcoming the recent increase in ARF Participants ratifying, accepting or acceding to the 2009 FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing;

Recognizing that fishing activities in the area of competence 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 are therefore unregulated fishing activities;

Noting that pending a comprehensive and durable settlement of territorial and jurisdictional disputes, the Parties concerned may explore or undertake relevant cooperative activities, in accordance with universally recognized principles of international law, including the UNCLOS 1982, without prejudice to the positions of the concerned Parties to the dispute;

Recalling also the Sustainable Development Goals Target 14.4 to effectively regulate harvesting and end overfishing, IUU fishing and destructive fishing practices and implement science based management plans by 2020, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics;

Noting the Joint ASEAN-SEAFDEC Declaration on Regional Cooperation for Combating IUU Fishing and Enhancing the Competitiveness of ASEAN Fish and Fishery Product issued on 3 August 2016 in Bangkok;

Building on the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain; the ASEAN Regional Forum Ministerial Statement on Strengthened Cooperation on Marine Environment Protection and Conservation, and the ASEAN Regional Forum Work Plan on Maritime Security 2015-2017;

Recognizing the important role that fish processing states have in verifying volumes caught and imported, and their source;

Reiterating the ASEAN Regional Forum Participants' commitment to cooperate in preventing, deterring and eliminating IUU fishing, the Participants of the ASEAN Regional Forum are invited to work towards:

Preventing, deterring, and eliminating IUU fishing through actions in accordance with relevant rules of international law, in particular as reflected in the 1982 UNCLOS;

As a matter of priority, consider ratifying, accepting or acceding to, as appropriate, the 1982 UNCLOS, the 1995 UN Fish Stocks Agreement, the 1993 FAO Compliance Agreement, and the 2009 FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing;

Implementing effectively the UN FAO's Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing, by among other means, developing and/or implementing National Plans of Action;

Continue Supporting the existing Regional Plan of Action (RPOA) against IUU Fishing comprising RPOA-IUU States with the aim to promote responsible fishing practices and combat IUU fishing in the region;

Supporting and strengthening the work of Regional Fisheries Management Organizations (RFMOs) in fisheries management, science, and conservation of living marine resources and **encouraging** that RFMO governing bodies pass resolutions that provide appropriate measures to deter registered and unregistered fishing vessels conducting IUU fishing within their respective jurisdictions;

Undertaking comprehensive and effective monitoring, control and surveillance (MCS) of fishing vessels subject to their jurisdiction, including standardizing specifications to mark and identify vessels to support inspection procedures taking into account the 2009 FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing;

Supporting the implementation of port state measures to block the flow of IUU-caught fish into national and international markets, and into the supply chain by parties to the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing;

Taking all necessary steps, consistent with international and national law and in a fair, transparent and non-discriminatory manner, to prevent fish caught by vessels identified by the relevant RFMOs to have been engaged in IUU fishing from being traded or imported into their territories;

Cooperating in taking action against cases of IUU fishing and illegal activities, in accordance with existing international and national laws, and instruments;

Sharing information, as appropriate, on vessels found to have engaged in IUU fishing beyond their respective Exclusive Economic Zones to RFMOs and relevant countries or organizations dealing with the IUU fishing violation;

To the greatest extent possible, taking measures to ensure that their nationals do not support or engage in IUU fishing;

Encouraging states to cooperate to address IUU fishing cases in accordance with international and national law, including those that relate to the humane treatment of suspected offenders;

Working to ensure that national legislation and enforcement regimes provide appropriate administrative, civil, and/or penal sanctions to prevent, deter, and eliminate IUU fishing, and to deprive offenders of the benefits accruing from such activities;

Encouraging states to take responsibility to ensure that vessels flying their flag do not undermine the effectiveness of conservation and management measures, including engaging in or supporting IUU fishing;

Encouraging fisheries cooperation among ARF Participants through bilateral and regional arrangements, relevant industries, and research, based on the principles of sustainable fisheries management and responsible fishing practices;

Encouraging steps consistent with applicable national and international law to explore practical measures that can be used to strengthen existing cooperation including in ASEAN- led mechanisms in addressing IUU fishing in a more comprehensive manner, such as:

- Develop and improve National Plans of Action to Promote Responsible Fishing Practices including Combating IUU Fishing;
- Exchange data or information, in accordance with any applicable laws, including national confidentiality or privacy requirements, preferably in a standardized electronic format, established by the Participants, from records of vessels authorized by them to fish, as well as in respect of vessels suspected on reasonable grounds to have engaged in IUU fishing;
- Cooperate on the elaboration and implementation of measures to exclude the import of seafood resulting from IUU fishing;
- Consider increasing information sharing by processing states of statistics related to processed seafood and its supply chain, and cooperate in effective acquisition, management, and verification of relevant data and information from fishing, including scientific assessments of available resources;

- Allow and enable their respective MCS practitioners and enforcement personnel to cooperate in the investigation of IUU fishing, consistent with any applicable national laws;
- Undertake and promote bilateral, sub-regional, regional, and international cooperation, including cooperation between law enforcement agencies, through when appropriate, on a case-by-case basis, cooperation in investigations and exchange of information, inter alia information on legislation and law enforcement intelligence;
- Cooperate with research institutions on joint research, fisheries stock assessments, and exchange of expertise, and recommend methodologies, technologies and best practices for addressing issues related to combating IUU fishing;
- Collaborate on measures that would assist in effectively addressing IUU fishing, and where factually evident, illegal activities associated with IUU fishing;
- Research, review and strengthen where appropriate, national laws and regulations regarding IUU fishing to combat its degrading effects on the environment, and its possible implications on human rights, fishing markets, and the well-being of coastal States;
- Collaborate to strengthen national efforts on awareness raising and education for fishers in order to secure sustainable fisheries.
- Adopt the precautionary approach and manage fishery and aquatic resources, in a manner consistent with the concept of an Ecosystem-Based Approach to Fisheries Management and integrated coastal area management in specific natural fishery management areas.