

5. The Meeting adopted the agenda, which appears as **Annex 3**.

III. CONCERNS ON FISHERIES MANAGEMENT IN THE GULF OF THAILAND

3.1 Geographical Coverage of the Gulf of Thailand

6. The definition of the geographical coverage of the Gulf of Thailand for the purpose of the continued work of this Gulf of Thailand Group was discussed. The meeting also took note of the existing political boundaries including overlapping EEZ claims. It was agreed that there were no need, or scope, for this Group to address the overlapping claims and to provide a framework for the delimitation of the Gulf of Thailand in the context of this Group the FAO map for administration and management of statistical data collection was introduced. In summary, the Meeting recommended that:

- 6.1 The delimitation of the Gulf of Thailand for this group should be consistent with the FAO – and SEAFDEC - fishing areas for collecting statistics. These areas are also, roughly, consistent with national statistical reference areas
- 6.2 This implies a boundary definition of the Gulf of Thailand that would include the following sub-areas within the FAO Fishing Area 71 (**Annex 4**) that include: (1) **Sub-area 71 a: Marine fishing area of Thailand (Gulf of Thailand); (2) Sub-area 71 b: Marine fishing area of Cambodia; (3) Sub-area 71 c: Marine fishing area of Vietnam (Southwest Vietnam); and (4) Sub-area 71 e: Marine fishing area of Malaysia (East Coast of Peninsular Malaysia)**
- 6.3 After confirmation from the four countries the combined coverage of these sub-areas would be used as geographical reference to “Gulf of Thailand” for the purpose of fisheries-related cooperation in the “Gulf of Thailand Sub-region”

3.2 Follow up and cooperation on the Vessel Registration

7. While recalling the recommendations from the July 2008 *Expert Meeting on Fishing Vessel Registration on Monitoring – Control – and Surveillance* specifically on the need to establish cooperation among agencies responsible for the registration of fishing vessels and those that grant the license to fish as well as to develop a mechanism of information sharing. Furthermore, in recollection of discussions during the July 2008 Meeting it is important to be clear on definitions – there is a need to make a clear distinction between a “vessel registration” (in accordance with IMO and international standards, allowing the vessel to fly a certain flag) and a record of fishing vessels that have (or have not/need not have) a fishing license.

8. As a first step to sub-regional and regional records of fishing vessels and available fishing capacity, ideally based on a standard format for the data collection with a network established for the Gulf of Thailand with agreed reporting mechanism to facilitate sharing of information, the Meeting discussed the draft survey form (**Annex 5**) on vessel record and inventory, initiated during the July 2008 Meeting. The aim is to assess the extent of available information in each country around the Gulf of Thailand that could be used for regional information sharing. In this regard, the Meeting suggested that:

- 8.1 The draft survey form should be refined, including definitions as needed and annotated descriptions of the expected inputs to be provided to clarify the purpose of each item
 - 8.2 Include local fisheries associations (community fisheries, local government units, etc) to assist in collecting information on small-scale fishing vessels
 - 8.3 Strengthen collaboration between government agencies
 - 8.4 Strengthen collaboration between government agencies and fisheries associations in order to obtain more reliable information
9. Specifically, as regards the Vessel Record and Inventory Survey Form (**Annex 5**), which is meant to be the starting point for the establishment of the said reporting mechanism, the Meeting suggested that:
- 9.1 A “glossary” of terms and definition of each item should be included in the survey form in order that this could be fully understood by the respondents;
 - 9.2 A clear distinction should be made between different types of “registrations” and “records” and the different legal/institutional responsibilities;
 - 9.3 Countries should try to provide as much as possible of available information in responding to the survey form – if no information exist that is an answer in itself
 - 9.4 Amendments on the draft survey form should be made through the SEAFDEC-Sida project, before circulating the form to the countries in the Gulf of Thailand (and other ASEAN Countries).

3.3 Port Monitoring and Monitoring of Landings by “Non-national” Vessels

10. During the March 2008 Sub-regional Meeting of the Gulf of Thailand a strong emphasis was made on the “need to have good port monitoring”. This meeting were of similar opinion and, furthermore, suggested that a cooperation mechanism for port monitoring among the countries around the Gulf of Thailand (GOT) should be established. This mechanism should also address and monitor the landings of “non-national vessels” and landing across boundaries. Reliable port monitoring with meaningful sub-regional cooperation would be as well as prepare the countries for increasing demands on traceability, catch documentation and in the event that the FAO Legally-binding Instruments on Port State Measures for Combating Illegal, Unreported and Unregulated (IUU) Fishing would come into force, the Meeting suggested that:

- 10.1 The term “non-national” vessels should be changed to “neighbouring GOT countries’ vessels” (“Unregulated landing by vessels in/from neighbouring countries” – was the wording used in the Action oriented Matrix developed for the RPOA during the March 2008 Meeting)
- 10.2 In addition to the regular port monitoring (and information collection) all countries should try to indicate information and data from landings by “neighbouring GOT countries vessels” to assess the magnitude of the landings
- 10.3 Thailand to serve as the repository of the data and serve as the lead country for the GOT Group
- 10.4 In order to start the process to indicate information on landings by “neighbouring GOT countries vessels” and organise data collected (available information), a draft format should be put up by SEAFDEC-Sida project for circulation to the countries to generate feedback and approval to go ahead (the format should be very basic to seek out what is feasible or practical – a first early suggestion on the set up can be seen in **Annex 6**)

- 10.5 Based on the first set of responses from the countries to the “approved” format a scheme should be worked out whereby countries should provide the available information to Thailand every six months (possibly by next GOT Meeting?)
- 10.6 Thailand should share all information to the countries in the sub-region

3.4 *Development of MCS network –institutional responsibilities of M, C and S respectively*

11. The March 2008 GOT Meeting indicated a recommendation to try to explore ways and steps needed to initiate the establishment of an MCS Network for the Gulf of Thailand - while recognising that the institutional and financial resources are still not in place. This recommendation was strongly supported by this GOT Meeting and the Meeting recognised the importance of the development of an MCS Network in order to strengthen the M, C and S functions and sustainable fisheries management in the sub-region. The difficulties in implementing any MCS schemes were well recognised with all the human and financial resources need - as well as the political will of key stakeholders and a related recommendation was that MCS activities should be properly designed with the objective of reducing costs on all parties including the fishermen.

12. However, to cover the whole spectre of institutional responsibilities in the scope of the full “M”, “C” and “S” framework in a Gulf of Thailand MCS Network would at this stage of national institutional developments and cooperation would not be feasible due to many reasons, lack of resources was mentioned above, including a limited understanding, or announcement, of the full range of institutional responsibilities of the functions to be performed under each of the three parts.

13. There was a general feeling (consensus) that the GOT Countries need to start somewhere and that points, and recommendations from earlier agenda points (vessel record and inventory; port monitoring) would provide a good start to deliberations on the development of a Gulf of Thailand MCS Network. To avoid being too ambitious to start with it was emphasised that a key element in a build up to a MCS Network should focus on information and information sharing – in practice indicating a focus on the “M” to start with.

14. In setting up, or initiating a MCS network the meeting agreed that a MCS network for the sub-region should be established which, initially, could facilitate the sharing of information and institutional cooperation, specific aspects to be included should include:

- 14.1 Vessel record and inventory (see recommendations under 3.2 above)
- 14.2 Port monitoring mechanism and information on landings (see recommendations under 3.3 above)
- 14.3 Other points that could be considered (based on later agenda points) was to include information sharing on the monitoring of:
 - gear and licenses
 - catches/catch documentation
- 14.4 Special attention need to be made on ways to include information from community fisheries and community based fisheries management

15. The rationale for promoting the MCS Network include, already in the short term, an ambition to promote compliance on the part of the fishermen on the requirements of

sustainable fisheries and through the M,C,S Network to prepare the countries for increasing demands on traceability, catch documentation (EU and others) and on the eventual enforcement of the legally binding port State Measures. The Meeting suggested that MCS-related promotion/activities should be implemented together with efforts to:

- 15.1 provide information to increase awareness among fishermen on conservation and responsible fisheries
- 15.2 enhance human capacity building through training, workshops, study tours, etc. by requesting international donors, and other sources, to assist in strengthening the MCS capacity in the sub-region
- 15.3 develop and conduct a specific course on MCS by SEAFDEC starting with the GOT sub-region

16. With specific focus on small-scale and community fisheries the meeting suggested that efforts should be made to:

- 16.1 Strengthen community participation specifically in the M and S activities
- 16.2 The Sub-region could learn from the experience of Thailand particularly the CHARM pilot project in southern Thailand where MCS was successfully implemented at the local community level
- 16.3 Explore experiences to be shared also from other countries in the region

17. As regards the draft Institutional Matrix for Key Elements of “Monitoring”, “Control” and “Surveillance” (**Annex 7**) which is aimed at promoting institutional cooperation in the Gulf of Thailand, the Meeting agreed to request the countries to study the contents of the draft Matrix and send comments to Thailand which has been tasked to serve as the repository of the data and the lead country for the MCS Network.

3.5 “Illegal”, “Unregulated” and “Unreported” Fishing in the Gulf of Thailand

18. The Meeting welcomed the opportunity to discuss the definition of IUU fisheries that was established under the FAO IPOA-IUU voluntary framework and to review it in the context of the Gulf of Thailand and the continued cooperation under the Gulf of Thailand umbrella. After a lengthy discussion the suggested “GOT-definition” did not include any additions. Instead the focus was to extract the, for this area, relevant parts of the “FAO-definition”. One key element in the process of condensing the FAO-definition was the common view that any references to RFMO’s are not needed in the context of the Gulf of Thailand.

19. The Meeting was very explicit in that this, condensed, definition is only relevant as a working reference for the work of this Gulf of Thailand Group – unless or until recognition is being made also by other groups and in other fora that would broaden its geographical scope. The Meeting agreed on the following definition of IUU fishing in the context of the Gulf of Thailand:

IUU fishing refers to activities:

- conducted by national or fishing vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations
- in violation of national laws or [*relevant international obligations*]
- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws or regulations
- 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*]

Note: Participants at the meeting are requested to provide feedback to this definition, as needed after consultation with their colleagues at home.

Specifically participants are requested to take a look at the square brackets and provide opinions as to their removals. Note here that the word “relevant” was inserted in the second bullet. The “re-inserting” of the text in the bracket was suggested by the end of discussion and seemed to be favoured by many. There was a question on the need to have “relevant” also here before international law – the main argument not to include that is that “international law” as an expression merely refers to the “spirit” of international law rather than the legal texts as such.

3.6 Sub-Regional Cooperation for Combating IUU in the Gulf of Thailand

20. The Meeting were informed of and took note of the key elements of the “Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU in the Region” (RPOA), which is a regional and voluntary initiative/commitment of the countries bordering the South China Sea, Sulu-Sulawesi Seas, and Arafura-Timor Seas to manage fisheries resources more sustainable - with special focus on the IUU fishing. During the Workshop in Bali 2007 on “Monitoring, Control and Surveillance for the Implementation of the RPOA it was agreed that “...discussions relating to the South China Sea should focus on its southern area in and around the Gulf of Thailand that are of interest to Cambodia, Malaysia, Thailand and Vietnam”. The recognition of the Gulf of Thailand as a suitable sub-region provided the basis for the organisation of the 1st Sub-regional Meeting on the Gulf of Thailand in March 2008. The relevance of this sub-region has been confirmed by the RPOA Coordinating Committee Meeting held in Manila April 2008. This meeting also pointed out the results and reporting produced by the First GOT Meeting.

21. Having reconfirmed the relevance and importance of the RPOA, it was also noted that all of the Gulf of Thailand countries were also members of ASEAN and SEAFDEC were similar priorities are being promoted. This is not a problem but an advantage in the sense that this would strengthen the position of the Gulf of Thailand Group in that achievements could be reported to different fora/organisations and thereby significantly impact the regional policy dialogue. FAO/APFIC should be added to those that would need to be informed on progress.

22. The Meeting agreed that the existing RPOA framework, and the involvement in the RPOA process as such, is a useful basis for the continued formulation of a sub-regional mechanism in combating IUU fishing for the Gulf of Thailand. Apart from the contextual framework it allows the group to report to the RPOA and get feedback from countries, based on their experiences, around other sub-regions. Based on the RPOA framework sharing of experiences could be expected in areas such as:

- 22.1 development of vessel registration system
- 22.2 promotion and development of port monitoring system
- 22.3 establishment of a MCS Network with corresponding activities needed
- 22.4 exchange of information on the M, C, S through the institutional matrix for key elements on M,C,S
- 22.5 development of the capacity of the sub-region on M,C,S, port State measures to comply with international requirements, e.g. EU requirements
- 22.6 HRD on mechanism that would link fisheries management with habitat protect

3.7 *Cooperation on trans-boundary fisheries and habitat management – options for joint approaches to Indo-Pacific mackerel (Pla Too), and related species*

23. The Meeting took note of the fact that Gulf of Thailand has one of the highest resource potentials in the Southeast Asian region more particularly in terms of the pelagic fishery resource, due to its shallow topographic bottom features that forms the Gulf into a large basin, the seasonal change in winds and currents and several rivers discharging water and nutrients into the Gulf. In tapping these resources the Gulf of Thailand features a large amount of small-scale and coastal fishing operations together with a significant number of larger or medium sized vessels. The high fishing pressure had led to the need to regulate the fisheries and the Meeting was also informed about the development of conservation measures for the very popular pelagic species the Indo-Pacific mackerel (*Rastrelliger brachysoma/neglectus*) also known as “Pla Too” in Thai (and related species), in the Gulf of Thailand initiated by the Department of Fisheries (DOF) of Thailand.

24. Based on monitoring of spawning season, migration patterns, etc, the management measures include closing the fishing area during specific seasons and prohibiting some kinds of fishing gear and practices. The continued monitoring had also led to observed need to adjust the area to be closed due to slight changes in the movement – and reactions from the fishermen. The DOF also, in general, promote the management of important the fisheries habitats. This has been further developed in dialogue with other countries around the Gulf of Thailand (and Indonesian and the Philippines) within the Fisheries Component of the UNEP/GEF Project “Reversing Environmental Degradation Trends in the South China Sea and **Gulf of Thailand**” (worthwhile to take note of the distinction being made between South China Sea and the Gulf of Thailand). The Project, together with SEAFDEC, have been actively promoting the establishment of *refugia* in the region (areas for the integration of habitat and fisheries management) and in connection with the establishment of fisheries *refugia* in the Gulf of Thailand, there should be more scientific information to back the said establishment, the stakeholders should be consulted, the area should be critical areas of the life cycle of the important economic fish, and monitoring, control and surveillance of the fisheries should be improved. (Information that also would be important to define climate change adaptation measures)

25. The Meeting discussed the likelihood of similar spawning and migratory patterns on the eastern side of the Gulf of Thailand (Vietnam, Cambodia and Thailand) and the southern part between Malaysia and Thailand. There are strong indications of trans-boundary migration of Indo-Pacific mackerel travel between the eastern Thai waters and the Cambodian waters and possibly including migration into Vietnamese waters. However, stocks migrating between Cambodia and Vietnam could be different. As indicated by the discussion there are uncertainties about the stocks on the eastern side of the Gulf and more research would be needed. With what is already known the Meeting could confirm that there is a need for bilateral arrangements to manage the trans-boundary stocks (which could be developed based on the agreements drafted by UNEP/GEF South China Sea). Management arrangements could be based on the mechanisms and methods that have been implemented in the western part of the Gulf of Thailand as shown in the management and conservation of Pla Too.

26. In terms of follow-up measures and actions to be considered the Meeting also suggested that:

26.1 Further build upon the information and data base of the UNEP/GEF South China Sea and further develop arrangements for information sharing among the Gulf of Thailand countries to conserve the shared and trans-boundary stocks - specifically in the eastern part of the Gulf of Thailand – and to protect important habitats. Note: this could well be linked to the MCS Network that is being developed

26.2 Integrate habitat management with fishery resources management (ensure cooperation between fisheries and environment/marine and coastal resources departments) throughout the Gulf of Thailand

26.3 Conduct research near the central part of the Gulf of Thailand to assess the abundance and migratory behavior of the Indo-Pacific mackerel and related fish stocks

26.4 Conduct further research on migration and spawning patterns of important species in the Gulf of Thailand

26.5 UNEP/GEF South China Sea Project and the planned follow on phase on fisheries and habitat management including establishment of *refugia*: SEAFDEC, being the designated agency to implement the program, was urged to monitor and push for the finalization. Furthermore, in the process of finalizing the project document include, as feasible, recommendations made above on the Indo-Pacific Mackerel and related stocks and important habitats

27. A special suggestion was to follow up on the impact of light fisheries – this could probably a specific suggestion to SEAFDEC Training Department in specifications for gear, gear technology and related impacts.

3.8 *Fishery Laws and Legal Matters Related to Key Issues in the Sub-region*

28. Creating an opportunity to discuss limitations – and opportunities – of existing legal and institutional as a basis for regional and sub-regional cooperation have been asked for since SEAFDEC Council in Bali April 2008. To open a platform for legal advisors and practitioners in some specific fields, such as vessel registration, to share experiences a specific agenda point on “fishery laws and legal matters” was for the first time included. Subsequently, people well oriented in legal matters were invited to the

meeting. The opportunity was well received and participants expressed their appreciation and hoped that the initiative should be followed up during other events.

29. It was emphasised, as a basic element for levels of ambitions to be expected in regional and sub-regional cooperation, that implementation can not go beyond what is constituted in relevant legal documents in each of the participating countries. Even in an area like the Baltic as decisions are made regionally implementation has to be under the national legal and institutional framework for each EEZ in the Baltic. Steps suggested in this meeting (vessel record, port monitoring, etc) to find out what is available and what is the implementing capacity in each country are examples of ways to explore the “common levels”, before moving into suggested implementation schemes. If the “law” is there but not the institutional capacity that could be a sign to add training and capacity building.

30. or be more strict than their own legislation considering that many actions could not be implemented by the GOT countries as in many cases such implementation could be, the Meeting suggested that:

30.1 The dialogue between legal advisors, technical support staff, private sector, fishermen, should be developed to improve the understanding of the context of the law and its purpose to avoid that the “law” is seen as an obstacle and not the “tool” it is meant to be with regards to fisheries, marine and environmental laws as well as other basic laws with information shared to all countries – efforts should be made to aim for the legal documents should be “living documents”

30.2 As this meeting aimed for by looking at the definition of IUU, and as earlier was done with the CCRF continued efforts should be made to review international conventions and other documents to look at the applicability to the sub-region and suggested changes or clarifications to make international standards applicable to the sub-regional conditions

30.3 Create dialogue among agencies within the country, and make the “law makers” (as they often/mostly do not have the sector understanding) understand the issues, e.g., environmental or fishery context, and promote efforts to raise awareness of legal persons in terms of fishery management, environmental impact management, habitat management, etc

30.4 SEAFDEC and SEAFDEC-Sida project should explore the possibilities to conduct a workshop or training program or capacity building for legal persons, scientists, environmentalists and all those involved in ocean management and governance related to fisheries and environmental issues to be able to understand each other and find the real weak points that need to be remedied

3.9 Cooperation on trans-boundary issues and opportunities – promotion of bi- and trilateral dialogue

31. **Note:** This point was not discussed as a stand-alone item and points made under this heading is based on comments made in connection with other agenda points.

32. There is not many bi- or trilateral agreements in the Gulf of Thailand on fisheries resources management in or around specific areas. It was pointed out that there is a Memorandum of Agreement between Malaysia and Thailand for the cooperation over the

development of an area in the Gulf of Thailand claimed. Follow-up will be made on the extent to which fisheries is referred to in this agreement.

33. Furthermore, the Meeting was informed on the agreement between Cambodia (Kampot) and Vietnam (Kien Giang), and the draft agreement between Thailand (Trat) and Cambodia (Koh Kong) that have been forged for cooperation on natural resources and environmental management, serving as policy framework for cooperation in management of coastal ecosystems and natural resources in order to strengthen environmental protection, biodiversity conservation and welfare of each province. The development of the agreement and the draft agreement has been facilitated by the UNEP/GEF South China Sea Project – these agreements will form an important base for continued UNEP/GEF Project focusing on fisheries and habitat management (*refugia*) in Gulf of Thailand. Already at the first Gulf of Thailand it was seen as important to look at the usefulness of these agreements also for users other than the UNEP/GEF for their work in trans-boundary areas. This meeting did not discuss these agreements besides the reference to their existence.

34. The question was raised on how far the Gulf of Thailand Group would move into more regulated management arrangements for the Gulf. No direct response provided during this Meeting, but, based on the discussions it could be important to revisit the institutional (and legal) foundations for a management arrangement (fisheries, marine environment, etc) in an area like the Gulf of Thailand (that is totally within the national claims of EEZ's, etc). As mentioned earlier, agreements made will need to be implemented by the countries within the framework of their legal systems. The question will be revisited in upcoming meetings.

35. Another suggestion that was made was to promote and support the development of a range of bi-lateral (and if feasible/applicable tri-lateral) agreements related to specified aspects of fisheries management, habitat management, etc as specified in each agreement. A range of such bi-lateral agreements could provide a basis for sub-regional management decision. An example could be the North-Atlantic were (seen from the point of Norway, *cite the ARFMM meeting in Bangkok*) management negotiations are based on a sequence of bi-lateral agreements.

36. The priority and importance of staging a **high level political event** is still a priority to create a platform for policy decisions with more visible impact, but having reconfirmed that the Meeting did not explore the opportunities any further to stage such an event within the near future.

IV. CONCLUSIONS/RECOMMENDATIONS AND FOLLOW-UP ACTIONS

37. The aim to promote regional and sub-regional cooperation to improve fisheries management, to live up to the ambitions of the code of conduct and to combat illegal fishing is a documented priority for the SEAFDEC Council, the ASEAM Working Group of Fisheries, the working documents prepared by the countries to launch the ASEAN Fisheries Consultative Forum (AFCF), for the RPOA initiative and, importantly, ASEAN heads of state have signed up to the need to combat illegal fishing (2007). The importance to support ASEAN-wide efforts by sub-regional is clearly expressed.

38. This Gulf of Thailand process is already recognised by many organisations and initiatives and, as part of the SEAFDEC-Sida collaborative framework the outcome of the Meeting will be submitted for the information of the SEAFDEC Council under the ASEAN-SEAFDEC (ASSP) activities on the Regionalization of the Code of Conduct for Responsible Fisheries, being part of the ASSP information will be provided to the ASWGFi and SOM-AMAF and following decisions by the RPOA Coordinating Committee the results will also be forwarded to the RPOA to show the progress being made among Gulf of Thailand Countries. Information will also be provided to APFIC/FAO that is supporting the ambition to strengthen cooperation at regional and sub-regional level. (This elaboration is provided as the Meeting asked about the process of reporting.)

39. Furthermore, and of interest to the Gulf of Thailand Group and other sub-regions, is the upcoming “prep-meeting” (May 2009) that will discuss the activity plan for the AFCF which would, most likely, include the promotion of cooperation at sub-regions in addition to the ASEAN-wide efforts. Compared to the RPOA this ASEAN-wide Forum would/will include also Andaman Sea and the Mekong (a focus on both inland and marine water bodies is required by the SOM-AMAF – and possibly other areas that could be defined by ASEAN Member Countries.

40. Based on an overall priority to improve fisheries and habitat management, including conservation and restoration of key habitats in the Gulf of Thailand – and while recognising the need for institutional and sub-regional cooperation – the summary conclusions and recommendations from the Meeting was:

Geographical coverage of the Gulf of Thailand, applicable to this Gulf of Thailand Group follows, in principle, the administrative boundaries of Cambodia and Thailand as well as relevant parts of Malaysia and Vietnam. In practical term the common reference would be to relevant areas defined for FAO and SEAFDEC statistical purposes, these areas include FAO Fishing Area 71 (**Annex 4**) and specifically: (1) Sub-area 71 a: Marine fishing area of Thailand (Gulf of Thailand); (2) Sub-area 71 b: Marine fishing area of Cambodia; (3) Sub-area 71 c: Marine fishing area of Vietnam (Southwest Vietnam); and (4) Sub-area 71 e: Marine fishing area of Malaysia (East Coast of Peninsular Malaysia)

Vessel record and inventory: To go ahead with and finalise that Vessel Record and Inventory Survey Form (**Annex 5**), that should be the starting point for the establishment of a reporting mechanism and to establish a “Vessel Record and Inventory”.

Port Monitoring: In addition to regular port monitoring (and information collection) all countries should try to indicate information and data by “neighbouring GOT countries vessels”. In order to start the process to indicate available information including information by “neighbouring GOT countries vessels” a draft format should be drafted by SEAFDEC-Sida Project for circulation to countries to generate feedback and approval to go ahead. The format should be very basic to seek out what is feasible or practical – a first early suggestion can be seen in **Annex 6**.

Development of MCS Network: In setting up, or initiating a MCS network the meeting agreed that a MCS network for the sub-region should be established which, initially, could facilitate the sharing of information and institutional cooperation, specific aspects to be included should include:

- Vessel record and inventory
- Port monitoring mechanism and information on landings

- Other points that could be considered was to include information sharing on the monitoring of:
 - gear and licenses
 - catches/catch documentation

Special attention need to be made on ways to include information from community fisheries and community based fisheries management

Definition IUU fishing: The Meeting was very explicit in that this, condensed, definition is only relevant as a working reference for the work of this Gulf of Thailand Group – unless or until recognition is being made also by other groups and in other fora that would broaden its geographical scope. The Meeting agreed on the following definition of IUU fishing in the context of the Gulf of Thailand (with square brackets to agree upon):

IUU fishing refers to activities:

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- in violation of national laws or [*relevant international obligations*]
- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws or regulations
- 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*]

Combating IUU fisheries in the Gulf of Thailand/RPOA links: The Meeting agreed that the existing RPOA framework, and the involvement in the RPOA process as such, is a useful basis for the continued formulation of a sub-regional mechanism in combating IUU fishing for the Gulf of Thailand. Apart from the contextual framework it allows the group to report to the RPOA and get feedback from countries, based on their experiences, around other sub-regions. Based on the RPOA framework sharing of experiences could be expected in areas such as those referred to above on the MCS Network.

Trans-boundary fisheries and habitat management/Pla Too and to maintain the momentum created by the UNEP/GEF South Chin Sea Project the Meeting suggested a number of measures and actions to be considered, such as:

- Further build upon the information and data base of the UNEP/GEF South China Sea and further develop arrangements for information sharing among the Gulf of Thailand countries to conserve the shared and trans-boundary stocks - specifically in the eastern part of the Gulf of Thailand – and to protect important habitats. **Note:** this could well be linked to the MCS Network that is being developed
- Integrate habitat management with fishery resources management (ensure cooperation between fisheries and environment/marine and coastal resources departments) throughout the Gulf of Thailand
- Conduct research near the central part of the Gulf of Thailand to assess the abundance and migratory behaviour of the Indo-Pacific mackerel and related fish stocks
- Conduct further research on migration and spawning patters of important species in the Gulf of Thailand

Promote and “push” the process to come up with the “fisheries” UNEP/GEF South China Sea Project on fisheries and habitat management including establishment of *refugia*: SEAFDEC, being the designated agency to implement the programme, was urged to monitor and push for the finalisation. Furthermore, in the process of finalising the project document include, as feasible, recommendations made above on the Indo-Pacific Mackerel and related stocks and important habitats.

Laws and legal matters: The dialogue between legal advisors, technical support staff, private sector, fishermen, should be developed to improve the understanding of the context of the law and its purpose to avoid that the “law” is seen as an obstacle and not the “tool” it is meant to be. Furthermore, in the process make the “law makers” (as they often/mostly do not have the sector understanding) understand the issues. SEAFDEC and SEAFDEC-Sida project should explore the possibilities to conduct a workshop or training program or capacity building for legal persons, scientists, environmentalists and all those involved in ocean management and governance related to fisheries and environmental issues.

Bi-and tri-lateral agreements was not discussed as a separate agenda point but in moving towards more regulated management arrangements for the Gulf of Thailand it could be important to revisit the institutional (and legal) foundations for a management arrangement (fisheries, marine environment, etc) in an area like the Gulf of Thailand (that is totally within the national claims of EEZ’s, etc). As mentioned earlier, agreements made will need to be implemented by the countries within the framework of their legal systems. Furthermore, suggestion that was made was to promote and support the development of a range of bi-lateral (and if feasible/applicable tri-lateral) agreements.

Communication: The development of a communication system should be enhanced with focal point at the SEAFDEC Secretariat to facilitate exchange of information, e.g., dedicated email group for the Gulf of Thailand sub-region. Considering that during international fora scientific evidence is necessary specifically results of studies on resources conservation studies (e.g., studies conducted by DOF Thailand, FAO documents, etc.) and such information should be shared to all Member Countries through the SEAFDEC Secretariat database.

Location of upcoming Gulf of Thailand Meetings: Future related meetings should be organized in locations near the ports to enable the participants to have ocular inspection on the port activities and actual observation on port monitoring, MCS, IUU fishing, etc.

Follow-up actions – Note: additional information to be provided by participants

- Information to be provided to SEAFDEC Council, April 2009
- ASEAN Fisheries Consultative Forum – preparatory meeting to be organised in May 2009 to develop work plan, links to other initiatives, etc. It is important that the Forum makes reference to work being done at sub-regional level through various initiatives
- Information to be provided to ASEAN Sectoral Working Group on Fisheries (ASWGF), May/June 2009 (the Gulf of Thailand initiative is implanted under the ASEAN-SEAFDEC Strategic Partnership, ASSP)

- Information on the outcome of the meeting to be provided to APFIC, March/April 2009
- ASEAN-SEAFDEC Consultation on Vessel Record an Inventory, May/June 2009. Information and progress from the GOT experiences gained so far to be presented to this meeting
- Information and report to be provided to the RPOA and the RPOA Coordinating Committee, date?? 2009
- Malaysia/Australia (RPOA), Port Monitoring Techniques Workshop, June 2009?
- SEAFDEC to work on the process with the UNEP/GEF and promote recommendations, as relevant, in the final stages of project formulation, April to November 2009
- SEAFDEC to follow up on options for “legal” training, April and onwards
- SEAFDEC to follow up on bi- and trilateral agreements and how, possibly, to build upon the agreements signed – and drafted – by initiative of the UNEP/GEF South China Sea Project

V. CLOSING OF THE MEETING

41. The Secretary-General of SEAFDEC, Dr. Siri Ekmaharaj thanked the participants for their active participation in the Meeting, more particularly emphasizing that the Meeting was a good start to develop mechanism for the management of fisheries in the Gulf of Thailand sub-region. He considered the Meeting as very good example of a successful dialogue for the development of fisheries and marine environmental management in this sub-regional area. After seeking the support of countries for the better management of the Gulf of Thailand, he declared the Meeting closed. His closing Message appears as **Annex 8**.