

**Final Draft
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**COOPERATION FRAMEWORK ON ASEAN NETWORK FOR COMBATING
ILLEGAL, UNREPORTED, UNREGULATED (IUU) FISHING**

I. BACKGROUND

Fisheries play an important role in the ASEAN region's food security and nutrition, poverty reduction, employment, and trade. However, Illegal, Unreported and Unregulated (IUU) fishing is of serious and increasing concern as it undermines the effort to conserve and manage fish stocks in the region.

ASEAN recognises the increasing concerns on IUU fishing and has taken several approaches to strengthen cooperation in combating IUU fishing. The Vision and Strategic Plan for ASEAN Cooperation in Food, Agriculture and Forestry (2016 – 2025), the Strategic Plan of Action on ASEAN Cooperation on Fisheries (2016 –2020), and the Joint ASEAN-SEAFDEC Declaration on Regional Cooperation for Combating Illegal Unreported and Unregulated (IUU) Fishing and Enhancing the Competitiveness of ASEAN Fish and Fishery Products outline the focus of cooperation in the areas of strengthening Monitoring, Control and Surveillance (MCS) programmes, building capacity to meet the requirements of Port State Measures Agreement, Flag State and Coastal State Responsibilities that address IUU fishing, and enhancing close collaboration between ASEAN Member States (AMS) and relevant regional and international organisations in combating IUU fishing.

The 1st ASEAN Meeting on Combating IUU Fishing in Partnership with the EU held from 4-5 April 2019 in Bangkok, Thailand, discussed Thailand's proposal to set-up the ASEAN IUU Task Force. The 27th ASEAN Sectoral Working Group on Fisheries (ASWGFi) Meeting held from 27-29 June 2019 in Da Nang, Viet Nam, agreed to change the ASEAN IUU Task Force into an ASEAN Network for Combating IUU Fishing (hereinafter referred to as "the AN-IUU" or "the Network") to serve as a cooperation framework for information sharing and capacity-building among AMS in combating IUU fishing through dissemination of best practices. The AN-IUU will complement, and not duplicate, the existing mechanisms, notably: the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region (RPOA-IUU) and the Southeast Asian Fisheries Development Center (SEAFDEC). The Meeting submitted to SOM-AMAF, the Concept Proposal on the Establishment of the ASEAN Network for Combating IUU Fishing (AN-IUU) for consideration and endorsement.

The 41st AMAF Meeting held on 15 October 2019 in Bandar Seri Begawan, Brunei Darussalam adopted the Concept Proposal on the Establishment of the ASEAN Network for Combating IUU Fishing (AN-IUU), which appears as **Annex 1**. In this regard, this document outlines the cooperation framework for the establishment of the AN-IUU.

II. PURPOSE

AMS agree to establish the AN-IUU for the purpose of facilitating and providing a cooperation framework among AMS, and between AMS and relevant Dialogue Partners, and other regional or international organisations as mutually agreed by AMS. The Terms of Reference of the AN-IUU appears as **Annex 2**.

This cooperation framework focuses on enhancing regional cooperation on: i) the shared use of the MCS information; ii) capacity and capability building on MCS; and iii) dissemination of best practices, especially on maritime domain surveillance and investigation activities and experiences of the Network among AMS.

III. AREAS OF COOPERATION

1. The AMS will endeavour to enhance the exchange and sharing of information on the nature and extent of IUU fishing activities.
 - i) Setting up an interactive platform for sharing of information between AMS's National Focal Points;
 - ii) Developing guidelines on sharing, access to and use of IUU fishing related information; and
 - iii) Disseminating IUU fishing related information and best practices on combating IUU fishing among AMS subject to confidentiality requirements of relevant States and other relevant regional/international organisations.
2. The AMS will endeavour to carry out collaborative initiatives to combat IUU fishing to support and not duplicate the existing mechanisms, notably, the RPOA-IUU and SEAFDEC through the following efforts:
 - i) Strengthening the existing MCS mechanism to prevent, deter, and eliminate IUU fishing in the ASEAN region.

- ii) Enhancing cooperation with Dialogue Partners, and regional and international organisations to support the technical assistance in the operation of AN-IUU.
- iii) Strengthening the communication of fisheries enforcement chain to be in line with the requirements of applicable international instruments that address IUU fishing.
- iv) Supporting technical and operational advice to enhance capacity-building efforts through information sharing.
- v) Identifying capacity needs, gaps and obstacles to combat IUU fishing, and enhancing the implementation and monitoring of capacity building initiatives for AMS that are still in the process of establishing national efforts to combat IUU fishing.

IV. GUIDING AND OPERATIONAL PRINCIPLES

This cooperation framework is developed based on the guiding principles stipulated in the adopted Concept Proposal. The implementation of this operational framework of cooperation should be based on the following operational principles:

Communication: Designated National Focal Point in each AMS should communicate interactively and provide assistance when dealing with IUU fishing. For this purpose, AMS may wish to explore the development of an online interactive platform accessible to the relevant authorities in AMS.

Cooperation and collaboration: Developing a regional approach to strengthen and increase the cooperation in information sharing of existing AMS's MCS mechanism.

Transparency: Promoting openness, and confidence-building measures among AMS National Focal Points to minimise the opportunities for IUU fishing activities.

V. IMPLEMENTING ARRANGEMENT

- 1) In view of the varying capacities of each AMS, the operation and implementation of the AN-IUU will be on a voluntary basis and subject to the prevailing national laws and regulations of each AMS.

- 2) The operationalisation of the AN-IUU will be divided into 3 phases, as follows:

Phase 1: Identify the necessary information to be shared among AMS and set up the technical infrastructure of the Network.

Phase 2: Launch the AN-IUU through the online interactive platform among AMS with functioning MCS mechanisms.

Phase 3: Expand the Network to the remaining AMS through sharing of best practices and conducting of capacity building to enable them to participate fully in the AN-IUU.

For the avoidance of doubt, in relation to information sharing, the abovementioned 3-phased approach will be applied according to the readiness of the MCS mechanisms of each AMS, subject to its national laws and regulations.

- 3) Each AMS will designate a National Focal Point for the AN-IUU who will be in charge of facilitating information sharing and exchange. Ideally, the AN-IUU Focal Points are national fisheries enforcement officers in charge or familiar with MCS mechanisms; or RPOA-IUU Focal Points. Alternate Focal Point maybe designated by each AMS to assist the designated Focal Point.
- 4) The AN-IUU will hold meetings in accordance with the Rules of Procedures as provided in **Annex 3**.
- 5) Country hosting the online interactive platform should operate as the Network's centre for coordinating the communication and information sharing based on the confidentiality clauses of 1 and 2 of the Cooperation Framework.
- 6) An AN-IUU Chairperson will be appointed on a rotational manner every year among AMS National Focal Points according to the ASWGFi Chairmanship.
- 7) Dialogue Partners, regional and international organisations, countries and entities may provide technical assistance to the works of the AN-IUU subject to agreement by ASWGFi and will be conducted in accordance with the protocol of ASEAN.
- 8) The AN-IUU will report to ASWGFi on the progress of implementation of this cooperation framework.

VI. CONFIDENTIALITY

1. AMS will exchange information and documentation on the development and progress of activities under Paragraph III. Areas of Cooperation deemed to be of common interest, subject to restrictions on confidentiality that are consistent with the national laws and regulations of each AMS.
2. Any confidential information, document or data received under this cooperation framework shall not be disclosed or distributed to any third party, except to the extent authorised in writing by the AMS providing the information, document or data.

VII. FINANCIAL ARRANGEMENT

1. The Enhanced Regional EU-ASEAN Dialogue Instrument (E-READI) Project on the Establishment of Cooperation on Combating IUU Fishing will provide funding support until December 2023 in the organisation of the AN-IUU meetings, technical team support, internal coordination among AMS, and international communications with external partners (e.g. Third Parties, Regional Fisheries Management Organisations, or other regional or international organisations). Unless funding is provided by Dialogue Partners beyond 2023, expenses for organising the meetings shall be borne by AMS hosting the meeting, while AMS represented in the AN-IUU shall bear the travel and accommodation costs of their representatives to the meetings.
2. The financial arrangements to cover expenses for the activities in Paragraph III. Areas of Cooperation undertaken under this operational framework of cooperation shall be agreed upon by the respective participating AMS on a case-by-case basis, subject to the availability of funds.
3. The ASEAN Secretariat is responsible to engage with other interested Dialogue Partners, and regional and international organisations countries and entities as agreed by AMS on a consensus basis to support the development and the implementation of Paragraph III. Areas of Cooperation upon the agreement of all AMS.

Annex 1

Concept Proposal on the Establishment of the ASEAN Network for Combating IUU Fishing (AN-IUU) (Adopted by 41st AMAF Meeting, 15 October 2019, Brunei Darussalam)

1. Rationale

Southeast Asia is among the world's top producers of fish and fishery products. In 2015, the Southeast Asian region contributed approximately 22 percent of the world's total fish production. The uptrend has been significant with the region's production of marine fisheries increasing from 33.6 million metric tons in 2011 to 44.0 million metric tons in 2015, representing an average growth of 7.2 percent per year. In terms of the number of fishing vessels, there were more than 850,000 fishing vessels operating in the ASEAN region in 2015 (SEAFDEC Website, 2015).

Given the interconnected and vast regional waters of ASEAN – nearly 13 million square kilometres, and the global nature of the fishery industry and the organised networks of criminals in the fishery sector, no one country is able to successfully tackle these challenges alone. A regional Network approach is needed to better address the challenges faced and provide a formal basis for the sharing of information and coordination of action-

The AN-IUU will be developed to create a platform of both effective information sharing and an operational network that enable easy and effective communication between the relevant enforcement agencies and national authorities and the sharing and exchange of information between relevant flag States, coastal States, Port States and RFMOs. The information sharing should focus on enforcing internal laws and legislations of respective countries, Port State Measure, RFMOs' and conservation and management measures. The Network may also assess where support and capacity building may be needed regionally.

2. Objectives

- 2.1 To enhance regional cooperation on information sharing on a real-time basis as well as cooperation on the use of the MCS information;
- 2.2 To enhance AMS' capacity and capabilities on the Monitoring, Control and Surveillance (MCS) and fight against IUU fishing through dissemination of the best practices, especially on maritime domain surveillance and investigation activities and experiences of the Network.

3. Partners of AN-IUU

The AN-IUU will comprise the ASEAN Member Countries, namely: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. The European Commission, and other International

Organisations, Countries and Entities can be cooperating partners or collaborators to support the technical assistance. They may participate punctually as an observer to the Network upon request of ASEAN Member States according to ASEAN Practice.

The Network may also work cooperatively and collaboratively with other similar Network arrangement as deemed appropriate.

4. Scope and works of AN-IUU

The AN-IUU will be a voluntary operational framework of cooperation in the fight against IUU fishing in the ASEAN region with the following guiding principles:

1. The Network should not duplicate the existing mechanisms but to support them, notably the RPOA-IUU and SEAFDEC.
2. The Network will be an operational framework of cooperation against IUU fishing and not an “operational instrument”, which has legal implications.
3. The Network should not be a legally binding instrument.
4. The Network should not be mandated as an enforcement instrument.
5. The Network will function as communication platform for cooperation and capacity building to combat IUU fishing for AMS.
6. The Network will provide support on strengthening the capacity of AMS that are still in the process of establishing national efforts to combat IUU fishing.

This framework seeks to improve coordination of the existing MCS tools to prevent, deter, and eliminate IUU Fishing in the ASEAN region. To accomplish the objectives of the IUU Network, the following works may be covered:

4.1 Each country member of this Network will designate a focal point who will be in charge of facilitating the information sharing and exchange. Ideally, all member countries will work principally through national fisheries enforcement officers using MCS mechanisms to prevent, deter and eliminate IUU fishing, at national level and within national jurisdiction. Additionally, the Network should meet as deemed appropriate or as when necessary to discuss challenges and follow-up activities.

4.3 The Network should set up the criteria and organization of its activities. If requested by Members, case-specific assistance may be provided to them, which may come in the form of legal opinions, investigative support, inspection support and operational support and advice, historical analysis of vessels and companies, as well as advice on options for taking actions forward.

4.4 The Network should promote the strengthening of investigative capacities and capabilities in identifying and tracking down IUU operators in their EEZs.

4.5 The Network will support a wider cooperation among internal agencies of Network countries to further enhance the capability of the MCS.

4.6 The Network will identify best practices to share among Network member countries and international community through trainings, capacity building and other instruments of dissemination.

5. Funding for the establishment and implementation of AN-IUU

ASEAN Secretariat will coordinate with Third Parties such as the European Commission, and other International Organisations and Donors to support the Network establishment and implementation upon the agreement of the ASEAN Member States.

The E-READI dialogue on “the Establishment of Cooperation on Combating Illegal, Unreported and Unregulated (IUU) Fishing” will support funding to form the AN-IUU and establish the initial cooperation and information mechanisms (including the first Network meeting, establishment of a communications platform and mechanism, technical team support, internal coordination among AMS, and international communications with external partners (e.g. Third Parties, Regional Fisheries Management Organisations, or other regional or international organisations).

The additional funding from EU may be estimated and required when the AN-IUU establishment is agreed and endorsed. The budget for activities and framework of the Network including the establishment of a communication platform and mechanism, internal coordination, international communications, provision for communication equipment, and technical team support (if any), will be agreed among the Network countries in cooperation with the EU. The main contact point of this issue should be the EU Mission to ASEAN.

6. Endorsement of the establishment and implementation

The establishment and the actions of the AN-IUU should be agreed upon by the ASWGFi and will be conducted in accordance with the protocol of ASEAN. The establishment of the AN-IUU will be endorsed by the high level of the ASEAN, namely: ASEAN Senior Officer Meeting of the ASEAN Minister of Agriculture and Forestry (SOM – AMAF) and report to AMAF for notation.

7. Action Requested:

SOM-AMAF may wish to adopt the concept proposal to establish the AN-IUU and request ASWGFi to work with ASEC and E-READI to develop the Terms of Reference and Rules of Procedures, including the Cooperation Framework of the AN-IUU.

TERMS OF REFERENCE OF ASEAN NETWORK FOR COMBATING IUU FISHING (AN-IUU)

I. Rationale

Southeast Asia is among the world's top producers of fish and fishery products. In 2015, the Southeast Asian region contributed approximately 22 percent of the world's total fish production. The uptrend has been significant with the region's production of marine fisheries increasing from 33.6 million metric tons in 2011 to 44.0 million metric tons in 2015, representing an average growth of 7.2 percent per year. In terms of the number of fishing vessels, more than 850,000 fishing vessels were operating in the ASEAN region in 2015 (SEAFDEC Website, 2015).

Given the interconnected and vast regional waters of ASEAN – nearly 13 million square kilometres, and the global nature of the fishery industry and the organised networks of criminals in the fishery sector, no one country can successfully tackle these challenges alone. A regional network approach is needed to better address the challenges faced and provide a formal basis for the sharing of information and coordination.

The ASEAN Network for Combating IUU Fishing (hereinafter referred to as “the AN-IUU” or “the Network”) will create a platform for both effective information sharing and an operational network that enables easy and effective communication among national authorities. The information-sharing should focus on enforcing their respective internal laws and legislations. The Network may also assess where support and capacity building may be needed regionally.

II. Objectives

The objectives of the AN-IUU are:

- i) To enhance regional cooperation on information sharing through an online interactive platform, as well as on the use of Monitoring, Control and Surveillance (MCS) information; and
- ii) To enhance capacities and capabilities of ASEAN Member States (AMS) in the fight against IUU fishing through the dissemination of best practices, especially on MCS surveillance and investigation activities and experiences.

III. Roles and Functions

The AN-IUU has the following functions and responsibilities:

- i) Formulate the policy, criteria and action programme on the development and operations of the AN-IUU;
- ii) Compile and share information on suspicious vessel movements and suspected illegal fishing operations;
- iii) Building information sharing on international best practices with relevant Dialogue Partners, and regional and international organisations;
- iv) Enhance capacities and capabilities in combating IUU fishing and complement, and not duplicate the existing regional mechanisms on IUU fishing such as the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing (RPOA-IUU) and other regional initiatives such as the Southeast Asian Fisheries Development Center (SEAFDEC);
- v) Provide capacity building and strengthen MCS programmes in AMS through dissemination of best practices; and
- vi) Conduct periodic reviews and submit to ASWGFi periodic reports of its activities.

IV. Amendment

The Terms of Reference may be amended by the AN-IUU as deemed necessary, and subject to approval of ASWGFi and SOM-AMAF.

**RULES OF PROCEDURE OF THE
ASEAN NETWORK FOR COMBATING IUU FISHING (AN-IUU)**

CHAPTER I

MEMBERS

Rule 1

The Members of the ASEAN Network for Combating IUU Fishing (hereinafter referred to as “the AN-IUU” or “the Network”) are ASEAN Member States (AMS). Each AMS shall appoint an official of its fisheries agency as its National Focal Point and alternate National Focal Point for the AN-IUU. The Network is voluntary in nature.

CHAPTER II

MEETINGS

Rule 2

The Network shall meet at least once a year in accordance with the protocol of ASEAN. Additional meetings (in-person or virtual) may be held when necessary with authorisation from ASWGFi and SOM-AMAF. Any decisions in the Network meeting shall be by consensus.

Rule 3

The Network shall at each meeting recommend the tentative date and venue of its next meeting.

Rule 4

The Network may invite, if deemed necessary, representatives from relevant Dialogue Partners, regional and international organisations, countries and entities as resource persons in the open session of its meetings.

CHAPTER III

AGENDA OF THE MEETING

Rule 5

The provisional agenda for each meeting shall be drawn up by the Chairperson of the Network, in consultation with the ASEAN Member States (AMS) and relevant unit of the ASEAN Secretariat.

Rule 6

The provisional agenda for any meeting shall include, among others:

- (a) Items arising from its previous meetings and related ASEAN meetings;
- (b) Items proposed by the Members;
- (c) Items assigned by ASWGF_i, SOM-AMAF or AMAF; and
- (d) Any other items which the Network sees fit to include after consultation with the Members.

Rule 7

Items proposed in the provisional agenda shall be supported by the necessary background information and details, copies of which shall be provided to all AMS and the ASEAN Secretariat with sufficient time (at least two weeks) before the meeting.

CHAPTER IV

CHAIRMANSHIP

Rule 8

The Chairmanship of the Network shall rotate annually, based on the ASWGF_i Chairmanship. The Vice-Chairmanship shall be held by the AMS next in line for the ASWGF_i Chairmanship.

Rule 9

If the Chairperson is absent from a meeting, or any part thereof, the Vice-Chairperson shall preside.

CHAPTER V

DUTIES AND RESPONSIBILITIES OF THE CHAIRPERSON

Rule 10

The Chairperson shall have the following duties and responsibilities:

- i. To convene the meetings of the Network in consultation with the Members;
- ii. To oversee the arrangement of meetings with the assistance and support of the host-countries of the meetings;
- iii. To preside over the meetings of the Network;
- iv. To communicate, coordinate, and consult with National Focal Points, the Network Members, and ASEAN Secretariat on matters requiring immediate attention in between meetings; and
- v. To perform such other duties and responsibilities as may be assigned by the Network, ASWGFi and SOM-AMAF.

CHAPTER VI

NETWORK CENTRE

Rule 11

Country hosting the online interactive platform should operate as the Network's centre for coordinating the communication and information sharing based on the confidentiality clauses of 1 and 2 of the Cooperation Framework.

CHAPTER VII

REPORT

Rule 12

The preparation of the report of every meeting shall be done by the ASEAN Secretariat and shall be adopted by the Network at the last session of the meeting or by referendum. The report shall be distributed to all Members including Members, which are absent at the meeting for comments.

Rule 13

If any Member is unable to be represented at a meeting, it should communicate its comments to other Members not later than 2 weeks after receiving the report of a meeting. The report adopted by the Network shall be finalised upon the expiry of a period of 2 weeks after the date of its distribution to all Members.

Rule 14

Reports of each meeting, which have been adopted by the Network and finalised pursuant to Rule 13 shall be submitted to ASWGFi for consideration and endorsement.

Rule 15

The reports of the Network shall be confidential.

CHAPTER VIII

REPRESENTATION

Rule 16

The Chairperson or in his absence, the Vice-Chairperson or any Member of the Network shall represent the Network at meetings of ASWGFi to report on the progress of its work for the consideration of and endorsement by ASWGFi.

Rule 17

The Chairperson or in his absence, the Vice-Chairperson or any Member of the Network, through the ASEAN Secretariat, shall on appropriate occasions seek from ASWGFi, instructions or guidance pertaining to the programme and activities of the Network.

CHAPTER IX

RELATIONS WITH OTHER REGIONAL AND INTERNATIONAL ORGANISATIONS

Rule 18

The Network may cooperate, coordinate or collaborate with other regional and international organisations countries and entities in the area of sharing of information to combat IUU fishing. Any arrangement entered into with such organisations shall be subject to the approval of the ASWGFi and SOM-AMAF.

CHAPTER X

AMENDMENT AND SUSPENSIONS

Rule 19

The Rules of Procedure may be amended or suspended by the Network, subject to approval of ASWGFi and SOM-AMAF.
