The PSM Agreement is a timely tool to address illegal, unreported and unregulated fishing (IUU fishing) and to strengthen Indonesia’s existing measures, particularly those championed by the Maritime Affairs and Fisheries Ministry.

Indonesia’s policies for combating IUU fishing are very stringent. The sinking of fishing vessels has gained wide support, created a deterrent effect and helped to address declining fish stocks.

The ratification by Indonesia, as an archipelagic state with abundant biodiversity, is significant for the effective implementation of the PSM Agreement.

As of May 18, 30 states have ratified the agreement, fulfilling the minimum requirement of 25 states for the agreement’s entry into force.

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(Continued next page)
According to a 2014 report by the Food and Agriculture Organization (FAO), the proportion of marine fish stocks fished at a biologically sustainable intensity declined from 90 percent in 1974 to 71.2 percent in 2011, meaning 28.8 percent of fish stocks were overfished. Small-scale fishermen are badly affected by ongoing fisheries crimes, which are the main cause of declining fish stocks and the degradation of marine ecosystems.

International law has a dual approach to combating IUU fishing by assigning responsibility to flag states and port states. The basic concept is that the farther a vessel is from coastal areas, the greater the responsibilities for the flag states and vice versa. Flag state responsibility includes management and conservation measures in the high seas by aligning with regional fisheries management organizations.

Loopholes still need to be addressed, such as member countries’ commitment to implementing resolutions of these organizations. These circumstances made the role of port states imperative in safeguarding the marine ecosystem, particularly against IUU fishing, in the last 10 years.

The fundamental principle of port state responsibility is that foreign vessels are not authorized to anchor at ports without port state consent aside from under force majeure conditions. This principle conforms to provisions of the UN Convention on the Law of the Sea (UNCLOS).

Responsibilities of port states concerning IUU fishing are also stipulated in the 2001 FAO international plan of action to prevent, deter and eliminate IUU fishing. However, its application is not effective, as this instrument is not legally binding.

In combating IUU fishing, port state measures are considered more cost-effective and more secure than surveillance and law enforcement at sea. Port states have authority to, among other things, prevent and ban the distribution of fish from IUU fishing activities. This measure unsurprisingly results in low prices for such fish, thereby significantly decreasing the revenue of those engaged in IUU fishing. Generally, the PSM Agreement encompasses three stages: before entering a port, during docking at a port and after inspections.

In the first stage, the port state can ban vessels from entering into its port if sufficient evidence of IUU fishing activities is found. When anchored at the port, if the vessel is proven to have engaged in IUU fishing, port states are obliged to prohibit landing, trans-shipping as well as processing and packing of fish. After the refusal, notification is delivered to the flag state, regional fisheries management organizations and related international organizations. This measure aims to widely disseminate information as soon as possible, so that other states can be aware of the situation and take concrete, real-time action.

As for the last resort, if there is convincing evidence that the vessel was engaged in IUU fishing, the vessel is banned from activities including refuelling, logistics, maintenance and dry docking.

Indonesia’s commitment to become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should become a party to the PSM Agreement should be appreciated. However, there are several policies to take into account in the years to come. First, Indonesia should consider ratifying the 2012 Cape Town Agreement. This agreement allows fishing vessels to have a unique identification number as part of efforts to create global records on fishing vessels. With this unique ID, fishing vessels engaged in IUU fishing can be more easily identified.

Second, Indonesia needs a regulation like the Lacey Act. This Act was adopted by the US in 1900 and bans, among other things, imports and exports of fish, wildlife or plants that are taken, possessed, transported or sold in violation of US law, state law or foreign law.

In the recent case of the US v. Begins, the US invoked the Lacey Act and imposed a US$ 24.5 million fine on a US company found to have illegally fished rock lobsters in South Africa and sent them to the US. Some countries have adopted and applied this Act, such as Papua New Guinea and Micronesia. If Indonesia had this type of act, it would not only secure its natural resources but also assume its role of keeping environmental exploitation at a sustainable level.

- Zaki Mubarok Busro is a 2016 UN Nippon Fellow and ANCORS PhD Student.
ANCORS Honorary Fellow Duncan Leadbitter has been busy running a series of fisheries management workshops in Thailand and Vietnam. His work is aimed at progressing the development of fishery management plans for trawl fisheries in South East Asia. These plans have been facilitated by the Asia Pacific Fisheries Management Commission and funded by the USA National Oceanic and Atmospheric Administration (NOAA) through the International Fishmeal and Fishoil Organisation (IFFO).

The first workshop was held in March and involved scientists from Thailand, Vietnam, Australia, India, Canada and the US. This workshop looked at developing indicators and reference points for tropical Asian trawl fisheries. These fisheries differ from similar trawl fisheries in northern Australia in that there is a market for all components of the catch, not just the target catch of prawns and shrimp.

An interesting outcome from this workshop was the realisation that measures for defining multispecies Maximum Sustainable Yield (MSY) are not well-developed. Globally, the MSY approach is often applied in a single-species management context; this is reflected in the design of most international fisheries agreements. This is particularly problematic for tropical countries with multispecies fisheries.

The second series of workshops were held in rural Vietnam and included stakeholders from various parts of the supply chain in the lower Mekong and upper Gulf of Thailand. Participants worked through their fishery objectives and then chose an appropriate management indicator.

The next step is to reconvene in Bangkok and combine the scientific and stakeholder input into a guidance document for future management. We have also sought funding to further explore multispecies MSY issues.

-- Duncan Leadbitter is an Honorary Fellow and Director of Fish Matter http://fishmatter.com.au/

ANCORS PhD student Karen Raubenheimer participated as a panelist, presenting some of her research on the feasibility of a new binding international agreement to prevent land-based sources of marine plastic debris.

Once a year, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea meets to discuss developments in ocean affairs and the law of the sea. This year the topic was “Marine debris, plastics and microplastics.”

The emphasis of discussions was on achieving Goal 14 of the 2030 Agenda for Sustainable Development, in which all States agreed to prevent and significantly reduce marine pollution of all kinds by 2025, in particular from land-based activities and including marine debris.

ANCORS PhD student Karen Raubenheimer participated as a panelist, presenting some of her research on the feasibility of a new binding international agreement to prevent land-based sources of marine plastic debris.

The failures within the current policy response were briefly highlighted, before drawing a comparison between regulating plastics at the raw material phase and the Montreal Protocol. This was supported by recent regulations that ban the import and production of products that contain microbeads. The challenges were acknowledged, particularly the difficulty in achieving a favourable cost-benefit analysis.

The presentation concluded with where the authority for such an agreement could be found within the international policy framework, listing the enabling Articles within the Law of the Sea Convention.

-- Karen Raubenheimer is an ANCORS PhD Student
Meet our new UN-NIPPON Fellow

Aruna Maheepala is currently engaged in research at ANCORS under the UN-NIPPON fellowship programme and the title of his research is “Study on barriers and sustainable options for effective implementation of fisheries management initiatives in Sri Lanka – Fishers Prospects”.

Maheepala started his career as a Community Support Coordinator at Sri Lanka Red Cross society before joining the National Aquatic Resources Research and Development Agency (NARA) of Sri Lanka, as a researcher. He has about 6 years research experience in the field of Socio-economics and has engaged with many research projects, EIAs and consultancies.

He obtained his BA degree in economics from the University of Sri Jayewardenepura in 2005 and completed his Masters degree in economics at University of Colombo of Sri Lanka. He also holds an LLB from Open University of Sri Lanka.

His hobbies are bike-riding and playing cricket, and he is looking forward to gaining a better understanding of fisheries management and the law of the sea during his study period at ANCORS.

ANCORS meets with AAF success for 2017

ANCORS has once again enjoyed a great result in the most recent round of the Australia Awards Fellowships (AAF).

Three projects were successful, with a total awarded amount of over AUD $766,000.

Professor Alistair McIlgorm has had two projects funded:

“Enhancing fisheries management capacity in the Caribbean region”, and “Enhancing fisheries management capacity in the Indian Ocean region” for the Indian Ocean Tuna Commission (IOTC) member states.

Associate Professor Chris Rahman was also successful in securing funding for a project on maritime security in Indonesia.

Funding for these Fellowships is provided by the Australian Department of Foreign Affairs and Trade (DFAT).

This achievement was met with congratulations by the Faculty of Law, Humanities and the Arts Executive Dean Professor Amanda Lawson.

ANCORS enters into new partnership with Nereus Program

ANCORS is delighted to be joining the Nereus Program in 2017. The Nereus Program (www.nereusprogram.org) is a global interdisciplinary research initiative, funded by the Nippon Foundation.

The Nereus Program strives to explore a broad range of perspectives and scientific opinions on ocean sustainability, and to create an inclusive community of researchers and other marine professionals.

Our Nereus research project proposes to address the political stalemate that is undermining the sustainable management of the Pacific tuna fisheries, the world’s largest tuna fishery.

Earlier work by A/Prof Hanich found that the negotiation of sustainable fishing limits was undermined by poor processes for evaluating potential conservation impacts on States with an interest in the fishery, and a lack of clear decision rules to guide negotiations.

Unless resolved, overfishing will impact on the long term sustainability of these fisheries, resulting in significant conservation concerns, and limiting the future development opportunities for some Pacific small island developing States.

The project will recruit a post-doc to develop a scenarios analysis that will support the development of a transparent and consistent process to evaluate impacts of alternative measures on national interests and provide clear principles for decision-making.

- Quentin Hanich is an ANCORS A/Prof and Fisheries Governance Programme Leader
ANCORS builds into Torres Strait indigenous capacity for fisheries representation

Over the past year, ANCORS have been working with the Torres Strait Regional Authority (TSRA) on Thursday Island to assist with capacity development in the fisheries community.

Professor Alistair McIlgorm has just completed a second Fishery Management Principles workshop with key community fishery Advisory Committee representatives from different islands in the Torres Strait (TS). The training assists committee members to understand their roles and gain knowledge on the legal, fisheries management, scientific, economic, environmental and compliance and enforcement on which their advice is sought.

The workshop program outcome is to enable fuller participation and contribution by representatives to the advisory process feeding into the PZJA decision making.

The Torres Strait is one of the most complex marine jurisdictional areas in the world, with Australia having territory extending close to the coast of Papua New Guinea (PNG).

TS fisheries are managed under the Torres Strait Fisheries Act 1984. There are a series of distinct fisheries varying across the 17 inhabited islands from west to east. The management regime divides boat licenses to reflect traditional inhabitants: the traditional inhabitant boat sector (TIB) and the non-traditional vessel sector (TVH). Fisheries like the tropical rock lobster fishery are divided between TVH and TIB, a situation that TS Islanders have not seen as reflecting their aspirations for 100% ownership of their marine resources. On 9 April 2014, the PZJA acknowledged and supported the aspirations of 100% ownership of TS commercial fisheries by Torres Strait Islander and Aboriginal Traditional Owners.

ANCORS have been assisting the TSRA with the development of a more appropriate Community fishery management framework, including writing a PZJA-commissioned report that examined potential cross-cutting lessons from the development of indigenous fishing rights in New Zealand.

Kenny Bedford is the Fishery Portfolio member from the Island of Erub (Darnley) and has substantial representational experience in the TS fishery scene: “The training for the representatives is really needed” he said. “We have to build the capacity of the community towards the day when we will be owning and managing our marine resources and the training is a step in this direction”. The training project is now completing, but the success of the training may lead to further future programs.

- Professor Alistair McIlgorm is ANCORS’ Capacity Development Program Leader

Recent Publications


Fish in the Noumea aquarium. Photo: Brooke Campbell
Dr Michelle Voyer is a recent arrival at ANCORS, having commenced a Vice-Chancellors post-doctoral fellowship with the Centre in May.

Michelle has worked in marine conservation and management for over 15 years commencing with the then NSW Marine Parks Authority while studying a combined Science /Arts degree at the University of Newcastle. This morphed into a fulltime position with NSW Fisheries (now DPI) following graduation.

Her time in these roles was a rude introduction to the frontline of the science-policy interface. She worked on a number of highly controversial proposals, including the declaration of Grey Nurse Shark critical habitat areas and a raft of new Marine Protected Areas (MPAs).

Following a short secondment to the National Oceans Office in Tasmania, where she worked on the contentious South-east Marine Reserve network, she entered a period of quiet reflection on all that she had seen when she took up the far-from-stressful position of Lindeman Island ranger with the Queensland Parks and Wildlife Service. Balmy evenings spent on the verandah of the rangers quarters, watching the sunset over the magnificent Whitsunday Islands is a tough gig, but someone has to do it!

At the time the Representative Area Program (RAP), which resulted in massive changes to the zoning arrangements in the GBRMP, was in full swing, and Michelle again witnessed first-hand the contestation and conflict that Marine Protected Areas (MPAs) often inspire. Her future academic path was inspired by the emotion-charged consultation processes she was directly and indirectly involved in during the early days of her career. Despite the great views at Lindeman Island, she began to yearn for greater intellectual stimulation and some answers to nagging questions about why people get so upset about MPAs.

Four years in Central Queensland (employed in coastal planning with the EPA), 2 baby boys and a move back to NSW later, Michelle commenced her PhD with the University of Technology Sydney in attempt to answer those nagging questions. With it she began the sometimes painful process of transitioning from a biologist and bureaucrat to an academic and social scientist.

Her PhD, which she completed in 2014, explored influences on the social acceptability of MPAs, with a focus on two NSW marine parks. It played a small role in influencing a seismic shift in the way that MPAs are planned and managed within NSW, with an increasing emphasis on the social sciences to inform management and participative planning processes.

Since completing her PhD Michelle has been engaged in a range of projects investigating the human dimensions of marine conservation and resource management, including commercial and recreational fisheries. Her current research with ANCORS is a cross-disciplinary investigation into social equity considerations in the Blue Economy.

She lives in Kiama with her three favourite men, husband Deon (an Operations Manager for NSW Maritime based at Port Kembla) and sons Cameron (9) and Jonathon (7).
ANCORS Around the World

ANCORS PhD Candidate Harriet Harden-Davies takes a moment to enjoy a rooftop view in Paris while serving as an advisor to the UK delegation at the UNESCO-Intergovernmental Oceanographic Commission meeting in June 2016. There, a resolution was adopted on the role of IOC in the development of a new international legally binding instrument on the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction under the United Nations Convention on the Law of the Sea. Harriet is researching the role of international science cooperation in developing governance solutions for marine genetic resources in areas beyond national jurisdiction.

Building research collaborations in Germany

Thanks to a University International Committee International Links Grant, ANCORS Fellow Dr Aurélie Delisle was able to spend one month in Germany with the aim of exploring and establishing collaborative research links between ANCORS and German institutions around the theme of “Sustainability of global oceans”.

As a guest researcher within the Sustainability Centre (ARTEC) at the University of Bremen, she delivered two seminars about the work of ANCORS Fisheries Governance Programme on Small-scale fisheries in Kiribati.

There was a lot of interest generated about the work and ANCORS activities from staff at ARTEC and the Leibniz Centre for Tropical Marine Ecology (ZMT), which Dr Delisle hopes will lead to further exchanges, visits and research collaborations in the near future.

Dr Delisle also went to Kiel, where she caught up with ANCORS Honorary Senior Fellow Dr. Barbara Neumann in the Department of Geography. It was a fruitful three days thanks to Dr. Neumann who had organised a seminar and meetings with her colleagues from the Departments of Law, Economics and Geography.

Options for funding potential projects to strengthen existing ties with the University of Kiel are currently being explored.

The trip would not have been as memorable without visiting ANCORS alumni Dr Carole Durussel from the Institute for Advanced Sustainability Studies in Postdam. She was a very talented tour guide and knew exactly where to find the best pastries. -Aurélie Delisle is an ANCORS Research Fellow

Drs Delisle and Durussel at the Neue Palace in Potsdam.
Unlocking deep-sea potential: ANCORS hosts international workshop

In June 2016, ANCORS staff Brooke Campbell, Ruth Davis, and Quentin Hanich took part in a collaborative research workshop held at Google San Francisco.

The two-day workshop was organized around Global Fishing Watch, the product of a technology partnership between SkyTruth, Oceana, and Google (http://globalfishingwatch.org/).

The public tool uses a global feed of vessel locations extracted from Automatic Identification System (AIS) tracking data collected by satellite, revealing the movement of vessels over time. The ultimate intent of this partnership is to create a tool that harnesses the power of citizen engagement to increase accountability and sustainability in ocean fisheries management.

This workshop brought together top researchers from a number of North American universities, along with ANCORS, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Pacific Community to discuss potential research projects that could be resourced and supported by workshop hosts and participants.

The workshop wrapped up with a number of potential projects put forward and new research connections made. ANCORS is involved in new and ongoing discussions following on from the workshop, including a new multidisciplinary project with Stanford and UC Santa Barbara coordinated by Brooke Campbell.

The diversity of life in the deep-sea could hold the key to new pharmaceuticals and other biotechnology products. Harnessing the potential of these ‘genetic resources’ involves a complex research and development process that faces various technical, legal, policy and other barriers. Legal developments in marine genetic resources governance could have wide impacts for science, business and conservation into the future.

In consideration of these challenges, ANCORS hosted an international workshop on deep-sea biodiversity in July 2016. The focus of the workshop, which convened 30 experts from Australia, New Zealand and UK from disciplines spanning law, science and business, was about overcoming barriers to deep-sea exploration to inform conservation approaches for deep-sea ecosystems, support the development of new biotechnology, and advance Australia’s blue economy.

The workshop highlighted new scientific and technological advances for investigating deep-sea life in Australia. Collaboration, new technology and legal certainty emerged as key enablers for harnessing deep-sea potential in Australia.

The workshop is part of the UOW Global Challenges project Drugs from the Deep? led by ANCORS PhD candidate Harriet Harden-Davies and includes Professor Robin Warner and Professor Clive Schofield. Publication of project findings is planned for late 2016.

Professor Gregory Rose was a guest speaker at the Ho Chi Minh City (HCMC) University of Law 3rd annual international conference on the South China Sea, 23 July 2016.

Eleven days after the highly anticipated international tribunal decision on the dispute between the Philippines and China over the Spratly Islands in the South China Sea, the theme of the conference was “Legal Issues relating to Awards of the Arbitral Tribunal established under Annex VII of the Law of the Sea Convention 1982”.

China refused to participate in the arbitration and Prof Rose presented an analysis of China’s argument’s against the Arbitral Tribunal’s having jurisdiction. The conference was a major national event held at Vietnam’s Reunification Palace, attended by an eminent panel of international speakers and drawing intense national press attention.

Vietnam has a comparable dispute with China focused on the Paracel Islands in the South China Sea, called the East Sea in Vietnam. Establishment of an international law of the sea institute at HCMC University of Law was announced.
Pacific communities acting for sustainability symposium

In July ANCORS members Ms Brooke Campbell, Ms Genevieve Quirk and Prof Robin Warner participated in a UOW Symposium entitled “Pacific communities acting for sustainability”. The symposium, which was held at the LHA Research Hub, was organized by Drs Anu Bissoonauth-Bedford and Rowena Ward as part of a University International Committee International Links Grant with the University of New Caledonia (UNC). Presentations discussed sustainability in varied forms, including Australian Aid, legal frameworks in the Loyalty Islands, Pacific migrant kitchens and food in Sydney and New Caledonian languages and migrant communities.

From ANCORS, Ms Quirk presented on regional oceans governance and sustainable development goals in a panel chaired by Prof Warner, Ms Campbell presented on behalf of herself and Dr Auréle Delisle on sustainability, environmental practice, and communities in Kiribati.

Visiting scholars from UNC also presented about their academic programs and research projects and initial discussions were held about future learning and teaching opportunities between the two institutions.

ANCORS co-hosts workshop on small scale fisheries and climate change in the Pacific Islands

In June, ANCORS members Ruth Davis, Brooke Campbell, and A/Prof Quentin Hanich participated in an academic workshop “Integrating climate change and small island developing state communities: Impacts, shocks and responses in the Pacific islands region” held at the Stanford Centre for Ocean Solutions (COS) in Monterey, USA. ANCORS co-hosted the workshop along with COS and the University of British Columbia Nereus Program. More than a dozen academics from the three institutions, as well as representatives from the Pacific Community and CSIRO, workshopped ideas for a collection of collaborative academic papers for a special edition of the journal Marine Policy.

This special edition will be co-edited by A/Prof Quentin Hanich. It is intended as a reference guide for marine stakeholders and decision-makers to better understand the current and future challenges facing coastal fishing communities in the Pacific Islands vis-à-vis climate change. It will also propose practical ways forward for governments and communities.

Contributing to a regional expert workshop on FADs in Vanuatu

In late June, Associate Research Fellow Ms. Brooke Campbell travelled to Vanuatu to take part in a regional expert consultation on nearshore Fish Aggregating Devices (FADs).

Workshop objectives were to create an opportunity for nearshore FAD experts in the region to share their experiences and learning and to develop best practice principles to guide nearshore FAD deployments in the future.

The meeting was hosted by WorldFish and the Pacific Community and included fisheries managers from ten Pacific Islands and Territories. Ms. Campbell gave a presentation on nearshore FADs in Kiribati and facilitated a session on program management and funding.

Expected outputs from this workshop are a joint publication on regional lessons in the development and implementation of nearshore FADs in the Pacific Region and an updated SPC technical manual.

Vanuatu Fisheries Department get ready to deploy a “Vatu-Ika” nearshore Fish Aggregating Device.
ANCORS Courses are available online!

Two subjects: Law of the Sea and Maritime Regulation and Enforcement, have already been successfully delivered in an online format, with others to follow.

New Short Course on offer!
Bring yourself and your staff up to speed on key maritime security and oceans governance issues!
ANCORS is excited to be offering a new short course on International Fish Trade from 29 August to 2 September 2016.
To register for any ANCORS Professional Short Courses, please contact us at ancors@uow.edu.au

Remaining regular short courses for 2016 include:
International Fisheries Law: 22 –26 August

ANCORS Courses are available online!
Two subjects: Law of the Sea and Maritime Regulation and Enforcement, have already been successfully delivered in an online format, with others to follow.

Come join us for one of our short courses!

All prospective students should in the first instance contact the ANCORS Postgraduate Coursework Degree Coordinator Ms Ruth Davis for further information and advice, before applying online.

Want to receive this Newsletter? Subscribe to our electronic mailing list at http://eepurl.com/bysM-v