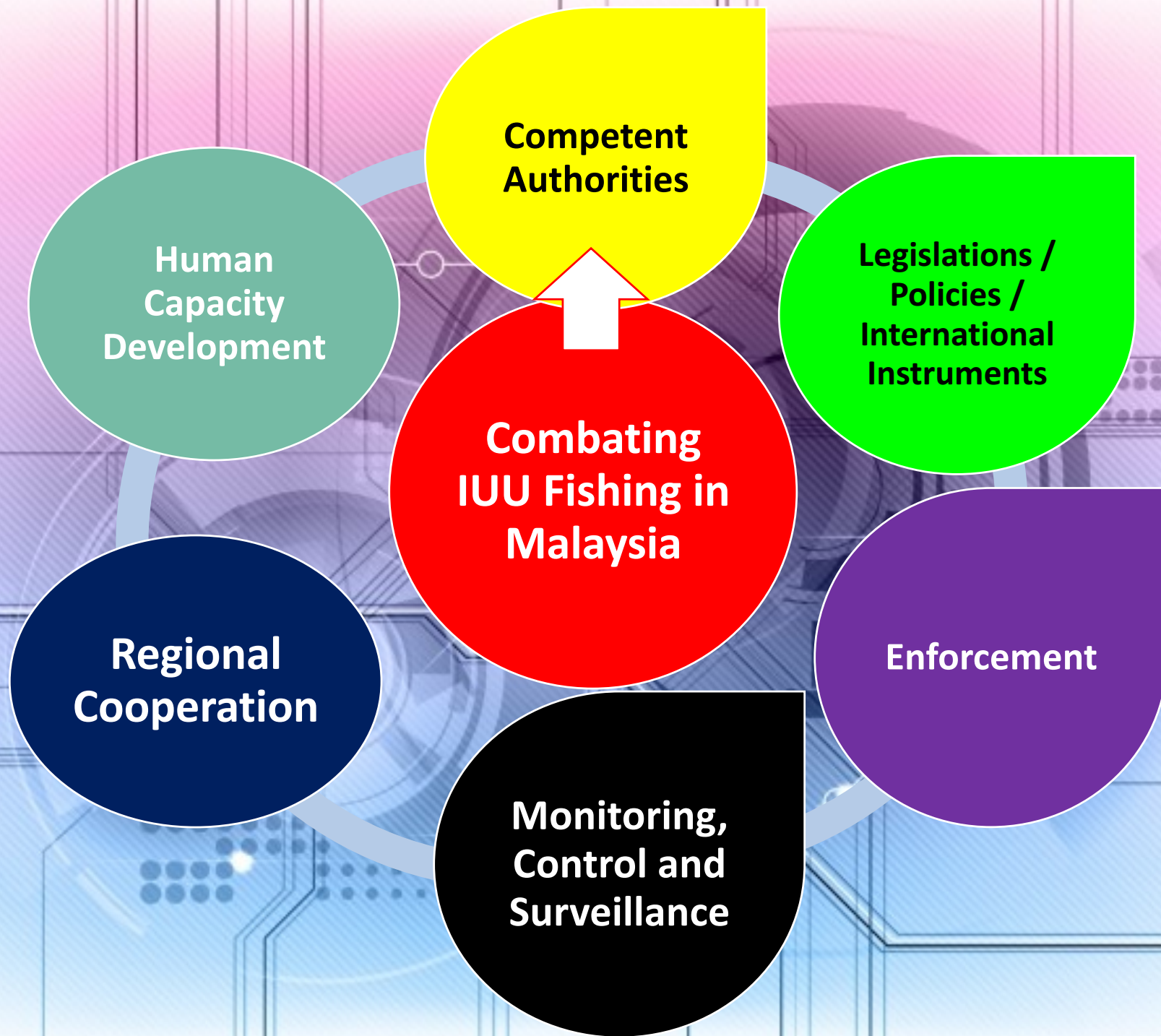


“Situation, preparation and capacity building need on PSM implementation to combat IUU fishing”.

MALAYSIA

**Regional Training on
Port State Measures Implementation in Southeast Asia
20-23 February 2018, Bangkok, Thailand**

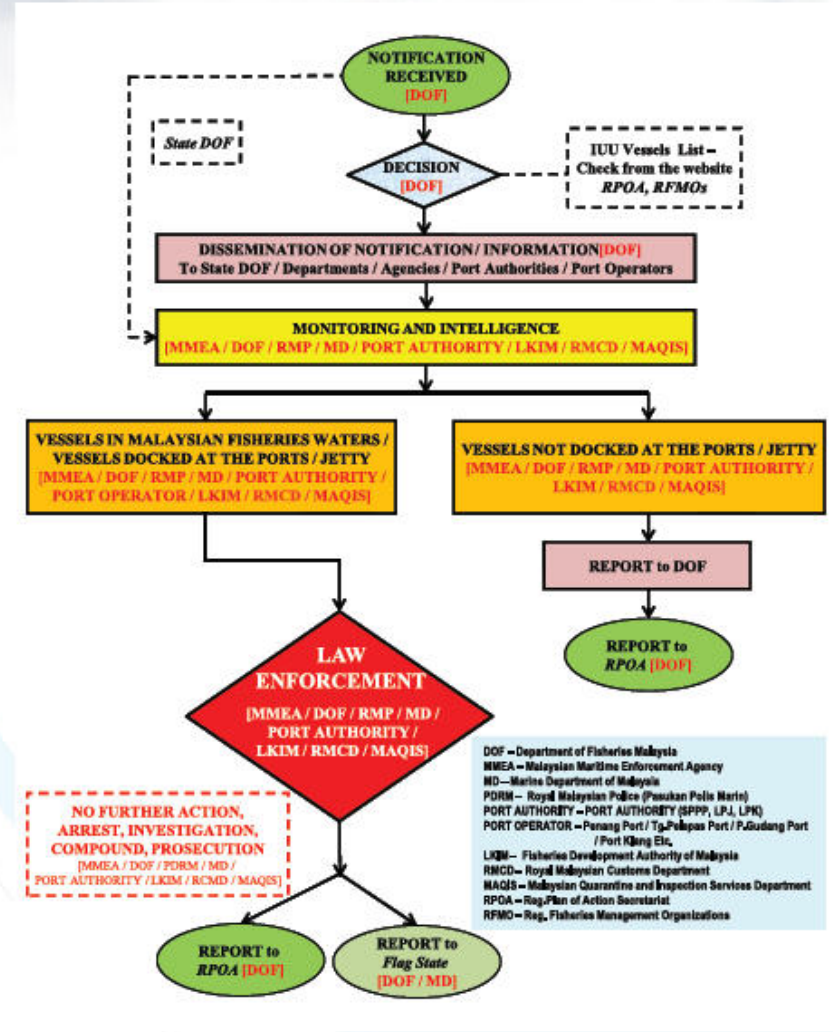


LEGISLATIONS	AUTHORITY
Fisheries Act 1985	Department of Fisheries Malaysia
Act 49, 1971	Fisheries Development Authority Malaysia
Merchant Shipping Ordinance 1952	Marine Department Malaysia
Malaysian Maritime Enforcement Act 2004 Exclusive Economic Zone Act 1984	Malaysian Maritime Enforcement Agency
Police Act 1967	Royal Malaysia Police (RMP)
Customs Act 1967	Royal Malaysian Customs
Fisheries Ordinance 1963	Department of Fisheries Sabah
Malaysian Quarantine & Inspection Services Act 2011	Malaysian Quarantine & Inspection Services

The Department And Agencies Involved In Preparation Of SOP And Handling Cases Of IUU Listed Vessels Under RFMOS



ANNEX 3: STANDARD OPERATING PROCEDURE TO HANDLE FOREIGN FISHING VESSEL THAT HAVE ENGAGED IN IUU FISHING WHEN ENTERING MALAYSIAN PORTS

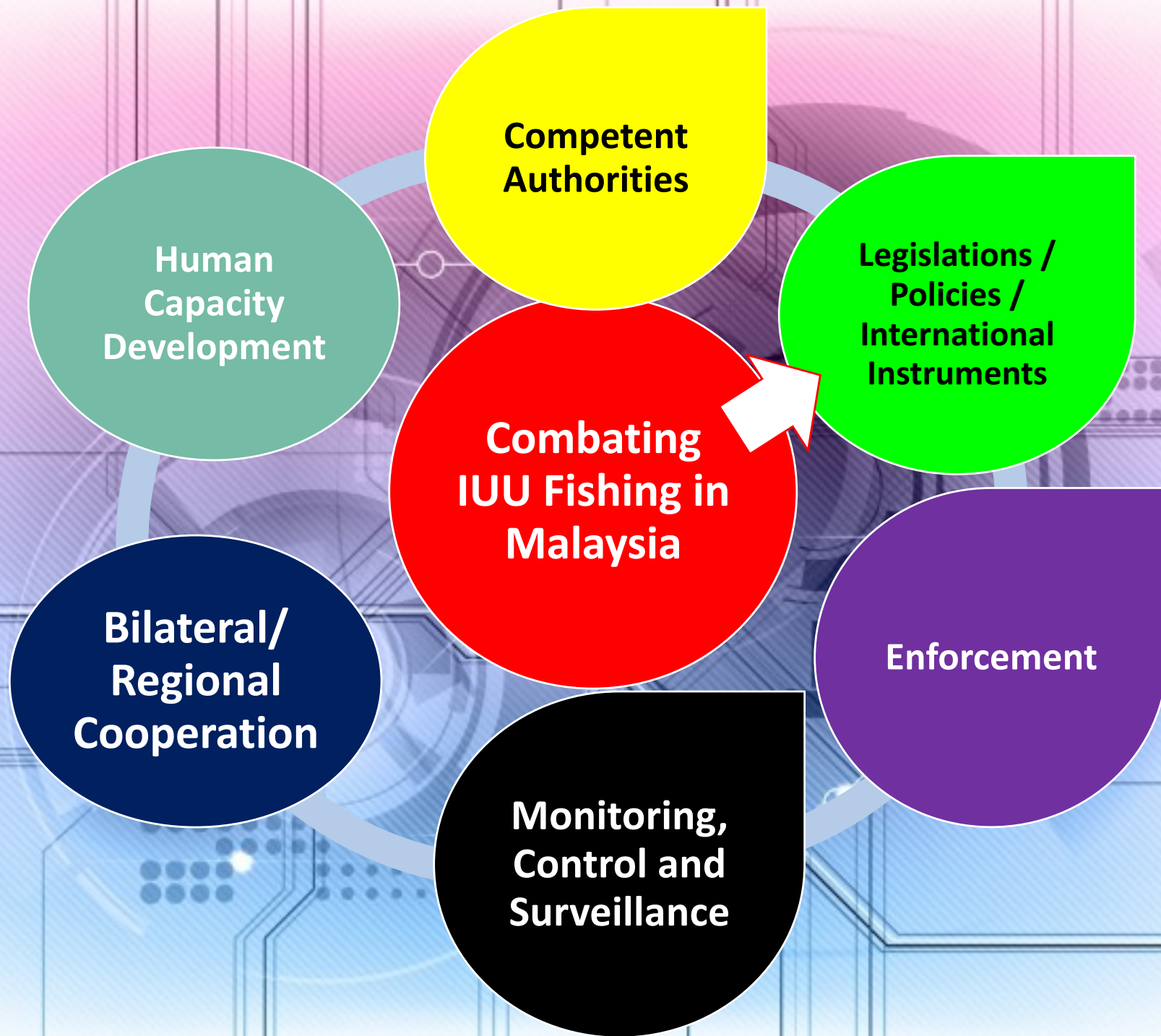


PUBLIC AUTHORITIES

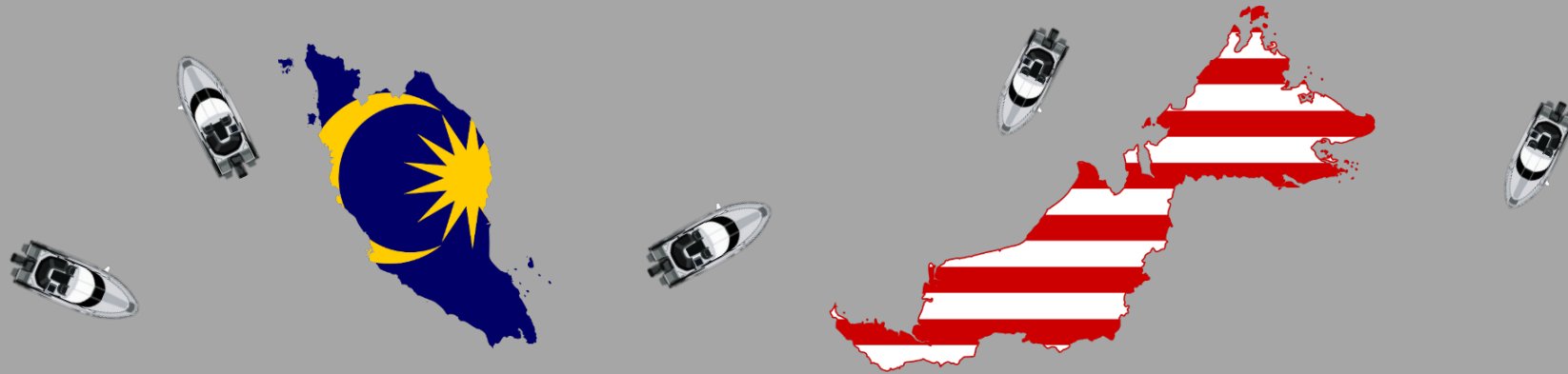
➤ Synergy through strategic cooperation with other enforcement agencies through National Blue Ocean Strategy - NBOS

- Department of Fisheries Malaysia
- Fisheries Development Authority Malaysia
- Malaysian Quarantine & Inspection Services
- Malaysian Maritime Enforcement Agency
- Marine Operations Force, Royal Malaysia Police
- Department of Fisheries Sabah
- Marine Department Malaysia
- Royal Malaysian Customs
- Royal Malaysian Navy
- Port Authorities

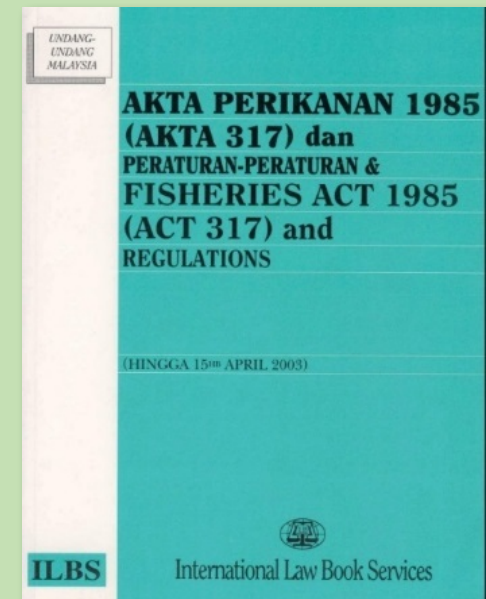




LEGISLATIONS

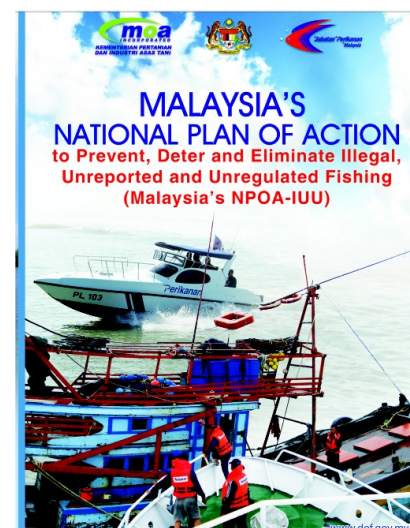
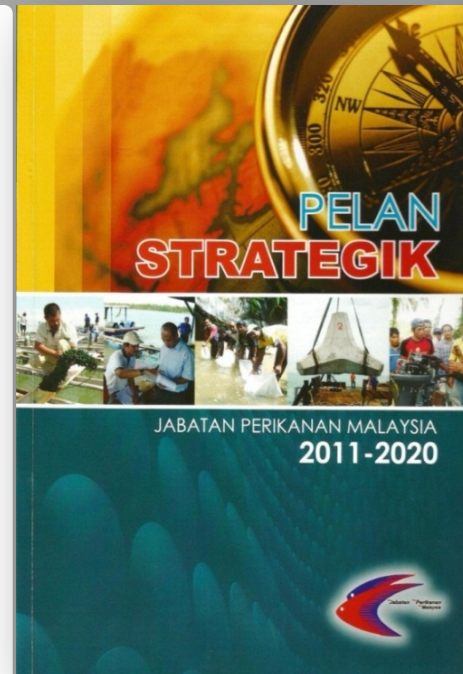


- I. Fisheries Act 1985
- II. Exclusive Economic Zone Act 1984
- III. Merchant Shipping Ordinance 1952
- IV. Malaysian Maritime Enforcement Act 2004
- V. Police Act 1967
- VI. Customs Act 1967
- VII. Immigration Act 1963
- VIII. Malaysian Quarantine & Inspection Services Act 2011
- IX. International Trade In Endangered Species Act 2008



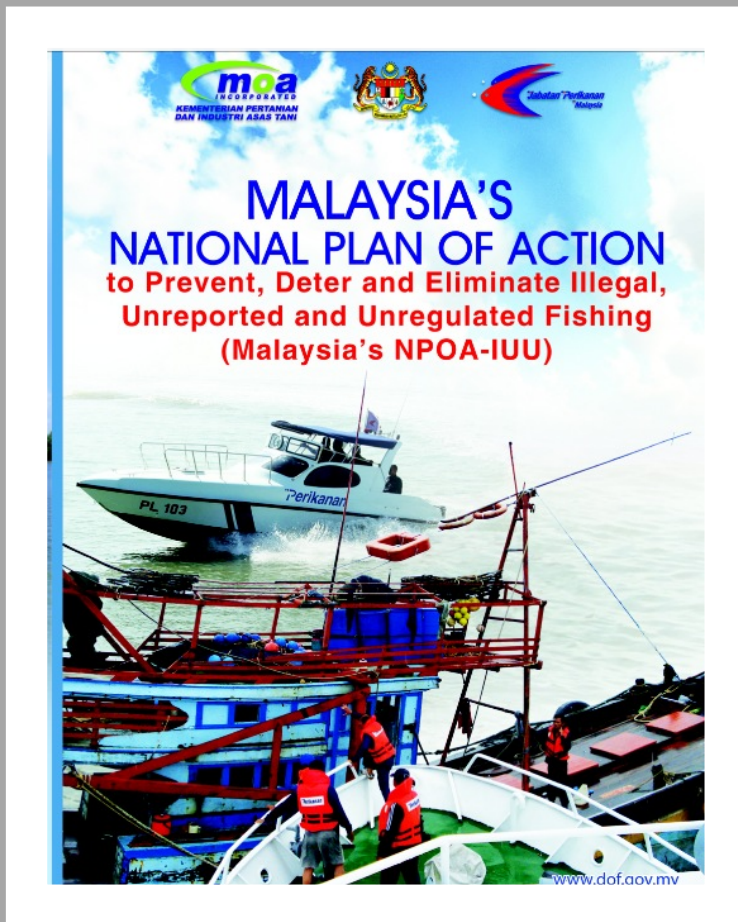
WHERE IN THE POLICY ??..

- National Agro-Food Policy 2011-2020
- Strategic Plan of Department of Fisheries Malaysia 2011-2020
- Capture Fisheries Strategic Plan Malaysia 2015-2020
- Malaysia's National Plan of Action to Prevent, Deter and Eliminate IUU (NPOA-IUU)



NPOA-IUU

launched in 2013- key feature is inter-agency coordination in handling the request to use of ports by foreign fishing vessels



FISHERIES ACT 1985

*“An Act relating to fisheries, including the **conservation, management and development of maritime and estuarine fishing and fisheries, in Malaysian fisheries waters,...**”*

**AKTA PERIKANAN 1985
(AKTA 317) dan
PERATURAN-PERATURAN &
FISHERIES ACT 1985
(ACT 317) and
REGULATIONS**

(HINGGA 15th APRIL 2003)



ILBS

International Law Book Services

MSO

NO.70 of 1952 - ORD. 70/1952
MERCHANT SHIPPING ORDINANCE, 1952
PART XIII - PORTS AND PORT OFFICERS
Arrival and Departure of Vessels

Section 449. Master to report arrival.

The master of every vessel anchoring in any of the ports of the Federation, or going alongside any wharf in any port, shall -

- (a) forthwith give or cause to be given at the Port Office a written report of the arrival of his vessel, which report shall be in such form as shall from time to time be prescribed by the Director of Marine and shall contain such particulars as the Director of Marine may require;
- (b) deposit or cause to be deposited there a list of passengers on board; and
- (c) in the case of British or Malayan vessels and vessels belonging to a nation not having a consular officer at the port, produce to the Port Officer the certificate of registry and shall deposit with him the ship's articles.

Malaysian Quarantine and Inspection Services Act 2011

Section 11. Requirement for permit, licence and certificate

- 1) No person shall import any plant, animal, carcass, fish, agricultural produce, soil or microorganism without a permit, licence or certificate issued under this Act.
- 2) No person shall export any plant, animal, carcass, fish, agricultural produce, soil or microorganism without a permit or licence issued under this Act.
- 3) Any person who is involved in the importation and exportation of any plant, animal, carcass, fish, agricultural produce, soil or microorganism who contravenes this section commits an offence and shall, on conviction, **be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding six years or to both** and, for a second or subsequent offence to a fine not exceeding one hundred and fifty thousand ringgit or to imprisonment for a term not exceeding seven years or to both.

ANTI MONEY LAUNDERING ACT, ANTI TERRORISM, FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES ORDER 2017 (AKTA AMLA 2001)



7 Jun 2017
7 June 2017
P.U. (A) 165

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT
GAZETTE

PERINTAH PENCEGAHAN PENGUBAHAN WANG HARAM,
PENCEGAHAN PEMBIAYAAN KEGANASAN DAN
HASIL DARIPADA AKTIVITI HARAM
(PINDAAN JADUAL KEDUA) 2017

ANTI-MONEY LAUNDERING, ANTI-TERRORISM
FINANCING AND PROCEEDS OF UNLAWFUL ACTIVITIES
(AMENDMENT OF SECOND SCHEDULE) ORDER 2017

DISIARI
PUBL
JABATAN PE
ATTORNEY GEN

P.U. (A) 165

<i>Offences</i>	<i>Description*</i>
"Fisheries Act 1985 [Act 317]	
Section 8	Offence for fishing without licence or in contravention of condition or direction
Section 11	Licence in respect of local fishing vessel, fishing stakes, fishing appliance, fish-aggregation device or marine culture system
Section 15	Fishing, etc., by foreign fishing vessel in Malaysian fisheries waters
Section 16	Passage of foreign fishing vessel through Malaysian fisheries waters
Section 20	Bringing into or having in Malaysian fisheries waters fish taken or received from foreign fishing vessel";

ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING
AND PROCEEDS OF UNLAWFUL ACTIVITIES ACT 2001

ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING AND PROCEEDS OF
UNLAWFUL ACTIVITIES (AMENDMENT OF SECOND SCHEDULE) ORDER 2017

IN exercise of the powers conferred by section 85 of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 [Act 613], the Minister makes the following order:

Citation

1. This order may be cited as the **Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities (Amendment of Second Schedule) Order 2017**.

Amendment of Second Schedule

2. The Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 is amended in the Second Schedule—

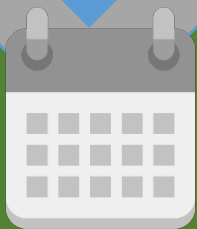
MALAYSIA'S STANCE TOWARD PORT STATE MEASURES AGREEMENT???



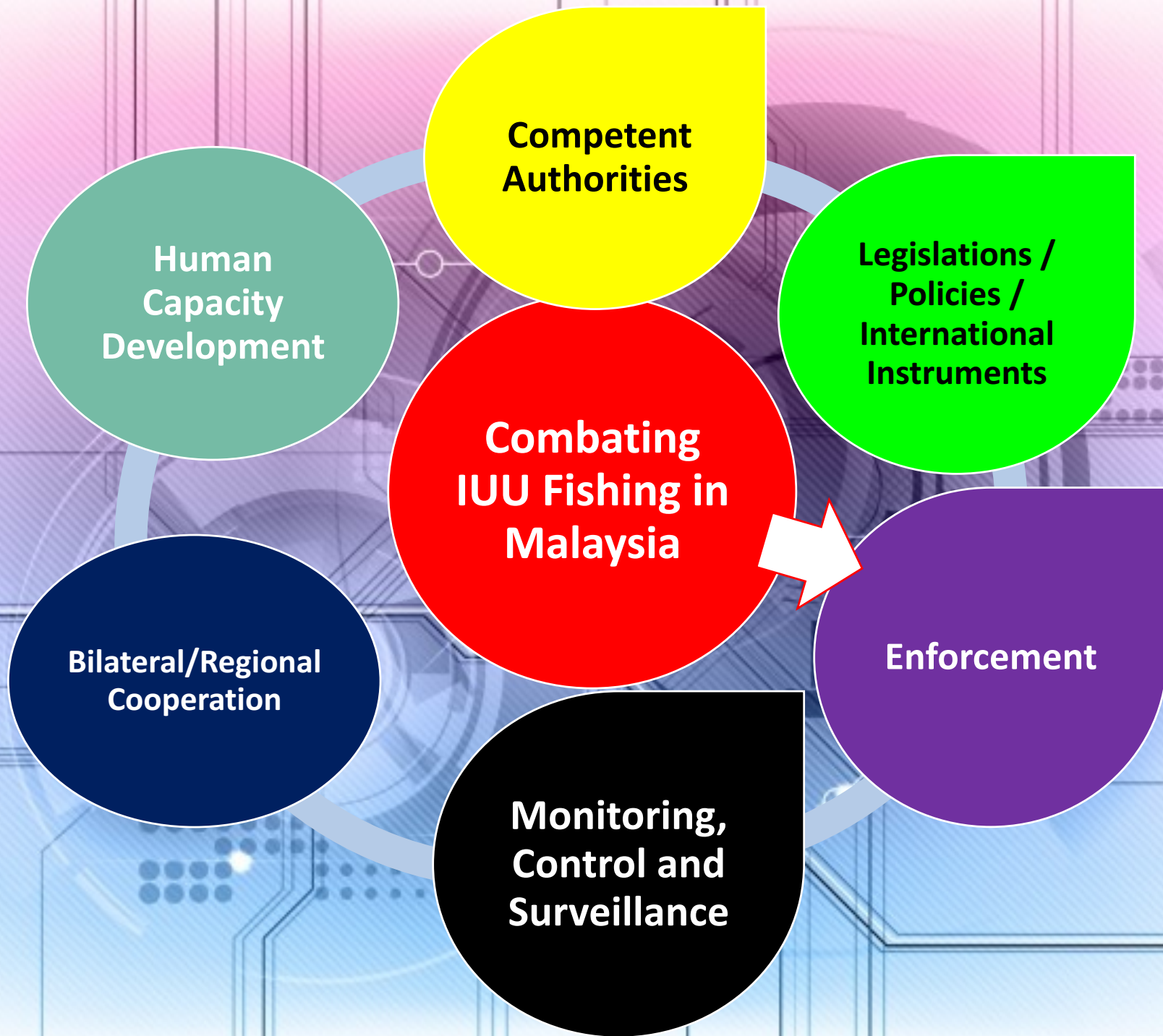
- Conduct gap analysis on legal, operational, institutional and policy



- Cost & Benefit Analysis



- Roadmap with reasonable timeframe



**Competent
Authorities**

**Legislations /
Policies /
International
Instruments**

**Combating
IUU Fishing in
Malaysia**

Enforcement

**Monitoring,
Control and
Surveillance**

**Bilateral/Regional
Cooperation**

**Human
Capacity
Development**

ENFORCEMENT ACTIVITIES



2 BH2 SKUAD

RABU 3 DISEMBER 2015 BH



Ops MARDOF kawal selia perairan Selangor

» Kerjasama APMM, Jabatan banteras operasi warga tempatan gaji nelayan asing

Oleh Naimah Mohamed
bnnews@bh.com.my

Alat yang mengangkap ikan oleh nelayan warga asing yang ditangkap oleh warga tempatan semakin menjadi-jadi di negara ini. Walaupun tindakan itu kelihatan biasa dan tidak berbahaya, namun yang tidak sedar perbuatan itu sebenarnya melanggar syarat lesen, apabila pemilik bot tempatan menggunakan rama nelayan asing berbanding tempatan. Tindakan menggunakan nelayan warga asing adalah antara kesalahan jenayah maritim yang sering berlaku di perairan negara. Keadaan ini memerlukan penguatkuasaan separang masa.

Sehubungan itu, baru-baru ini,

operasi ketika sedang menjalankan aktiviti perikanan di perairan Selangor. "Kita melancarkan Ops MARDOF 1/2015 ini dengan kerjasama JPNS pada 20 November dan memulakannya pada tengah malam 23 November."

Beliau berkata, APMM dan JPNS meneruskan kerjasama berkenaan pada masa hadapan dengan memperkukuh beberapa kejurangan yang dilaksanakan sepanjang empat hari tempoh operasi.

Periksa 23 bot

"Kita sudah nampak keberkesanan penguatkuasaan ini apabila daripada 23 bot yang diperiksa, hanya dua saja yang didapati melakukan kesalahan. Oleh itu, operasi ini akan diteruskan sehingga semua kegiatan haram di perairan Selangor termasuk pemerangkapan mamusia dan juga penyeludupan barangan dapat dibanteras," katanya.

Operasi itu dianggotai 50 pegawai dan anggota APMM serta 20 lagi daripada JPNS.

Sementara itu, Pengarah JPNS, Azliha Ab Aziz, berkata kebanyakan nelayan yang didapati menggunakan warga asing memberikan alasan kerjanya itu tidak menarik minat rakyat tempatan hingga memaksa mereka mencari pekerja asing.

Beliau berkata, mereka sedar perbuatan itu melanggar syarat lesen yaitu 80 peratus pekerja tempatan dan 20 peratus pekerja warga asing.

"Kita sudah beri kelengkapan dengan membekalkan mereka dengan gaji 20 peratus pekerja asing di bot mereka. Bagaimanapun, syarat itu masih sukar dipatuhi," katanya.

Mohd Aliyan (bari) dan Azliha (kanan), berecap di sidang media majlis penutup operasi bersepadu Ops MARDOF 1/2015 APMM bersama JPNS di pejabat Maritim Daerah Klang, Pelabuhan Klang. (FOTO FAIZ ANUAR / BH)

"Operasi ini akan diteruskan sehingga semua kegiatan haram di perairan Selangor termasuk pemerangkapan mamusia dan juga penyeludupan barangan dapat dibanteras"

Mohd Aliyan Hamdan, Ketua Penguat Kuasa Maritim Daerah Klang

"Kita sudah beri kelengkapan dengan membekalkan mereka dengan gaji 20 peratus pekerja asing di bot mereka. Bagaimanapun, syarat itu masih sukar dipatuhi."



Joint Operation in West Coast Peninsular Between MMEA-DOFM- Royal Malaysia Police, Royal Customs & Marine Dept. on 2015



Antara anggota yang hadir pada Majlis Penutup Operasi Bersepadu Ops MARDOF 1/2015 APMM bersama JPNS.

ENFORCEMENT ACTIVITIES



RMP visits FISHCOM on 10 Mac 2016



**JOINT OPERATION (NBOS) –
DOFM-RMP (ROYAL MALAYSIA POLICE) IN
EAST COAST PENINSULAR – 16 Feb 2016**



ENFORCEMENT ACTIVITIES: DORM-MMEA

YEARLY HIGH LEVEL MEETING BETWEEN DOFM – MMEA 2016



TASK FORCE MEETING



COMBATING IUU FISHING (FROM CCAMLR AREA)

For several occasions in **2012-2017** in accordance with **Section 15(2) of Fisheries Act 1985**, Malaysia had issued order to deny the use of her ports by **36 foreign flagged IUU fishing vessels** out of which **five (5) have been prosecuted** in the same period for violating several laws and regulations.



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MMEA Foils Four Illegal Fishing Syndicates Worth RM5.7 Million Since 2012

PUTRAJAYA, Aug 5 (Bernama) -- The Malaysian Maritime Enforcement Agency (MMEA) has crippled four fishing syndicates involved in illegal, unidentified and unregulated (IUU) activities with seizures worth about RM5.75 million since 2012.

MMEA Operations deputy director-general Vice-Admiral Datuk Ahmad Puzi Ab Kahar said the success was the result of information sharing with the Australian Border Force and other countries in the region to stamp out illegal shipping activities.

"IUU fishing activities can threaten world marine resources.

"Apart from threatening fish resource conservation, the syndicates are also involved in organised crimes such as smuggling, human trafficking, and forced labour," he told a media conference here today.

He said in the latest success on May 10, MMEA busted an IUU activity by a certain vessel which was detected at 3.5 nautical miles southeast of Tanjong Penyusop, Johor and seized 330 tonnes of toothfish and arrested 28 crew members.

Ahmad Puzi said it was the biggest success for MMEA so far as the seizure was auctioned for RM5 million.



Meanwhile, all crew members of the ship comprising 25 Indonesians, Senegalese (seven), Spaniards (four) and Chileans (two) were fined a total of RM1.6 million which was paid by the company owning the ship which is registered in Lagos, Nigeria.

Ahmad Puzi said three earlier cases involved seizures valued at RM750,000.

-- BERNAMA

COMBATING IUU FISHING (FROM CCAMLR AREA)

2013



NO	VESSEL	NOTES
1	<p>MV Tiantai/MV Keshan (formerly MV Baiyangdian) – Feb & Mar 2013; Apr & Jul 2013;</p> <div style="display: flex; justify-content: space-around;">  <div data-bbox="734 523 1169 849"> <p><small>Photograph of the FV Ming 5 (formerly FV Thunder) taken by an Australian Customs and Border Protection Service aircraft on 30 October 2014.</small></p>  </div> </div>	<ul style="list-style-type: none"> • Prosecuted by MMEA under Sec. 491B(1)(L) Merchant Shipping Ordinance (MSO) 1952; • Fined RM50,000 by Magistrate Court on April 2013; • Detained by Dept. Of Marine (Southern Region) on 21/05/13 under Sec. 453(2) MSO 1952, due to "major deficiencies" founded by Marine Dept. of Malaysia; • Released on 11/02/14. • Reported sanked on 29 Mar 2014 about 350 nm North of Antarctic Mainland.

2014

NO	VESSEL	NOTES
2	FV Taishan (formerly Wanquan) – May 2014	<ul style="list-style-type: none"> • Prosecuted by MMEA under Sec. 491B(1)(L) MSO 1952; • Fined RM50,000 by Magistrate Court on April 2014.
3	FV MING No.5 – Jun 2014	<ul style="list-style-type: none"> ▪ Prosecuted in court by MMEA Under Sec.16(3) Malaysia's Fisheries Act 1985 ▪ "PLEADED GUILTY" on 18 June 2014 ▪ Fined RM200,000

COMBATING IUU FISHING (FROM CCAMLR AREA)

2015

NO	VESSEL	NOTES
4	<p>FV Viking (IMO 8713391) – 14 Mar 2015 / 1 Oct 2015</p> 	<ul style="list-style-type: none"> • Prosecuted by MMEA under Sec. 16 Fisheries Act 1985; • Fined RM200,000 in default 3 months imprisoned by Magistrate Court on 7 April 2015; • The Master was sent to prison for failed to pay the fine. • 19 May 2015, the master paid his fine and was released.
5	<p>FV Perlon – 6 May 2015</p> <p>Attachment A</p> <p>Photographs of the FV <i>Perlon</i> taken by an Australian Customs and Border Protection Service aircraft on 20 July 2014.</p> <p>Photograph 1</p> 	<ul style="list-style-type: none"> <input type="checkbox"/> On the 10th Jun 2015, all FV Perlon Crews had been charged under Section 15(2) Fisheries Act 1985. <input type="checkbox"/> Master FV Perlon had additional charged under section 16(3) Fisheries Act 1985. <input type="checkbox"/> All Asia Link crews were charged under section 20 Fisheries Act 1985. <input type="checkbox"/> Prosecution at Kota Tinggi Session Court – all pleaded NOT guilty. <input type="checkbox"/> On 7th July 2015 master & crew Asia Link pleaded guilty and were fined RM400,000. <input type="checkbox"/> On 2nd August, all crew FV Perlon pleaded guilty for the charges. They were fined RM1.595 mil & the cargo was auctioned at RM5,000,000 & proceeds forfeited by Government of Malaysia.

THE ROLE OF **DOFM** & **MMEA** IN HANDLING CASE OF IUU VESSEL FV PERLON

ENFORCEMENT AGENCY

ROLES

1



Department of Fisheries Malaysia (DOFM)



- Received the information – location & route etc. of IUU vessel from AFMA & RPOA Sec. & disseminate to other enforcement agencies e.g. MMEA;
- Confirmed the followings:
 - NO notification under Sec. 16(3) Fisheries Act 1985;
 - NO prior notification under Sec. 15(2) Fisheries Act 1985;
 - NO approval under Sec. 20 Fisheries Act 1985;
 - FV Perlon is a fishing vessel thru inspection & verified by authorized engineer and fishing gear expert;
 - The fish species – Patagonian Toothfish thru DNA test conducted by Fisheries Research Institute and Department of Chemistry Malaysia.

2



Malaysian Maritime Enforcement Agency (MMEA)

- Received the information from DOFM and other sources;
- Conducted inspection and arrest;
- Investigation – gathering information;
- Prosecution;
- Sharing information with other enforcement agencies.

**Public
Authorities**

**Human
Capacity
Development**

**Legislations /
Policies /
International
Instruments**

**Combating
IUU Fishing in
Malaysia**

**Bilateral/Regional
Cooperation**

Enforcement

**Monitoring,
Control and
Surveillance**



MONITORING, CONTROL AND SURVEILLANCE PROGRAMME

1 (MONITORING)

“the continuous requirement for the measurement of fishing effort characteristics and resource yields through observations, data collection, measurement and analysis of data and fisheries activity information”

1. Monitor fish landing;
2. **Vessel Monitoring System;**
3. Catch and operations reports;
4. **Inspection of fishing vessels;**
5. **Inspection of fishing gears;**
6. Reporting for storage purposes;
7. Analysis on catch and fishing effort & report comparison with VMS, verification on the accuracy of the landing report;
8. Control on landing ports/sites (landing is only permitted at designated sites);
9. Collection, measurement & analysis of fishing activities but not limited to species composition, fishing effort, by catch & discharge & area of operation.

(MCS)

2 CONTROL

“the regulatory conditions under which the exploitation of the resource may be conducted.”

1. Control of fishing effort through licensing;
2. Registration of fishing vessels;
3. Requirement to have permanent markings on fishing vessels;
4. Control and prohibition on fishing gears and methods of fishing;
5. Control on transshipment;
6. Fishermen Registration Programme and Issuance of Fishermen Card;
7. Establishment of fishing zones and marine protected areas (MPAs).

3 (SURVEILLANCE)

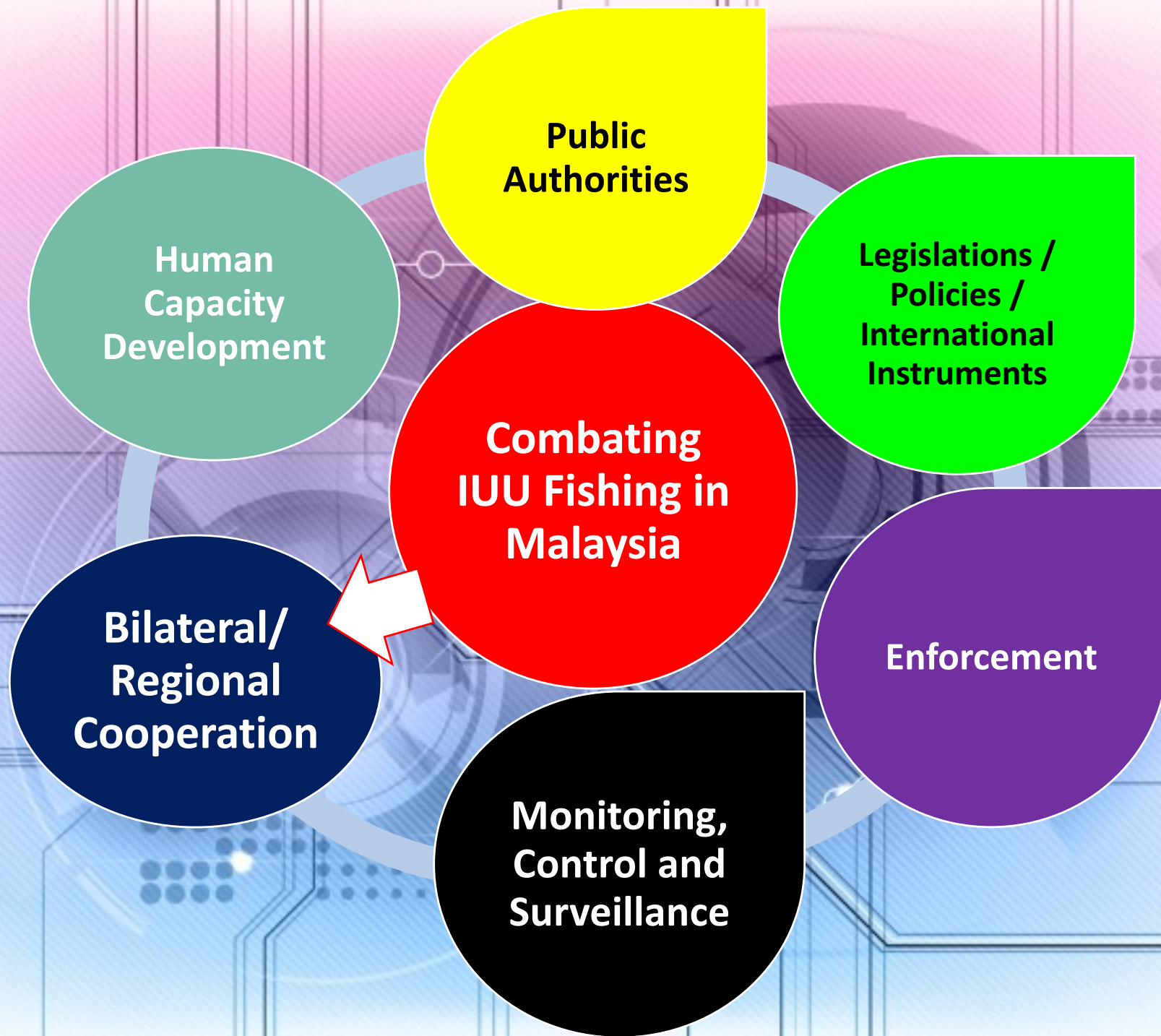
“the degree and types of observations required to maintain compliance with the regulatory controls imposed on fishing activities”

1. **Inspection by Fisheries Officer/Authorized Officer and other enforcement authorities at sea;**
2. **Air, Sea and Land Surveillance;**
3. **Law Enforcement.**

Reference:

Regional Guidelines of Responsible Fisheries in Southeast Asia (Responsible Fisheries Management). Southeast Asian Fisheries Development Center.

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REGIONAL COOPERATION



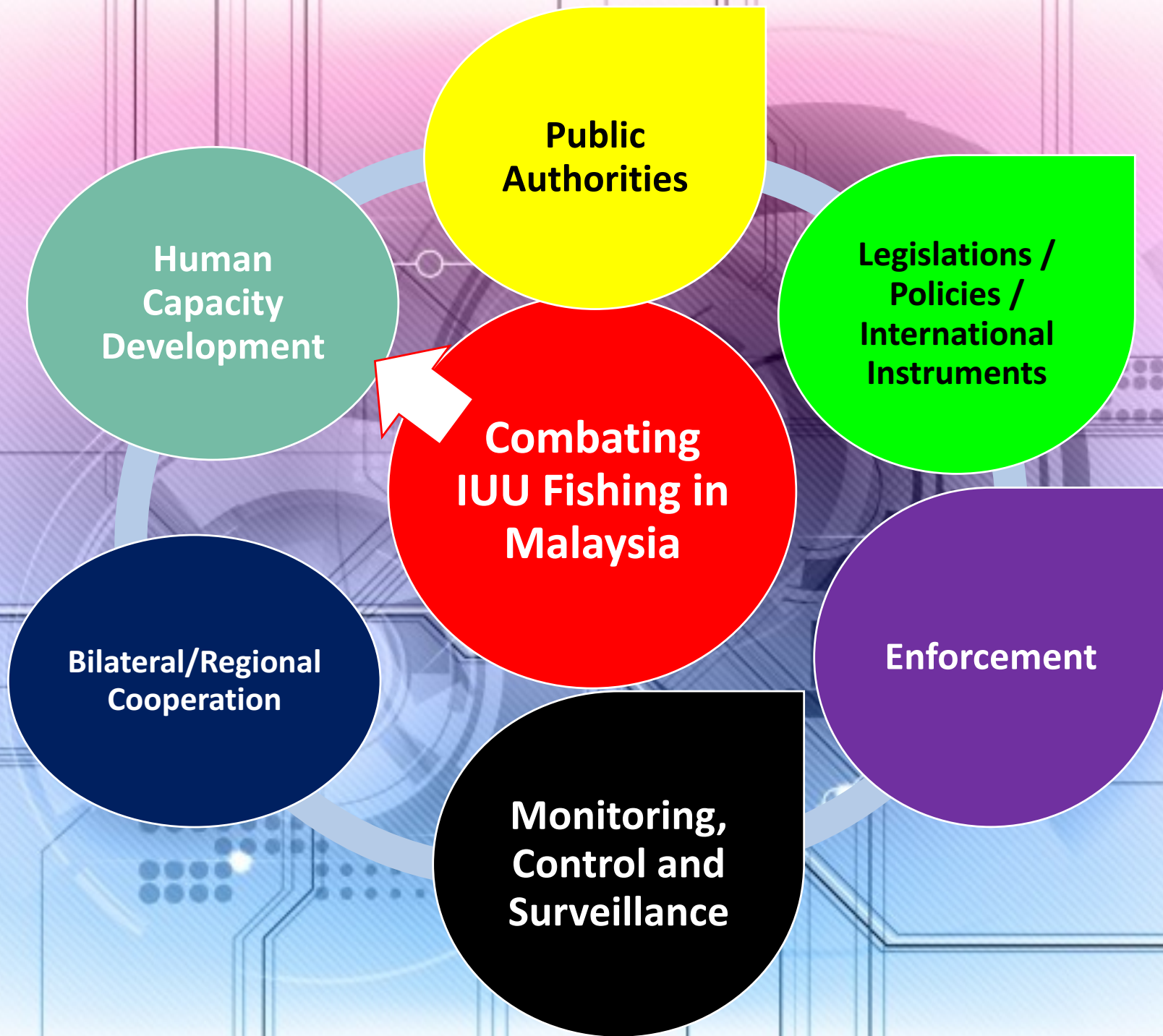
Bilateral

Regular talks :

- With Vietnam
- With Thailand
- With Australia
- With Indonesia

Assist others

e.g. Spain – leads



CAPACITY BUILDING



“Port Inspector Training Workshop for PSM Implementation to Combat IUU Fishing” (AFMA & DOFM) (8-12 Jun 2015) at Johor Bahru, Malaysia

*Involve various agencies:
DOFM,
MMEA,
Royal Malaysia Police,
Royal Customs,
Marine Dept.,
Port Authorities & etc.*



CAPACITY BUILDING

"Training for Investigators of Fisheries Crime"

(INTERPOL) on 26-30 Jan 2015
at MMEA Academy, Kuantan, Malaysia.

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AFMA joins forces with INTERPOL

The Australian Fisheries Management Authority (AFMA) has joined forces with the International Criminal Police Organisation (INTERPOL) to combat illegal fishing.



The collaboration aims to improve control over illegal unreported and unregulated (IUU) fishing vessels and to assist countries in South-East Asia to close off their ports to IUU vessels.

"This new link with INTERPOL represents a significant increase in AFMA's influence to combat IUU fishing in South-East Asia," AFMA said on its website.

In February this year, INTERPOL invited AFMA to participate in training for investigators of fisheries crime in South-East Asia.

Fishing collaboration nets criminals

The training was hosted by the Malaysian Maritime Enforcement Agency (MMEA) in Kuantan and attended by officers from MMEA, the Royal Malaysian Police, the Royal Malaysian Customs Department, the Malaysian Marine Department and the Department of Fisheries Malaysia.

AFMA provided training to Malaysian authorities in detecting and taking action against vessels entering South East Asian ports and which undermine the conservation measures of Regional Fisheries Management Organisations (RFMOs) such as the Commission for Conservation of Antarctic Living Marine Resources (CCAMLR) and the Indian Ocean Tuna Commission (IOTC).

Subsequently, Malaysia has reported that their authorities have detained the CCAMLR IUU-listed vessel *Viking* in the port of Johor where the master has appeared before the Malaysian courts and received a fine of \$71,500 for fisheries offences.

In addition Thailand also detained the CCAMLR-listed IUU vessel *Thaisan* and seized its IUU catch of Patagonian toothfish worth an estimated \$3.5 to \$4.0 million.

AFMA said investigations were ongoing.



Officers from the Australian Fisheries Management Authority, the Malaysian Maritime Enforcement Agency, the Royal Malaysian Police, the Royal Malaysian Customs Department, the Malaysian Marine Department and the Department of Fisheries Malaysia. 30

Our very own port inspectors.....



CAPACITY BUILDING

"Training for Investigators of Fisheries Crime"

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Officers from the Australian Fisheries Management Authority, the Malaysian Maritime Enforcement Agency, the Royal Malaysian Police, the Royal Malaysian Customs Department, the Malaysian Marine Department and the Department of Fisheries Malaysia. 32

In essence ...How does it look in Malaysia?

1. Manifested in the NPOA-IUU , 2013
a product of inter-agency cooperation
(e.g. APM, Royal Malaysian Police, LKIM etc)
2. Regional arrangement : RPOA-IUU, ASEAN
3. Bilateral engagement – e.g.Vietnam, Australia etc
4. Various trainings for *Port Inspector* – 16 officers appointed
- 5.IOTC Obligation – *binding resolutions*
 - >Resolution 01/07 concerning the support of the IPOA-IUU plan
 - >Resolution 10/11 - PSM

Thank you

Terima kasih