



**Thailand National Plan of Action to Prevent, Deter and  
Eliminate Illegal, Unreported and Unregulated Fishing  
(NPOA-IUU) No. 2**

**Department of Fisheries, Thailand**

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## Acronyms

AIS	Automatic Identification System
AN-IUU	ASEAN Network for Combating Illegal, Unreported and Unregulated Fishing
APEC	Asia-Pacific Economic Cooperation
APFIC	Asia-Pacific Fishery Commission
ASEAN	Association of Southeast Asian Nations
BIMSTEC	Bay of Bengal Initiative Multi-Sectoral Technical and Economic Cooperation
CBD	Convention on Biological Diversity 1993
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCRF	Code of Conduct for Responsible Fisheries 1995
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973
EEZ	Exclusive Economic Zone
EM/ERS	Electronic Monitoring System/ Electronic Reporting System
EJF	Environmental Justice Foundation
FAO	Food and Agriculture Organization of the United Nations
Fishing Info	Thailand Fisheries Information System
FMC	Fisheries Monitoring Center
FMP	Marine Fisheries Management Plan of Thailand
ICCAT	International Commission for the Conservation of Atlantic Tunas
IGO	Intergovernmental Organizations
ILO	International Labour Organization
IJM	International Justice Mission
IMCS Network	International Monitoring, Control and Surveillance Network
IMD	Import Movement Document
IMO	International Maritime Organization
IMT-GT	Indonesia-Malaysia-Thailand Growth Triangle
InfoFISH	The Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asian and Pacific Region
IORA	The Indian Ocean Rim Association
IOTC	Indian Ocean Tuna Commission
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2001
IPOA-Capacity	International Plan of Action for the Management of Fishing Capacity 1999
IPOA-Seabirds	International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries 1999
IPOA-Sharks	International Plan of Action for the Conservation and Management of Sharks 1998
IUU fishing	Illegal, Unreported and Unregulated fishing
MCPD	Marine Catch Purchasing Document
MCS	Monitoring, Control and Surveillance
MCTD	Marine Catch Transshipping Document
MMSI	Maritime Mobile Service Identity
MoU	Memorandum of Understanding
MSY	Maximum Sustainable Yield
NESDP	National Economic and Social Development Plan
NGO	Non-Governmental Organization

NPOA–IUU	National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
OECD	Organisation for Economic Co-operation and Development
PIPO	Port In – Port Out Control Center
PPS	PSM linked and Processing Statement System
PSM	Port State Measures
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RFMO	Regional Fisheries Management Organization
RFVR	Regional Fishing Vessels Record
RPOA–IUU	Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region
SEAFDEC	Southeast Asian Fisheries Development Center
SIOFA	Southern Indian Ocean Fisheries Agreement
STF	Seafood Task Force
TFCC	Thai Flagged Catch Certification System
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea 1982
UNFSA	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission
WTO	World Trade Organization

## **Executive Summary**

Illegal, unreported and unregulated fishing or IUU fishing is recognized globally as one of the most severe problems that results in impacts on the world's fishing activities, food security, as well as biodiversity, marine habitats, and economic losses in coastal States. IUU fishing is also important impediment toward achieving objectives of sustainable fisheries at the global level, and it is estimated that nearly one-third of the total global capture fisheries are derived from IUU fishing.

The Government of Thailand recognizes the significance of the problems on IUU fishing, thereby developed Thailand National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2015–2019 (NPOA–IUU 2015–2019) in accordance with the principles and provisions of the Code of Conduct for Responsible Fisheries (CCRF) and the International Plan of Action on Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) developed by the Food and Agriculture Organization of the United Nations (FAO) with a view to signify the policy and obligation of Thailand in the global efforts to prevent, deter and eliminate IUU fishing. The NPOA–IUU was promulgated in the Royal Government Gazette on 29 December 2015.

Throughout the past five years, Thailand has undertaken various measures specified in the NPOA–IUU and has made substantial progress in management of marine fishery resources, controlling IUU fishing, and preventing the entry of fish and fishery products from IUU fishing into the supply chain. However, the aforementioned NPOA–IUU has reached the ending period of its implementation, while substantial progress has also been made by Thailand toward responsible fisheries development. In order to keep up with the changing fishery situation in Thailand and at the global level, and to ensure the continuity in the implementation of actions toward prevention, deterrence and elimination of illegal, unreported and unregulated fishing, there is a need to update and come up with the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA–IUU) No. 2. This is in order to provide a framework in addressing the problems on illegal fishing and fulfilling all dimensions of “All State Responsibilities” in accordance with the IPOA–IUU framework by actively building upon the previous implementation guidelines and maintaining the effectiveness in the implementation toward achieving the ultimate objectives of sustainability of fishery resources in Thailand. In this connection, if there is any necessity to further amend or improve the NPOA–IUU in the future, in accordance with significant changes in fisheries situation, this could be undertaken as appropriate.

## **1. Introduction**

### **1.1 Background**

Illegal, unreported, and unregulated (IUU) fishing is one of the biggest threats to the sustainability of marine fishery resources which provide important sources of protein for the world population. IUU fishing is therefore an important threat to food security, including biodiversity and marine habitats, and economic losses in coastal States. The total catches from IUU fishing activities were estimated to be 11–26 million tonnes<sup>1</sup>; while the economic losses from IUU fishing all over the world were estimated to range from 320,000 million Baht (10,000 million USD) to 752,000 million Baht (235,000 million USD)<sup>2</sup> annually. As for the impacts of IUU fishing in Thailand, the losses in value of fish were estimated to be approximately 27,000 million Baht. Recognizing the importance of such problem, the Government of Thailand has allocated budget to undertake activities in addressing the problem on IUU fishing with the amount of approximately 1,970 million Baht during the period from 2015 to 2019.

Thailand had undertaken measures as prescribed in Thailand National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2015–2019 (NPOA–IUU 2015–2019). However, to keep up with the changing in fisheries situation in Thailand, there is a need to improve and update the NPOA–IUU based on the adoption of the Code of Conduct for Responsible Fisheries (CCRF), in line with the International Plan of Action on Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) developed by the Food and Agriculture Organization of the United Nations (FAO), with a view to signify the policy and obligation of Thailand in the global efforts to prevent, deter and eliminate IUU fishing. Throughout the past years, Thailand has made substantial progress in management of fishery resources, by reducing the level of fishing efforts to commensurate with the maximum sustainable yield (MSY), and in controlling IUU fishing and preventing the entry of fish and fishery products from IUU fishing into the supply chain. This is to ensure the effectiveness of the NPOA–IUU to keep up with the changing fisheries situation in Thailand; and if there is any necessity to further amend or improve the NPOA–IUU in the future, in accordance with significant changes in fisheries situation and to ensure that its implementation is conformed to the objectives of preventing, deterring and eliminating IUU fishing, this could be undertaken under the framework of this NPOA–IUU.

### **1.2 International Plan of Action to Eliminate IUU Fishing**

With the global concerns on IUU fishing that are continued and resulted in drastic impacts on the sustainability of fishery resources, several countries recognized the importance of the issue and supported the IPOA–IUU, developed by FAO, until it was unanimously adopted by the 24<sup>th</sup> Committee on Fisheries on 2 March 2001, and was adopted by the Council of FAO at its 120<sup>th</sup> Session on 23 June 2001, leading to its implementation.

The objective of the IPOA–IUU is to prevent, deter and eliminate illegal, unreported and unregulated fishing by prescribing all States with comprehensive, effective and transparent measures to implement, including the implementation through regional fisheries management organizations (RFMOs), or agreements established in accordance with international laws. The IPOA–IUU calls for States to develop and put into practice the IPOA

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<sup>1</sup> Facts and Figures European Commission 2018

<sup>2</sup> Agnew, D.J., J. Pearce, G. Pramod, T. Peatman, R. Watson, J.R. Beddington, and T.J. Pitcher. 2009. "Estimating the Worldwide Extent of Illegal Fishing." *PLoS ONE* 4 (2): e4570.

at the national level through the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA–IUU), in order to achieve the objectives of the IPOA–IUU, and to accomplish Provisions stipulated in the IPOA–IUU as part of fisheries management program and budget allocation. IPOA-IUU will serve as “tools” that cover various measures for management of IUU fishing activities in different situations and contexts.

The IPOA–IUU comprises general measures targeted at all States, measures targeted at flag States, coastal States, and port States. Moreover, it also comprises trade-related measures, and assistance to developing countries in order to accomplish the objectives of the IPOA–IUU and measures implemented by States through RFMOs. Some Provisions of the IPOA–IUU reflected the obligations that countries adopted and accepted to be bound either through international instruments, RFMOs, or national legislations.

The IPOA-IUU is not legally binding and could be adopted in a voluntary basis. However, the IPOA-IUU has embraced important principles from international instruments that are legally binding and from fisheries-related instruments that are mutually agreed upon toward promotion of responsible fisheries (**Table 1**).

**Table 1.** International Instruments relevant to prevention, deterrence and elimination of IUU fishing in Thailand

- The United Nations Convention on the Law of the Sea (UNCLOS) 1982;
- The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) 1993;
- The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) 1995;
- The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA);
- The Code of Conduct for Responsible Fisheries (CCRF) 1995;
- The International Plan of Action on Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA–IUU) 2001;
- The Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region (RPOA–IUU);
- The International Plan of Action for the Conservation and Management of Sharks (IPOA–Sharks) 1998;
- The International Plan of Action for the Management of Fishing Capacity (IPOA–Capacity) 1999;
- The International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA–Seabirds) 1999;
- The Conservation and Management Measures for the Indian Ocean Tuna Commission (IOTC) 1996;
- The Southern Indian Ocean Fisheries Agreement (SIOFA);
- The Convention on Biological Diversity (CBD) 1993; and
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973.



### 1.3 Regional Plan of Action (RPOA–IUU)

The Southeast Asian region has concerns over and recognizes the problems on IUU fishing which led to development of the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region (RPOA–IUU) with a view to support the conduct of responsible fishing operations, sustainable utilization of fishery resources, and enhance food security, as well as to combat IUU fishing in the region. Ministers responsible for fisheries of Parties, including the Commonwealth of Australia, Negara Brunei Darussalam, the Republic of Indonesia, Malaysia, the Kingdom of Cambodia, Papua New Guinea, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Democratic Republic of Timor-Leste, and the Socialist Republic of Viet Nam, agreed to adopt the aforementioned RPOA–IUU on 5 May 2007 in Bali, Indonesia. The objectives of the RPOA–IUU are to promote and strengthen management of fisheries in the region at all levels toward the sustainability of fishery resources and marine environment, and for the benefit of adopting the principle of responsible fishing operation as appropriate. The RPOA–IUU covers conservation of fishery resources and the environment, management of fishing capacity, and elimination of IUU fishing in the Gulf of Thailand, the Sulu–Sulawesi Seas, and the Arafura–Timor Seas.

### 1.4 Concept and Definition of IUU Fishing

Illegal, unreported and unregulated fishing or “IUU fishing”, as prescribed in Article 3 of the IPOA–IUU, comprises the conduct of three inter-related activities as shown in **Table 2**, which Thailand has applied in its NPOA–IUU.

**Table 2.** Definition of IUU Fishing under the IPOA–IUU

<p><b>1. Illegal fishing</b> refers to activities:</p> <ol style="list-style-type: none"><li>(1) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;</li><li>(2) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international laws; or</li><li>(3) in violation of national laws or international obligations, including violation those undertaken by cooperating States to a relevant conservation and management measures of regional fisheries management organization.</li></ol> <p><b>2. Unreported fishing</b> refers to fishing activities:</p> <ol style="list-style-type: none"><li>(1) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or</li><li>(2) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.</li></ol> <p><b>3. Unregulated fishing</b> refers to fishing activities:</p>
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- (1) in the area of application of a relevant regional fisheries management organization that are conducted by stateless vessels, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- (2) 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.

Nonetheless, under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and the Royal Ordinance on Fisheries (No. 2), B.E. 2560 (2017), IUU fishing is defined in accordance with the IPOA–IUU (as of **Table 3**).

**Table 3.** Illegal fishing under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and the Royal Ordinance on Fisheries (No. 2), B.E. 2560 (2017)

“IUU fishing” means illegal fishing, unreported fishing and unregulated fishing.

“**Illegal fishing**” means:

- (1) a fishing operation without legal authorization or that is against Thai laws or the laws of a coastal State;
- (2) a fishing operation that is not in compliance with measures developed by a relevant international organization for the purposes of fisheries conservation and management or a fishing operation that is against relevant international laws.

“**Unreported fishing**” means:

- (1) a fishing operation that is not notified of or reported, or a fishing operation the particulars of which are incompletely reported as required by rules or procedures provided by law or ministerial regulations, notifications or directives issued pursuant to law; or a fishing operation the particulars of which are falsely reported;
- (2) a fishing operation in an area under the jurisdiction of an international organization to which any such fishing operation is neither notified of nor reported, or a fishing operation in any such area the particulars of which are incompletely reported as per the rules and procedures of any such organization, or a fishing operation in any such area the particulars of which are falsely reported.

“**Unregulated fishing**” means:

- (1) a fishing operation in a zone under the responsibility of an international organization undertaken by the use any fishing vessel, be it with a designated nationality or a stateless vessel, in a manner that is not in compliance with or is in violation of fisheries conservation or management measures developed by any such international organization;
- (2) a fishing operation in a fishing ground in which no applicable fisheries conservation and management measures have been put in place, the manner of fishing of which is not in line with state responsibilities for the conservation of aquatic animal resource sources pursuant to the principles of international laws.

## 1.5 Marine Fisheries in Thailand

Marine fisheries in Thailand under the Royal Ordinance on Fisheries, B.E. 2558 (2015) could be categorized into two (2) main types, namely:

1. “Artisanal fishing” means fishing operations in coastal seas in which a fishing vessel is used or in which a fishing gear is used without a fishing vessel, but in any case, does not include commercial fishing.

2. “Commercial fishing” means fishing operations using a fishing vessel of a size from ten gross tonnage or a fishing vessel fitted with an engine of a horse power as prescribed by the Minister; or using fishing vessels with fishing gears with the types, methods, number of fishers, or characteristics of fishing activities as prescribed by the Minister, and including the use of such fishing vessels for fish processing whether fishing activities are conducted or not.

Fisheries are important both socially and economically for food security and self-reliance of Thailand. Marine fisheries in Thailand could be categorized into two types, including artisanal fisheries and commercial fisheries. From the survey on Thai fishing vessels (June 2020), there were a total of 51,504 fishing vessels, comprising 41,147 artisanal fishing vessels and 10,357 commercial fishing vessels.

The total capture fisheries production in 2019 was approximately 1.4 million tonnes (approximately 11.45% were from artisanal fishing vessels, and 88.55% were from commercial fishing vessels). Fishery products for export were mainly derived from commercial fisheries, while the products from artisanal fisheries were utilized mainly for domestic consumption. Fish is not only protein sources that are important for health and food security of Thai people that could be commonly available especially in the rural areas of the country that are adjacent to coastal areas; Thailand is also major producer and exporter of the world. In 2019, the total export quantity of Thailand was 1.54 million tonnes, with the value of 197,000 million Baht; while the total import was 2.14 million tonnes, with the value of 124,000 million Baht.

### Maximum Sustainable Yield (MSY) and Total Allowable Catch (TAC) and allocation of fish

Fishing year	MSY (tonnes)	TAC (tonnes)	Allocation for artisanal fisheries (tonnes)	Allocation for commercial fisheries (tonnes)
2018-2019 (Year2017)	1,641,037	1,426,316	158,610 (10.85% TAC)	1,260,892 (86.23% TAC)
2020-2021 (Year2019)	1,626,075	1,544,772	259,151 (16.78% TAC)	1,238,529 (80.17% TAC)

Besides fishing activities by Thai fishing vessels inside and outside the Thai waters, activities relevant to fishing operations in Thailand could be categorized into three (3) major groups as follows:

## 1. Fish transshipment

1.1 Fish transshipment vessels inside Thai waters and fish transshipment vessels outside Thai waters have two types of fish preservation systems, that are chilling (using ice) and freezing (using cold storage) systems. A fish transshipment vessel that is intended to transship fish must register with the Department of Fisheries as a fish transshipment vessel.

## 2. Fish landings in Thailand, comprising five (5) categories as follows:

2.1 Thai fishing vessels that conduct fishing operations in the EEZ of other States under Agreement;

2.2 Fishing vessels that are authorized by States in RFMO areas in international waters, and carry fish into Thailand;

2.3 Foreign fishing vessels that carry fish for landing in Thailand;

2.4 Artisanal fishing vessels of neighboring countries that carry fish to sell in Thailand; and

2.5 Foreign transshipment vessels that carry fish caught from foreign States for landing in Thailand.

## 3. Import of fish through other channels into Thailand.

### 1.6 IUU Fishing in Thailand

Prior to 2015, fishing activities in Thailand were not controlled adequately and comprehensively in accordance with the global standards. Although regulations were issued to control fishing capacity and fishing efforts, but due to the fisheries legislation that was outdated and incompatible with the changing international regulations, thus integration of law enforcement and implementation was not as effective as it should be. Problems relevant to IUU fishing by Thai fishing vessels in the past that could still be observed in the present are shown in **Table 4**.

**Table 4.** Problems of IUU fishing in Thailand prior to 2015

- |   |
|---|
| <ul style="list-style-type: none"><li>• Fishing operations by Thai fishing vessels and foreign fishing vessels inside the Thai waters without authorization;</li><li>• Encroachment of fishing operations in areas and seasons that are prohibited for fishing activities;</li><li>• Use of gears for fishing operations inside the Thai waters without authorization;</li><li>• Misreporting of fishing operations to government officers;</li><li>• Unauthorized fishing operations and transshipment outside the Thai waters;</li><li>• Forgery or concealment of signs, status or registration by Thai fishing vessels;</li><li>• Obstructing works of officers in undertaking inspection;</li><li>• No Vessel Monitoring System (VMS);</li><li>• Removing VMS from the vessel, or make it unable to be monitored by the Government sector;</li><li>• Mixing fish from illegal fishing operations with fish caught legally, or fish laundry;</li><li>• Not compliance with procedures for port in–port out, or in recording of fish catch data by vessel owner or vessel master for officers of coastal States.</li></ul> |
|---|

Issues that led to addressing problems on IUU fishing include:

- The Fisheries Act, B.E. 2490 (1947) and relevant legislations, such as the Thai Vessels Act, B.E. 2481 (1938); the Navigation in the Thai Waters Act, B.E. 2456 (1913); etc., not relevant to the context of fishing operations and marine fisheries management;
- Inadequate actions on monitoring, control and surveillance (MCS) inside and outside the Thai waters;
- Inadequate awareness building and training on relevant legislations between officials and fishers;
- Weak international and regional cooperation to combat IUU fishing;
- Traceability system of fishery products not cover all import channels;
- Field officers having inadequate skill on inter-agencies integrated law enforcement;
- Non-uniformity implementation of MCS in different areas; and
- Limitation on linking of information among agencies within and outside the country, and unclear and weak law enforcement.

## 1.7 Fisheries Management

### **Main agencies with responsibilities in management, implementation and law enforcement**

The public administration structure in Thailand has prescribed the powers to control and manage fisheries in Thailand into two (2) parts:

**Management of fishing vessels and vessel masters:** Management of fishing vessels and vessel masters in Thailand is regulated under the Thai Vessels Act, B.E. 2481 (1938); the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938), B.E. 2561 (2018); and the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938) No. 2, B.E. 2561 (2018); as well as the Navigation in the Thai Waters Act, B.E. 2456 (1913) and its amendments through Ministerial Regulations/Ministerial Notifications by the Ministry of Transport in order to regulate the management with central and regional offices under the Marine Department as implementing agencies.

**Management of fishing operations, fishing gears and fishing grounds:** Thailand had executed the Fisheries Act, B.E. 2490 (1947) as a tool for management of fisheries since 1947. Subsequently, the Fisheries Act, B.E. 2558 (2015) was established in 2015, and was then revoked as there are Provisions that could not be applied and are not relevant to the situation of fishing operations during that period, and the global regulations and measures. The Royal Ordinance on Fisheries, B.E. 2558 (2015) was therefore established with subsequent amendment in 2017, and the Act on the Right to Fish in Thai Fishery Areas, B.E. 2482 (1939) for the management of fishery resources. Subordinate laws were also established by virtue of the law at the level of Act and Royal Ordinance, either as fisheries-related legislations such as Ministerial Regulations, Notifications, Orders, Notifications by Provincial Fisheries Committees, and other relevant laws to ensure effective implementation of provisions of the laws at the level of Act and Royal Ordinance in practice.

Management of fishery resources involves relevant agencies that integrate in the implementation and law enforcement at both central and regional levels, such as the Marine Department, the Royal Thai Police, the Office of the Council of State, the Thai Maritime Enforcement Command Center (Thai-MECC), the Royal Thai Navy, the Department of Marine and Coastal Resources, the Customs Department, the Office of the Attorney-General, etc.

### **Coordination among relevant agencies in Thailand**

- The Thai-MECC has the authority in planning, directing, coordinating, commanding, and supporting the implementation by government agencies that are relevant to safeguarding of national maritime interests, with the regional MECC and provincial MECC implementing together with other agencies in the province in coordination with the Marine Police Division, the Customs Department; the Department of Fisheries, the Marine Department, the Royal Thai Navy, and the Department of Marine and Coastal Resources.
- The Department of Fisheries has the authority in setting policy and management of fishery resources by evaluating the total annual capture fishery production to determine the level of MSY; issuing fishing licenses either inside and outside the Thai waters; monitoring, control and surveillance of fishing operations; regulating import and export of fishery products so that the traceability of fish could be monitored.
- The Marine Department has the authority in administrating Thai fishing fleets either inside or outside the Thai waters, ports, and navigation in the Thai waters, by registering Thai vessels and issuing vessel licenses, including implementation in integration with the Department of Fisheries in transferring ownership of vessel, changing vessel type, vessel demolition, vessel construction, and exchanging/linking information on fishing vessels.
- The Royal Thai Navy has the responsibility for military operations in seas, streams, and coastal areas of Thailand, and safeguarding marine and coastal national benefits, including protecting marine transportation and freightage routes by vessels.
- The Customs Department has the authority to implement and coordinate with the Department of Fisheries to inspect import of fish through various channels, inspect processes in production and export of goods and products to ensure the traceability, and visit processing plants.
- The Marine Police Division has the authority on ship operation for prevention and suppression of crimes in accordance with the Criminal Procedure Code and other legislations relevant to crimes in the Thai waters.
- The Department of Marine and Coastal Resources has the authority of proposing for improvement and amendment of regulations and measures concerning conservation, rehabilitation, management, and utilization of marine and coastal resources toward sustainable utilization by governing, evaluating, and monitoring to ensure compliance with its regulations and measures.
- The Department of Labour Protection and Welfare has the authority of establishing labor standards, labor protection, safety, occupational health, working environment, and developing good quality of life of workers in the fisheries sector.

## **Cooperation with international agencies/organizations**

Thailand, as a Party or a Cooperating Non-Contracting Party to international organizations and RFMOs, has coordinated and cooperated in exchange of data and information with organizations at the global and regional levels as follows:

### **Fisheries-related international agencies/organizations to which Thailand is a Party:**

- The Food and Agriculture Organization of the United Nations (FAO);
- The Indian Ocean Tuna Commission (IOTC);
- The Southern Indian Ocean Fisheries Agreement (SIOFA);
- The Southeast Asian Fisheries Development Center (SEAFDEC);
- The Association of Southeast Asian Nations (ASEAN); and
- The Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region (RPOA–IUU).

### **Other relevant international organizations to which Thailand is a Party:**

- The World Trade Organization (WTO);
- The International Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region (InfoFISH);
- The World Wide Fund for Nature (WWF);
- The Asia–Pacific Economic Cooperation (APEC);
- The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC);
- The Indian Ocean Rim Association (IORA);
- The United Nations (UN);
- The Organisation for Economic Co-operation and Development (OECD);
- The International Monitoring, Control, and Surveillance Network (IMCS network); and
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

### **International agencies/organizations that Thailand is not a Party but cooperate or exchange information with:**

- The Western and Central Pacific Fisheries Commission (WCPFC);
- The Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR); and
- The International Commission for the Conservation of Atlantic Tunas (ICCAT).

The Department of Fisheries has nominated representatives to participate in relevant meetings of international organizations and international agreements to consider matters relevant to fisheries management, reporting, and implementation of measures to prevent IUU fishing.

## **1.8 Relevant National Legislations, Policies, and Plans**

### **1.8.1 The Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment**

Considering that the Fisheries Acts, B.E. 2558 (2015) has insufficient measures for monitoring, control and surveillance of fisheries inside and outside the Thai waters to prevent IUU fishing, while there was also an absence of provisions for management of fishing operations to commensurate with natural sustainable yield in order to ensure the sustainability of fisheries; if such problems could not be addressed in a timely manner, it may result in impacts to the fisheries sector of Thailand. Therefore, in order to enhance measures for controlling, surveillance, tracing, and monitoring of fishing activities to prevent, deter, and eliminate IUU fishing in accordance with the international standards and to set forth measures for conservation and management of fishing grounds for sustainable utilization, such actions need to be undertaken in a timely manner to avoid impacts on export of fish and fishery products from Thailand. Considering that this was an emergency case which was necessary and unavoidable, and to safeguard the economic security of the country, it was deemed necessary to establish the Royal Ordinance on Fisheries, B.E. 2558 (2015), which was published in the Royal Government Gazette on 13 November 2015, and the Act was put into force starting from 14 November 2015 onwards<sup>3</sup>.

After the Royal Ordinance on Fisheries, B.E. 2558 (2015) was put into force for a certain period, it was found that some provisions were not relevant to the situation of artisanal fisheries and commercial fisheries, while the establishment of criteria for monitoring, control and surveillance; fishing operations; fish transshipment; and notification for entry into port of non-Thai fishing vessels were insufficient to prevent IUU fishing. Moreover, the conservation and management measures; actions on fishing vessels, fishing gears, fish and fishery products that are used, possessed or obtained from IUU fishing; and measures for protection of fisheries workers were also inappropriate. It was therefore deemed necessary to improve such provisions, which would result in limitation of rights and freedom of persons for the benefit of conserving and managing fishery resources for their optimum condition and toward sustainable fisheries; while an Administrative Measures Committee would also be established comprising officers from relevant agencies, considering that the prescribed violations could be relevant to several laws. In order for the consideration and enforcement of the administrative measures to be undertaken in a prudent, timely, and efficient manner, it was deemed necessary to establish criteria to protect the operations of officers, and improve sanctions to be more appropriate. It was also necessary to use a criminal penalty fine to prevent, deter, and eliminate the violation, as the violation was severe and had impacts on fishery resources security and the implementation in accordance with international commitment. Considering that this was an emergency case which was necessary and unavoidable, and to safeguard the economic security of the country, the Thai Government therefore amended the Royal Ordinance on Fisheries, B.E. 2558 (2015), the Royal Ordinance on Fisheries (No. 2), B.E. 2560 (2017) was established and published in the Royal Thai Government Gazette on 28 June 2017, and was put into force starting from 29 June 2017 onwards<sup>4</sup>.

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<sup>3</sup> [https://www4.fisheries.go.th/file\\_footer/20160517105511\\_file.pdf](https://www4.fisheries.go.th/file_footer/20160517105511_file.pdf)

<sup>4</sup> [https://www4.fisheries.go.th/local/file\\_document/20190620155834\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20190620155834_1_file.pdf)



### **1.8.2 The Act on the Right to Fish in Thai Fishery Areas, B.E. 2482 (1939)**

The Act on the Right to Fish in Thai Fishery Areas, B.E. 2482 (1939) was put into force on 7 October 1939, and was subsequently amended. The Act on the Right to Fish in Thai Fishery Areas (No. 2), B.E. 2539 (1996) is the law that provides criteria for granting permission or rights to foreigners to fish in Thai fishery areas, and criteria for granting permission to foreigners to work onboard Thai fishing vessels. The Act is still valid until the present.

### **1.8.3 The 20-Year National Strategy (2018–2037)**

As the first National Strategy of Thailand based on the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), in order to lead the implementation toward achieving the vision of “Thailand becomes a developed country with security, prosperity and sustainability in accordance with the Sufficiency Economy Philosophy,” six (6) Strategies were established as follows:

1. *National Strategy on Security*: with the aims of building the stability within the country, reducing and preventing external threats, as well as building trust within the ASEAN Member States and the global community;
2. *National Strategy on Competitiveness Enhancement*: with the aims of building the competitiveness for Thailand to become a developed country, improving the productivity, using innovations to enhance competitiveness for food security/safety, and enhancing trade competitiveness;
3. *National Strategy on Developing and Strengthening Human Capital*: with the aims of developing human and society in Thailand to be solid foundation and be ready in all aspects while being reasonable, disciplined, and respectful to the laws;
4. *National Strategy on Social Cohesion and Equity*: with the aims of reducing inequalities toward the equitable and fair society;
5. *National Strategy on Eco-Friendly Development and Growth*: by accelerating conservation, restoration, and building the security of natural resources base, with water security, and capacity to prevent the impacts and adapt to climate change and natural disasters; and
6. *National Strategy on Public Sector Rebalancing and Development*: with the aims of having appropriate size of government agencies corresponding to their missions, with high capacity, efficiency, and effectiveness, while also decentralizing their roles to local level as appropriate.

### **1.8.4 The 12<sup>th</sup> National Economic and Social Development Plan (NESDP) (2017–2021)**

In order to achieve the target within the 5-year period that could be built upon further in the next phase to accomplish long-term development target in accordance with the 20-Year National Strategy, important national development principles in this phase of the 12<sup>th</sup> NESDP adhere to the principles of “Sufficiency Economy Philosophy,” “Sustainable Development,” and “Human-Centered Development,” which are continued from the 9<sup>th</sup> until the 11<sup>th</sup> NESDPs. It also adheres to principles of having economic growth that reduces inequalities, driving the growth from enhanced productivity, and production based on local wisdom and innovations. This NESDP has established fisheries-related strategies as follows:

*Strategy 3 for Strengthening the Economy, and Underpinning Sustainable Competitiveness:* by building and transferring technical knowledge, technologies, and innovations; elevating production of agricultural and food products toward standard systems and in line with the market demands, especially on work plan for preventing IUU fishing; and developing systems for sustainable fisheries and aquaculture;

*Strategy 4 for Environmentally-friendly Growth for Sustainable Development:* particularly the restoration of natural resources; balancing conservation and sustainable and fair utilization; promoting production and consumption that are environmentally-friendly; and

*Strategy 10 for International Cooperation for Development:* toward security and sustainability.

### **1.8.5 The 20-Year Agricultural and Cooperative Strategy (2017-2036)**

Aiming to resolve weaknesses and augment the strength to contribute to long-term agricultural development, and in achieving the visions for “Secured Farmers, Prosperous Agriculture Sector and Sustainable Agricultural Resources,” there are five (5) strategies as follows:

*Strategy 1: Strengthening the Farmers and Farmer Institutions;*

*Strategy 2: Increasing the Productivity and Quality Standards of Agricultural Commodities;*

*Strategy 3: Increasing Competitiveness in the Agriculture Sector through Technology and Innovations;*

*Strategy 4: Balanced and Sustainable Management of Agricultural Resources and the Environment; and*

*Strategy 5: Development of Public Administration System.*

### **1.8.6 The Sustainable Development Goals (SDGs) 14: Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development**

The SDG 14 has targets that cover various aspects relevant to seas and oceans, including pollution; management and conservation of fishery resources; equality in accessing fishery resources; impacts from climate change; ending of overfishing, illegal, unreported and unregulated fishing; implementation of science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics; and prohibiting certain forms of fisheries subsidies which contribute to overcapacity and overfishing.

### **1.8.7 The Department of Fisheries Strategy (2017–2021)**

The Department of Fisheries is an agency that works toward developing and managing changes for sustainable fisheries. The operations of the Department of Fisheries during the 5-year period have to be in accordance with its missions as follows:

1. Improve production efficiency, add value to fish and its products, and enhance the occupational capacity of fish farmers;
2. Develop product processing technologies, quality inspection and traceability;
3. Manage fisheries to ensure the availability of fishery resources for sustainable utilization;
4. Develop researches to transfer technologies and innovations to fish farmers; and

5. Adjust the roles of the organization and develop human resources to possess knowledge, capacity, and skills in order to undertake their tasks and accommodate changes.

The Department of Fisheries has established 4 strategies as follows:

*Strategy 1: Improve Production Efficiency and Enhance Strength of Fish Farmers:* to increase production efficiency and create sustainable security and wealth of fish farmers by promoting production systems that are environmentally-friendly; promoting production services that are systematic, complete-cycle, and in line with market demands; strengthening fish farmers and farmer groups toward establishing network; developing and transferring knowledge, forms, and production systems that are suitable to local conditions and changes in climate; as well as conducting research, development of technologies and innovations for production to enhance efficiency and reduce costs in production;

*Strategy 2: Development and Inspection of Fishery Products to Meet with Standards and to Increase Value and Competitiveness:* to develop the fishery products that meet with standards and enhance competitiveness, by developing system for inspection and certification of fishery products; promoting and developing fishery products to meet with quality, safety, and standards; promoting and developing fishery products toward organic standards; establishing cooperation with other countries to provide raw materials and market opportunities; and conducting research and developing innovative technologies for production of diverse and value-added forms of fishery product;

*Strategy 3: Management of Fisheries and Fishery Resources toward Their Sustainability and Maintaining the Diversity:* to manage the fishery resources for their abundance and balance condition, by restoring fishery resources and their habitats to create balance and diversity; promoting participation for management of fishery resources; controlling and preventing fishing activities in accordance with laws and national plans of action; as well as conducting researches and developing innovative technologies to enhance the efficiency in management of fishery resources; and

*Strategy 4: Organizational Management toward the Excellence:* to develop human resources and working procedures to enhance efficiency of the organization by managing human resources with efficiency; promoting and developing human resources to have knowledge and skills necessary for their duties and responsibilities; developing and enhancing the efficiency of information technology system toward implementation and using the information for management of budget in systematic and effective manner; enhancing integrated works among internal and external agencies; strengthening law enforcement and awareness building for stakeholders; as well as establishing cooperation with other countries and international organizations on fisheries technical matters.

## **1.9 Framework and Scope of the NPOA–IUU**

The structure of the NPOA–IUU of Thailand was developed based on the IPOA–IUU of FAO. This NPOA–IUU is the NPOA–IUU No. 2, and was developed to improve the original NPOA–IUU 2015–2019 to be up-to-date and timely. It maintains the structure and comprises 5 dimensions in line with the structure of the IPOA–IUU, namely: (1) All State Responsibilities; (2) Flag State Responsibilities; (3) Coastal State Measures; (4) Port State Measures; and (5) Internationally Agreed Market-related Measures.

The NPOA–IUU covers all marine fishing activities inside and outside the Thai waters, in the EEZs of other coastal States, and in the high seas, by complying with laws, policies, regulations for fishing operations in accordance with the domestic laws and obligated international instruments or Conventions.

### **Evaluation of the Implementation of the NPOA–IUU 2015–2019**

After the 4-year period from 2016 to 2019, the situation and the development of fisheries sector in Thailand had changed under the framework of the new fisheries law (the Royal Ordinance on Fisheries, B.E. 2558 (2015), and its amendment). Several agencies had implemented and made progresses in the development of the fisheries sector with integrated measures under the NPOA–IUU. Evaluation results from the implementation of the NPOA–IUU 2015-2019 are as follows:

#### **1. Responsibilities as a State**

Thailand has ratified and implemented provisions of international agreements to combat IUU fishing, such as the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 related to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA), the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA); and established the Regional Plan of Action for the Management of Fishing Capacity, etc.

Thailand has undertaken implementation plan in accordance with agreements and cooperated by attending in meetings of regional fora, as well as improved and developed frameworks of national laws, namely: 1) the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, including development of frameworks of more than 200 subordinate legislations; 2) the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938), B.E. 2561 (2018), and the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938) No. 2, B.E. 2561 (2018) and its subordinate legislations; 3) the Navigation in the Thai Waters Act, B.E. 2560 (2017) and its subordinate legislations; 4) the Foreigners' Working Management Emergency Decree, B.E. 2560 (2017); and 5) the Maritime Labour Act, B.E. 2558 (2015). Measures were also established for development of cooperation at the national level for information exchange, monitoring, and surveillance of fishing operations.

#### **2. Flag State Responsibilities**

On registration of fishing vessels, the Department of Fisheries and the Marine Department have established measures for systematic inspection of the historic records and qualification of fishing vessel prior to its registration to ensure that such vessel would not engage in IUU fishing. At the present, through an electronic fishing vessels registration system, Thailand is able to register all commercial fishing vessels in the system, with an information network “Fishing Info” as a database of Thai fishing vessels and the fishing operations, the information of which could be accessed for various kinds of inspection, such as inspection of fishing vessels at port by port in-port out centers, inspection of fishing vessels at sea, etc. At the present, Thailand is endeavors to reduce the number of fishing vessels in the system through “vessels buy-back program,” prohibition on additional registration of commercial fishing vessels, restriction on number of fishing vessels with high efficiency gears, as well as enhancing capacity to control fish transshipment inside and outside Thai waters, inspection

through port in-port out centers, installation of VMS, inspection at sea, and fish inspection at port.

### **3. Responsibilities of Thailand as a Coastal State**

Thailand has measures to prevent, deter and eliminate IUU fishing in its EEZ through designation of agencies to regulate and control IUU fishing in the country, and establishment of databases on fishery resources and fishing vessels, as well as determination to reduce fishing efforts using high efficiency fishing gears.

For monitoring, control and surveillance (MCS) in the EEZ of Thailand, in order to enhance the efficiency of law enforcement on combating IUU fishing in the Thai waters, Thailand has conducted training for MCS officers, established “Flying Inspection Team (FIT)” and “Special Arrest Team (SAT),” conducted patrolling using special patrol boats, and exchanged information with RFMOs, such as IOTC and SIOFA.

However, under the Act on the Right to Fish in Thai Fishery Areas, B.E. 2482 (1939), there has been no fishing license granted to foreign vessels to conduct fishing operations in Thai waters.

### **4. Port State Measure of Thailand**

Thailand has designated 25 ports for foreign fishing vessels to entry into port and 6 check points in 22 coastal provinces. For Thai fishing vessels, a system was established for inspection of fish unloading by allowing less than 20% differences between the actual weight of unloaded fish and the weight recorded in the logbook. Furthermore, inspection was also made on the Marine Catch Purchasing Document (MCPD) and Marine Catch Transshipping Document (MCTD).

In making a request for port entry, the vessel requesting for port entry to unload fish is required to make an advance request prior to port entry at the specified time. Clear procedures and required documents were indicated to facilitate examination with relevant agencies, including coordination with relevant States and RFMOs. In case of sighting vessel presumed to engage in IUU fishing or conducted IUU fishing, the Department of Fisheries will notify and/or request information from flag States, coastal States, and other States in accordance with procedures of the RPOA–IUU and relevant RFMOs to trace back.

### **5. Internationally Agreed Market-related Measures**

Actions were undertaken to promote cooperation and collaboration among relevant agencies/international organizations in order to establish multi-lateral cooperation and market-related measures in compliance with provisions of WTO to prevent fish and fishery products from IUU fishing. Electronic system was established for issuance of Catch Certification and Thai Flagged Catch Certification (TFCC), PSM Linked and Processing Statement (PPS). Measures were established to control, monitor and prevent the entry of IUU fish products into Thailand through all channels, either by air, land and sea transportation.

## **6. Research**

Research, analysis and evaluation on fishery resources and MSY level were conducted in order to determine appropriate fishing efforts; while cooperation networks were established for undertaking of research to exchange knowledge and research results, in order to determine fisheries management policy among academes, fishing communities and relevant agencies.

## **7. Cooperation with Fisheries Management Organizations at Regional and International Levels**

Thailand as a Party to IOTC and SIOFA has strictly implemented in compliance with the provisions and resources conservation and management measures, by incorporating the provisions and measures into its laws and measures to control vessels conducting fishing operations in the RFMOs' areas, and continuously shared information on fishing operations and combating of IUU fishing to FAO and RFMOs as required.

Thailand has also cooperated as a non-Party country by sending representatives to participate in fora of RFMOs to which Thailand is not a Party, and cooperated in complying with provisions of such RFMOs, including cooperation in listing or delisting of IUU vessels, either Thai-flagged vessels or foreign-flagged vessels.

## **8. Special Requirements of Developing Countries**

Thailand has cooperated with neighboring countries in exchanging experiences and information on addressing problems on IUU fishing, such as with the Socialist Republic of Viet Nam, the Kingdom of Cambodia, and the Republic of the Union of Myanmar; supported establishment of the NPOA–IUU by the ASEAN Member States; and established the ASEAN Network for Combating IUU Fishing (AN–IUU) to develop and enhance the MCS of ASEAN. Moreover, the Department of Fisheries has also obtained cooperation from the OceanMind and Seafood Taskforce that provide experts on MCS and technology for monitoring, control and surveillance.

## **9. Reporting**

The Department of Fisheries has reported results from the implementation to prevent, deter and eliminate IUU fishing to FAO every two years through the CCRF questionnaire, which FAO has compiled and published into report for dissemination.

## **2. Objectives**

To establish the NPOA–IUU No. 2 corresponding to the current fisheries situation in Thailand and at the global level in order to ensure that the implementation in accordance with guidelines and measures specified for combating, deterrence and elimination of illegal, unreported and unregulated fishing, either inside and outside the Thai waters (EEZs of coastal States, high seas, and RFMO areas) could be continuously implemented following to the NPOA–IUU 2015-2019

### 3. Responsibilities as a State

Thailand as a State has developed policies for utilization of marine fishery resources to achieve the balance among fishery resources, marine environment, economy, and social welfare of stakeholders and consumers. Furthermore, there are roles and responsibilities to support and cooperate in the implementation of international commitments and agreements, including fisheries regulations of RFMOs to ensure the sustainability of fishery resources and environment in line with and in accordance with conditions under the agreements, as follows:

#### 3.1 International Instruments

The IPOA–IUU recommended States to implement as follows:

- Give full effect to relevant norms of international laws, in particular as reflected in the 1982 UN Convention, in order to prevent, deter and eliminate IUU fishing;
- Ratify, accept or accede to, as appropriate, the 1982 UN Convention, the 1995 UN Fish Stocks Agreement and the 1993 FAO Compliance Agreement. Those States that have not ratified, accepted or acceded to these relevant international instruments should not act in a manner inconsistent with these instruments;
- Implement fully and effectively all relevant international fisheries instruments which they have ratified, accepted or acceded to;
- Fully and effectively implement the Code of Conduct for Responsible Fisheries and its associated International Plans of Action; and
- Fully implement their obligations under Part VII of the 1982 UN Convention to take measures with respect to their nationals as may be necessary for the conservation of the living resources of the high seas.

##### 3.1.1 Thailand has been a Party to International Agreements, as follows:

- Effective implementation of the Code of Conduct for Responsible Fisheries (CCRF) and relevant International Plans of Action;
- The 1982 United Nation Convention on the Law of the Sea (UNCLOS) on 15 May 2011;
- The Convention on Biological Diversity (CBD) on 31 October 2003;
- The 1995 United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement) on 28 April 2017;
- The 2016 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) on 6 May 2016; and
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

##### 3.1.2 Implementation by Thailand after Being a Party

Thailand has implemented to put into effect in accordance with the international laws, especially the provision of the UNCLOS to prevent, deter and eliminate IUU fishing as follows:

- Thailand has revoked the Fisheries Act, B.E. 2490 (1947) and the Fisheries Act, B.E. 2558 (2015); and established the Royal Ordinance on Fisheries, B.E. 2558 (2015) and the Royal Ordinance on Fisheries (No.2), B.E. 2560 (2017) with the contexts that comply with the provisions of the 1982 United Nations Convention on the Law of the Sea and international fisheries regulations, including fisheries situation of the country;

- Thailand has accepted the UN FAO IPOA–IUU in March 2003;

- Thailand has acceded to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) on 6 May 2016; and as a party to IOTC, has accepted all Resolutions from meetings of the Commission, including Resolution 10/11 of the PSMA by specifying 25 designated ports (as of 2020), both in the Gulf of Thailand and the Andaman Sea sides, for foreign fishing vessels to land their fish; and delegate authority to officers to be able to inspect foreign fishing vessels in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment;

- Thailand has been a party to the RPOA–IUU and signed the Memorandum of Understanding (MoU) with SEAFDEC for the ASEAN’s Regional Plan of Actions of Sea Turtle Management Foraging Habitats in South East Asian Waters. As a Member Country of SEAFDEC, Thailand has developed Thai Fisheries Management Plan, B.E. 2563–2565 (2020–2022) to establish measures for conservation of marine fishery resources and fishing efforts in accordance with the Regional Plan of Action for Management of Fishing Capacity, and implemented in accordance with the Regional Plan of Actions on Sustainable Utilization of Neritic Tunas in the ASEAN Region;

- As a Member Country of FAO, Thailand has adopted the Code of Conduct for Responsible Fisheries (CCRF) on 31 October 1995, and translated into Thai language to disseminate to fishers and relevant people to create understanding and cooperation, while also improve the legislation by issuing the Ministry of Agriculture and Cooperatives’ Notifications to regulate and control the use of fishing gears and fishing operations toward responsible fisheries; and

- Thailand adopted the International Plan of Action for the Conservation and Management of Sharks by developing the National Plan of Action for the Conservation and Management of Sharks for the year 2020–2024.

**Cooperation with other relevant international organizations in combating IUU fishing, as follows:**

- Thailand as a member to the ASEAN Community has followed the ASEAN work plan (2009–2015) and other supporting documents.

- Thailand has cooperated as a Member Country of SEAFDEC to support the implementation of the ASEAN–SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020 (Res&PoA) which cover issues on combating, deterrence and elimination of IUU fishing in the region. Moreover, Thailand also adopted the ASEAN–SEAFDEC Fisheries Plan of Actions toward Achieving Food Security in the ASEAN Region by 2020.

- Thailand has participated with international organizations, such as the Asia-Pacific Fishery Commission (APFIC) to promote appropriate utilization of living resources in Asia–Pacific toward development of sustainable aquaculture.

- Thailand has been a member to Bay of Bengal coastal countries, and signed the Bay of Bengal Large Marine Ecosystem Strategic Action Plan to cooperate under the vision for a healthy ecosystem and sustainable use of marine resources for the benefit of all countries of the Bay of Bengal Large Marine Ecosystem in order to prevent over-utilization of marine



living resources, by: 1) fisheries and other marine living resources are restored and managed sustainably; 2) degraded and vulnerable resources, and critical marine habitats are restored, conserved and water quality is maintained; 3) coastal and marine pollution and water quality are controlled to meet with standards for human and ecosystem health; and 4) study on social and economic constraints toward enhancing livelihood and empowerment of fishers in the coastal area.

- Thailand has been a member to the Indian Ocean Rim Association (IORA) to adopt Mauritius Declaration on Blue Economy, one of which is a regional cooperation for sustainable management of fisheries and aquaculture in the Indian Ocean that the member States must implement and comply with.

- As a member to sub-regional cooperative frameworks, *i.e.*, APEC, BIMSTEC, OECD, and Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT), the Department of Fisheries of Thailand therefore has roles and participated in activities of programs undertaken under these cooperative frameworks.

- Moreover, Thailand is a member to two RFMOs, *i.e.*, IOTC and SIOFA. Thailand involved in development of measures for conservation and management, fishing operations, and management of Thai fishing fleets undertaking fishing operations in such RFMO areas.

- Although not a member, Thailand has been a cooperative party to several RFMOs by preparing and submitting reports and information on tuna species, quantity, and fishing grounds, and attend as observers in meetings of the WCPFC, CCAMLR and ICCAT, etc.

Measures to be undertaken are:

No.	Measures
1	Be a Party and implement the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement); and
2	Concrete implementation in accordance with the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks 1995 (UNFSA).

### 3.2 National Legislation

The IPOA–IUU recommended States to implement as follows:

- National legislation should address in an effective manner all aspects of IUU fishing; and
- National legislation should address, *inter alia*, evidentiary standards and admissibility including, as appropriate, the use of electronic evidence and new technologies.

#### 3.2.1 Legislation Aspect

Thailand has amended its Royal Ordinance on Fisheries (as elaborated in topic 1.8 on “Relevant National Legislation, Policies, and Plans”) to be appropriate with the direction for fisheries

development and comply with international standards for fisheries management, while also comply with cooperative frameworks with other countries in management of marine fisheries by reviewing and amending national legislation relevant to the current IUU fishing. At the present, amendments were made to the three (3) legislations of relevant authorities, namely:

1. *The Thai Vessels Act, B.E. 2481 (1938)* was amended by the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938), B.E. 2561 (2018) which was promulgated in the Royal Government Gazette on 27 March 2018 and put into force starting from 28 March 2018, and the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938) No. 2, B.E. 2561 (2018) which was promulgated in the Royal Government Gazette on 28 December 2018 and put into force starting from 29 December 2018. At the present, Thailand has established a database of Thai vessels that are used for fishing operations, transshipment, or supporting fishing activities in order to be used for monitoring, control and surveillance to prevent the use of vessels for IUU fishing. From the establishment of such database, it was found that there are vessels that are declared by the vessel owners to be sunk, lost, sold, or transferred to others but the evidence could not be provided, and monitoring and inspection for where the vessels are could not be done. It is therefore a risk for such vessels to be used for fishing operations, transshipment, or supporting fishing operations that are IUU; and measures should be established to prevent such fishing vessels, transshipment vessels and vessels in support of such fishing operations to be brought back and register as Thai vessels or to be used for fishing operations, transshipment or to support fishing operations that are IUU. Considering that such implementation needs to be undertaken in a timely manner for the benefit of sustainable fisheries management, which is an emergency case that is necessary and unavoidable, and to safeguard the economic security of the country and protect natural resources, such Emergency Decree has been amended to include vessel registration. The Marine Department can issue an order to withdraw registration of Thai vessels for fishing operation or other vessels as prescribed by the Notification, and dispose the vessel registration from the list of registered vessels in following cases: 1) where there is one of the grounds as specified in the Thai Vessels Act, B.E. 2481 (1938), such as Thai vessels that are registered and then lost, captured by the enemy, burnt by fire, sunk, destroyed, or abandoned; 2) where owner of the vessel expresses the intention in writing to cancel the registration of Thai vessel to the registrar; 3) Thai fishing vessels that are registered but has no permission to use the vessel or the permission has expired and the request for extension has not been made within 60 days after the Marine Department has notified to the vessel owner.

2. *The Navigation in the Thai Waters Act, B.E. 2456 (1913)* was amended by the Navigation in the Thai Waters Act (No. 17), B.E. 2560 (2017) which was promulgated in the Royal Government Gazette on 24 January 2020 and put into force 30 days after the promulgation. Amendment was made to include regulation for vessel inspection for fishing vessels of more than 30 gross tonnage, which is to be undertaken by the Department of Fisheries in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment.

3. *The Maritime Interest Protection Act, B.E. 2562. (2019)* was promulgated in the Royal Government Gazette on 9 March 2019 and entered into force on 10 March 2019. Considering that there are on-going problems on safeguarding of maritime interest either inside and outside the Kingdom, and such problems are in maritime areas that are diverse, while Thailand has sovereignty and sovereign right to safeguard the national maritime interest, and also has other rights and responsibilities in accordance with the international laws where Thailand has an obligation to comply with; the currently available legislation could not be used to enforce in the maritime areas that are not in the Kingdom, or may not cover safeguarding of

national maritime interest in wide aspects, such as security, economy, social, science and technology, and resource and environmental aspects. It is therefore necessary to have the main implementing agency to be responsible for the implementation to safeguard the national maritime interest in unified and integrated manner and to effectively coordinate the implementation in maritime areas.

Thailand has occasionally amended and improved other laws and regulations that are relevant to fisheries, such as the National Park Act, B.E. 2562 (2019); the Wild Animal Conservation and Protection Act, B.E. 2562 (2019), the Enhancement and Conservation of National Environmental Quality Act, B.E. 2535 (1992) which was amended by the Enhancement and Conservation of National Environmental Quality Act (No. 2), B.E. 2561 (2018); and the Act on the Promotion of Marine and Coastal Resources Management, B.E. 2558 (2015).

In combating IUU fishing, there are three (3) main agencies that have duties of governing and enforcing fisheries-related laws, *i.e.*, the Thai-MECC, the Department of Fisheries, and the Marine Departments (as elaborated in topic 1.7 on Fisheries Management).

Moreover, the Department of Fisheries has delegated authorities to various agencies for law enforcement in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment in order to enhance the efficiency in prevention of illegal fishing, such as the Royal Thai Navy, the Marine Police Division, the Department of Marine and Coastal Resources, the Customs Department, and the Marine Department, etc.; and other supporting agencies such as the Ministry of Interior (Governors of coastal provinces), the Department of National Parks, Wildlife and Plant Conservation, etc.

Measures to be undertaken are:

No.	Measures
1	Review and improve national legislations relevant to combating, deterrence and elimination of IUU fishing, including legislations under the Department of Fisheries, the Marine Department, and other relevant governmental agencies in order to enhance the effectiveness and to comply with changes in agreements and international laws which Thailand is a Party to; and
2	Improve subordinate legislations in fisheries and relevant legislations of Thailand.

### 3.2.2 State Control over Nationals

The IPOA-IUU recommended States to implement as follows:

- State should take measures or cooperate to ensure that nationals subject to their jurisdiction do not support or engage in IUU fishing;
- All States should cooperate to identify those nationals who are the operators or beneficial owners of vessels involved in IUU fishing; and
- States should discourage their nationals from flagging fishing vessels under the jurisdiction of a State that does not meet its flag State responsibilities.

Thailand implements control over fishing operations and fishery-related activities outside the Thai waters to be in accordance with the laws, regulations of RFMOs or other coastal States to prevent IUU fishing, and fishing activities that violate relevant laws; thus prescribed conditions to obtain a license to fish outside the Thai waters in accordance with Section 39 and subordinate legislations under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment.

### **Section 39 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, and relevant subordinate legislations**

Applicant for license to fish outside the Thai waters must have no prohibited qualifications, as follows:

- Applicant must have possession to the vessels intended to undertake fishing operations, and provide information on all vessels being possessed;
- Applicant must have sufficient financial status;
- Applicant and fishing master must pass training to have knowledge on fishing operations outside the Thai waters in coastal States or in international organization areas;
- The vessel must not be in the IUU vessels list and nor under detention. If the vessel had previously violated fisheries legislations, the applicant must have evidence showing that the previous vessel owner, vessel master, or licensee have no direct or indirect benefit, or no further authority on such vessel; and
- Fishing gear, auxiliary gears, and other equipment must not contradict to the requirements and conditions of coastal States or international organizations where the fishing operation will be conducted, and must comply with domestic and international regulations in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment and must be implemented in line with Ministerial Regulations prescribed by the Ministry of Agriculture and Cooperatives. Nonetheless, this must not contradict to the requirements and conditions of coastal States or international organizations where the fishing operation will be conducted in order to comply with international obligations and to prevent IUU fishing.

Thailand cooperates in the implementation of obligations that it has with international organizations and conventions relevant to conservation and management of fishery resources that Thailand is a Party to, by inspecting vessels of such States that are suspicious to engage or to support IUU fishing activities, and exchange information on vessels that are investigated and found to engage or to support IUU fishing activities either inside the Thai waters, outside the Thai waters, and whether the activities are undertaken using Thai fishing vessels, non-Thai fishing vessels, or stateless vessels. These would be considered as an offence in Thailand, and the fishing license would be suspended or withdrawn, while the penalty would be determined based on the offence. Thailand does not support Thai nationals to use stateless vessels in fishing operations, and considers that this is a serious offence in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment.

Thailand has improved its organizational structure for management of marine fisheries, by categorizing based on their missions, *i.e.*, the operational aspect, comprising 6 centers and 12 units for marine fishery management with the responsibility of inspection, monitoring, control and surveillance of marine fishing operations in the Thai waters; the Fish

Quarantine and Fishing Vessels Inspection Division with the responsibility of controlling the entry and departure of Thai and foreign fishing vessels, controlling and directing the operation of fishing ports; the Thai-MECC established in 3 areas with integrated implementation of inspection at seas among the Royal Thai Navy, the Department of Fisheries, the Marine Department, the Marine Police Division, the Customs Department, and the Department of Marine and Coastal Resources; and the surveillance and analysis aspect with the Fisheries Monitoring Center (FMC) established with the responsibility on surveillance of fishing operations by Thai vessels inside and outside the Thai waters, analyzing foreign fishing vessels that request to entry into port to be in line with port State measures, and surveillance of illegal entry of foreign vessels or IUU vessels into the Kingdom.

Thailand has developed traceability system to obtain information on fish origins throughout the supply chain, to ensure that no fish from IUU fishing enters into supply chain of the country, as well as to ensure that fish export from Thailand is not derived from IUU fishing. Moreover, in order to enable timely check of the information, an electronic system has been applied in traceability, either for fish caught by Thai fishing vessels and imported fish, and in issuance of Catch Certificate for fish caught by Thai fishing vessels, and Marine Catch Purchasing Document for import of raw materials from other countries.

Measures to be undertaken are:

No.	Measures
1	Develop technology and electronic systems to enhance effectiveness in the implementation of cooperation among national agencies to prevent, deter and eliminate IUU fishing;
2	Establish and expand cooperation with other States, RFMOs and other relevant international organizations to develop and exchange information on fisheries and relevant nationals to serve as information to prevent, deter, and eliminate IUU fishing;
3	Enhance knowledge and understanding on the requirements or provisions of national legislations and international laws relevant to combating, deterrence and elimination of IUU fishing activities in all sectors;
4	To strengthen measures for combating IUU fishing in Thailand to be more effective, Catch Certification Scheme (CCS) will be developed and implemented in accordance with FAO guidelines; and
5	Train, improve, and enhance operational capacity of government officers to prevent, deter and eliminate IUU fishing.

### 3.2.3 Vessels without Nationality

The IPOA–IUU recommended States to implement as follow:

- States should take measures consistent with international laws in relation to vessels without nationalities on the high seas involved in IUU fishing.

Vessel without nationality means vessel that is not registered in any State, or vessel that has two or more nationalities, or vessel that changes flags during the navigation. The

international laws have coherent requirements to prevent and suppress vessel without nationality by specifying that if there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the Party shall deny such vessel to entry into its port. Moreover, RFMOs such as IOTC and SIOFA require party States or cooperating States to suppress and resist vessel without nationality that is conducting fishing operations, or has conducted fishing operations or fishing related activities in such RFMO areas, and deny the entry into port, transshipment of fish or fishery products, and use of port services by such vessel, except if it is essential to the safety or health of the crew or the safety of the vessel.

Thailand has implemented in compliance with international laws, with Section 5 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) clearly defined stateless vessel (vessel without nationality) in accordance with the international definition by the UNCLOS. The Section 8 prescribed that any offence to this Royal Ordinance either using Thai fishing vessel, non-Thai fishing vessel, or stateless vessel would be considered as an offence in the Kingdom of Thailand and is subjected to sanction as prescribed by the Royal Ordinance. Section 10 prohibited any person to use stateless vessel for fishing operations. Section 95 prescribed that for foreign fishing vessel that has clear grounds for believing to have engaged in IUU fishing or fishing-related activities in support of such fishing, competent officer may deny the entry into port, or allow the entry into port only in an emergency case that is essential to the safety of the crew or the safety of the vessel, or for vessel inspection or other operation to prevent and suppress IUU fishing that has the effectiveness equally to denial of the entry into port. Moreover, Section 96 prescribed that after permission is granted for vessel to entry into port, if there are clear grounds that foreign vessel has engaged in IUU fishing or is a stateless vessel, the Director-General has the authority to seize the fishing vessel and property in such vessel to sell by auction or to be demolished.

During the period from 2015 to 2019, there had been stateless vessels or vessels having risk of being stateless and could not prove whether or not it was stateless entry into the Thai waters with the purpose of landing the catch or other purposes such as vessel repair, Thailand by relevant authorities had taken integrated actions to inspect and take legal actions in line with their authorities. Furthermore, Thailand has cooperated with flag States, coastal States, port States, including relevant RFMOs to share information for vessel inspection. Vessels had been pushed outside the Kingdom, or held for inspection and taken legal action as prescribed by the law.

Measures to be undertaken are:

<b>No.</b>	<b>Measures</b>
1	Enhance capacity in the implementation relevant to stateless vessels in compliance with the laws; and
2	Extend cooperation and enhance the effectiveness in exchanging information on stateless vessels with other countries.

### 3.2.4 Sanction

The IPOA–IUU recommended States to implement as follows:

- States should ensure that sanctions for IUU fishing by vessels and, to the greatest extent possible, nationals under its jurisdiction are of sufficient severity to effectively prevent, deter and eliminate IUU fishing and to deprive offenders of the benefits accruing from such fishing; and
- States should ensure the consistent and transparent application of sanctions.

Thailand has improved its relevant legislations to prescribe appropriate penalties/sanctions that are proportionate to the violation in order to ensure the effectiveness of law enforcement, by using either criminal or civil sanctions, or administrative penalty in case of violation to fisheries regulations, either domestic laws or international fisheries regulations, in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment; the Navigation in the Thai Waters Act, B.E. 2456 (1913) and its amendments; the Thai Vessel Act, B.E. 2481 (1938), the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938), B.E. 2561 (2018), and the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938) (No. 2), B.E. 2561 (2018); the Act on the Promotion of Marine and Coastal Resources Management, B.E. 2558 (2015); the Wild Animal Conservation and Protection Act, B.E. 2562 (2019); the National Maritime Interests Protection Act, B.E. 2562 (2019); and the Customs Act, B.E. 2560 (2017).

Under the fisheries law, offenders or relevant person are deprived from obtaining benefit accruing from IUU fishing, and shall be subject to penalties as prescribed by the law. The penalties could be classified into three (3) categories:

#### 1. *Penalty/sanction for non-Thai fishing vessels*

Section 94 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment prohibits bringing of non-Thai fishing vessels engaged in IUU fishing into the Kingdom. Offender or those that fails to comply is subject to the fine of 1–30 million Baht, or the fine of 5 times of the fish value, whichever is higher. Nonetheless, the Director-General of the Department of Fisheries has the authority to announce the name of vessels that violate Thai fisheries laws into the IUU fishing vessels list.

For foreign fishing vessel that brings fish or fishery products into the Kingdom, this requires permission and must provide clear evidence that such vessel has not engaged in IUU fishing or is not a stateless vessel. If clear evidence could not be provided, the vessel shall be commanded to leave the Kingdom within the specified time, otherwise the vessels and the property may be seized to sell by auction or be demolished in accordance with Section 96.

#### 2. *Penalty/sanction for Thai fishing vessels undertaking fishing operations inside and outside the Thai waters*

Offence or violation to fisheries law by Thai fishing vessel is subject to criminal sanction in term of fine or administrative measures. The fine shall be proportionate to four groups of vessels by size, *i.e.*, vessels from 10 gross tonnage until less than 20 gross tonnage;

2) vessels from 20 gross tonnage until less than 60 gross tonnage; 3) vessels from 60 gross tonnage until less than 150 gross tonnage; and 4) vessels of 150 gross tonnage and over, with the fine ranging from 10,000 to 30,000,000 Baht depending on the violation, or the fine of five (5) times of the value of fish from the fishing operation, whichever is higher. Nonetheless, in case where the serious offence is repeated within 5 years, the penalty as prescribed in each Section shall be doubled.

*3. Penalty/sanction for stateless vessels or vessels that are IUU vessels entering into Thai waters*

Section 10 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment prohibited any person to use stateless vessel in fishing operation. Offenders are subject to the penalty fine of 10,000 – 100,000 Baht, or the fine of three (3) times of the value of fish from the fishing operation, whichever is higher. Nonetheless, the penalty fine shall be proportionate to the vessel size. For the offence using vessels from 10 gross tonnage and over, the penalty fine shall be ranging from 100,000 to 30,000,000 Baht, or the fine of five (5) times of the value of fish from the fishing operation, whichever is higher.

As for the administrative measures, the fisheries law has prescribed administrative measures that are sufficient to enable the implementation of the Royal Ordinance on Fisheries in timely and effective manner, together with criminal sanction. The Royal Ordinance has determined actions that are considered as serious violation to the law in accordance with the international standards. Administrative Measures Committee was established, comprising the Director-General of the Department of Fisheries as the chairperson, and representative from the Department of Employment, representative from the Marine Department, representative from the Department of Industrial Works, representative from the Department of Labour Protection and Welfare, representative from the Office of the Council of State, and representative from the Royal Thai Police as the committee members. The Committee has the authorities to determine and establish administrative measures for serious violation to the law, which comprise: 1) Seizing of fish or fishery products from such fishing operation or fishing gear; 2) Prohibiting the conduct of fishing operations unless correct actions are taken; 3) Suspending the license, for the maximum duration of 90 days/time, and prohibiting the use of such vessel until the end of suspension period; 4) Withdrawing the license and announcing such vessel to be an IUU fishing vessel, and 5) Detention of fishing vessel.

In the process of consideration by the Administrative Measures Committee, the suspected person shall be provided with opportunity to explain or argue by preparing explanation in writing together with evidences relevant to the appeal of the order to suspend the license, suspend the permission, or withdraw the license. The suspected person has the right to appeal to the Director-General of the Department of Fisheries in case where the order is given by competent officer, or appeal to the Minister of Agriculture and Cooperatives in case where the order is given by the Director-General within 30 days after receiving the order. If the Administrative Measures Committee gives an order on administrative measures and the person receiving the order is not satisfied with the order, such person has the right to dispute with the order by filing a lawsuit in administrative court.

In prescribing the criminal penalties, the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment has set forth that for offence to the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, the Penalty Committee has the authority to charge for fine penalty. The Penalty Committee comprises representative from the Attorney General's Office as the



chairperson, representative from the Royal Police Department as the committee member, and representative from the Department of Fisheries as the committee member and secretary of the committee; and shall have penalty committees either in Bangkok or provincial areas. In this regard, the law prescribed that the consideration by the Penalty Committee must consider the seriousness of the offence, the repetition of the offence, and the prevention of offender to repeat the offence; while also prescribed penalty to any person that support or receive benefit from the offence in accordance with Section 166 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) to have the same penalty to the offender. This except the case where such person is a seaman, and the court determines that the action was made following to the order of the vessel owner or vessel master, the court may give no penalty, or give any less penalty than as prescribed by the law.

Measures to be undertaken are:

No.	Measures
1	Develop electronic system to link databases on legal cases in order to enhance the effectiveness of law enforcement and prosecution; and
2	Improve the capacity of government officers, as well as establish network among relevant sectors to enhance the effectiveness of law enforcement and prosecution.

### 3.2.5 Non-cooperating State

The IPOA–IUU recommended States to implement as follow:

- Take all possible steps consistent with international laws, to prevent, deter and eliminate the activities of non-cooperating States to a relevant regional fisheries management organization which engage in IUU fishing.

Thailand has clear intention to promote cooperation with other States, private sector, and international organizations, including implementation in compliance with fisheries rules and regulations of relevant RFMOs as a Party, *i.e.*, IOTC and SIOFA, and as a Cooperating Non-Party with WCPFC in exchanging fisheries information, including cooperation with other RFMOs in exchanging information to combat IUU fishing such as with CCAMLR and ICCAT, etc. These are under the country’s policy of “IUU Free Thailand” and under its national laws that prevent the entry of fish and fishery products from IUU fishing into the Kingdom and Thailand does not support IUU fishing.

Thailand imports large quantity of fish to process and export to foreign countries. As a port State, Thailand has the necessity to cooperate with other States, either port States, flag States, coastal States, including relevant RFMOs to inspect fishing vessels and fishing operations relevant to the fish that are imported through various channels. Therefore, if Thailand is not cooperated by those States and could not inspect and verify the source of imported fish that they are clearly not derived from IUU fishing, Thailand will deny the import of such fish and push back to the country of origin. Several cases of these have already occurred with large quantity and value of fish.

Measure to be undertaken is:

No.	Measure
1	Upgrade the capacity of monitoring and control system for import of fishery products in order to prevent the import of fishery products derived from IUU fishing.

### 3.2.6 Economic Incentive

The IPOA–IUU recommended States to implement as follow:

- Avoid conferring economic support, including subsidies to companies, vessels or persons that are involved in IUU fishing.

Thailand does not extend support or assistance to fishing vessels that undertake or engage in IUU fishing, by prescribed as prohibited qualification to request for commercial fishing license, and cooperated in the implementation of WTO on fisheries subsidies by not subsidizing to fishing vessel operators and IUU fishing related activities.

Thailand extends support and assistance to legal fishing vessels, such as “vessel buy-back program” to reduce number of fishing vessels toward sustainable resources management, credit and loan program to enhance liquidity of fishing operators, program to assist victims from natural disasters and remedy measures from various impacts, etc.

Thailand extends support to artisanal fisheries, such as on responsible fishing technologies, capacity development in fishing operations, fishery resources enhancement by rehabilitation of marine habitats, and fisheries volunteer program, etc.

Thailand extends budgetary support to research studies on responsible fishing operations, reduction of fishing efforts, and fishery resources enhancement, as well as support to participation and displaying of fish and fishery products at expositions.

### 3.2.7 Monitoring, Control and Surveillance (MCS)

The IPOA–IUU recommended States to implement as follow:

- Undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing, to final destination.

The framework of Thai fishery legislation set forth the establishment of effective monitoring, control and surveillance system for fishing activities, including development of effective traceability system to enable tracing of the origins of fish or fishery products starting from harvesting until reaching to consumers.

Thailand has developed and improved effective electronic MCS system for fishing operation of Thai fishing vessels either inside or outside the Thai waters to support management and resources utilization, and law enforcement with appropriate sanctions. Thailand is also a member to the International MCS Network (IMCS) to coordinate and exchange information on all MCS activities that are relevant to illegal fishing under the framework of relevant legislations in Thailand. Moreover, there are also workplan and budget allocation to support the implementation and conduct of training on MCS with relevant agencies, promotion and improving knowledge to ensure that the undertaking of onboard inspection is in compliance with international principles by considering rights and obligations of vessel owners and inspectors in accordance with such principles, and providing knowledge and awareness to operators on the necessity for MCS.

Under the Royal Ordinance in Fisheries, B.E. 2558 (2015) and its amendment, Section 12 prescribed policies and regulations for fisheries management and conservation of fishery resources in accordance with the principle of good governance, and promoted stakeholders' participation to ensure fishery management toward optimum production and sustainability, use of the best scientific evidences, with due consideration on social, economic, and environmental factors under the principles of maintaining ecological balance and precautionary approaches. This is also to maintain or restore fishery resources at the level that provides maximum sustainable yield of fish toward sustainability of fisheries, while preventing and eliminating over-fishing and over-capacity in order to control fishing activities not to deteriorate the sustainability of fishery resources.

**Monitoring** is the process of compiling information on fishery resources and fishing efforts which needs to be undertaken continuously. Thailand has compiled the information on quantity of fish catch from commercial fishing vessels and artisanal fishing vessels throughout the past years (artisanal fishing vessels using data from database on number of fishing vessels under the Marine Department and fishery resources data from field survey; commercial fishing vessels data using data on number of vessels and fishing gears from e-license system, including fish catch data from fishing logbook). Such information could be calculated into total fish catch in the Thai waters. As for the information on fishing efforts, the information was compiled through field surveys, port in–port out of fishing vessels from “Fishing Info” which is an IT system for fishing activities. Furthermore, Thailand has also continuously following-up on changes in condition of fishery resources, such as catch efficiency, catch composition by using the DOF survey vessels, biomass and biology of fish, while also evaluating the MSY and appropriate fishing effort annually.

**Control** is the process of establishing legislative rules and regulations by using the best scientific evidence during that time and the principle of precautionary approach. Criteria for control are established under subordinate legislations, which the Minister of Agriculture and Cooperatives and the Director-General of the Department of Fisheries have the authorities under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment to issue regulations and conditions relevant to fishing operations in the forms of Ministerial Regulation, Ministerial Notification, Ministerial Order, Department Notification, Department Regulation, Department Order, etc. Such legislations have been amended to correspond with changing scientific information and situation of fishing operations. Moreover, the Royal Ordinance on Fisheries also delegates the authority to Provincial Fisheries Committee to issue control regulations over fishing operations in their respective fishing areas. Nonetheless, the relevant operators, fishers, and stakeholders have been engaged in issuance and amendment of such subordinate legislations.

**Surveillance** is the process of surveillance fishing operations that are permitted under the framework and fishing conditions to ensure the utilization of fishery resources toward maximum sustainable yield, by establishing implementation system for surveillance prior to the fishing operation, during the fishing operation, entry into port, landing of fish at port, until reaching the consumers. Thailand has established “Port–In and Port–Out Control Center” or “Fishing Operations Check Point” to control port in–port out (PIPO) in its 22 coastal provinces in order to control Thai fishing vessels that undertake fishing operations and has the size as prescribed by the Minister to notify their entry into or departure from port in accordance with the rules and procedures prescribed by the Director-General. During the fishing operation, the FMC has monitoring and surveillance through Vessel Monitoring System (VMS), Electronic Reporting System and Electronic Monitoring (ERS/EM), and Automatic Identification System (AIS), as well as observer onboard (for transshipment vessels and fishing vessels conducting fishing operations outside the Thai waters). There are also Marine Fisheries Inspection Unit and special inspection unit under the Thai-MECC to undertake inspection at sea and aerial inspection to ensure that vessels are undertaking fishing operations in the fishing areas, using gears, manpower, and in the duration as prescribed by laws. When the vessels return back to port, the Department of Fisheries also monitors report on fishing operations, such as logbook, VMS/GPS tracking, video (for fishing vessels and transshipment vessels outside the Thai waters), inspect fish, landing and report from fishing port. Moreover, Thailand is implementing port State measures (PSM) by inspecting foreign fishing vessels that request the entry into Thai ports to prevent the entry of fish from IUU fishing or the use of port services by IUU fishing vessels.

The Department of Fisheries has promoted participation in resources management in coastal areas with the involvement of fishers in establishing local fishing communities in accordance with Section 106 of the Royal Ordinance in Fisheries, B.E. 2558 (2015) and its amendment, which provided the authority to the Director-General of the Department of Fisheries to appoint members of local community organizations that are registered under Section 25 (2) with a view to support the competent authority in undertaking surveillance of fishing operations by artisanal fishing vessels and commercial fishing vessels, including to support spatial management with community participation.

As for law enforcement by competent authorities for effective monitoring, control and surveillance, the implementation is undertaken in integration among relevant agencies concerning law enforcement, *i.e.*, the Department of Fisheries, the Marine Department, the Thai-MECC, the Customs Department, the Marine Police Division, the Department of Marine and Coastal Resources, the Department of Employment, and the Department of Labour Protection and Welfare. Nonetheless, if necessary, the Department of Fisheries has the authority to appoint members of local fishing community organizations that are registered with the Department of Fisheries to support the competent authority in accordance with the Royal Ordinance on Fisheries.

Measure to be undertaken is:

No.	Measure
1	Expand cooperation and enhance networking for exchanging of information on MCS among agencies within the country and at the regional level to enhance effectiveness in prevention, deterrence and elimination of IUU fishing.

### 3.2.8 Cooperation between States

The IPOA–IUU recommended States to implement as follows:

- Coordinate their activities and cooperate directly, and as appropriate through relevant RFMOs, in preventing, deterring and eliminating IUU fishing;
- In the light of Article VI of the 1993 FAO Compliance Agreement, flag States should make available to FAO and, as appropriate, to other States and relevant regional or international organizations, information about vessels deleted from their records or whose authorization to fish has been cancelled and to the extent possible, the reasons therefor;
- Nominate and publicize initial formal contact points in order to facilitate cooperation and exchange of information; and
- States should consider entering into agreements or arrangements with other States for the enforcement of applicable laws and conservation and management measures or provisions adopted at a national, regional or global level.

Thailand has developed cooperative mechanisms between States and with international organizations to address problems on IUU fishing, including the cooperation on MCS through international agreements or cooperation between States by compiling and exchanging information between States and international organizations continuously through networks at the regional and global levels, as follows:

1. Cooperation under the implementation framework as a member to RFMOs, *i.e.*, IOTC and SIOFA; as cooperating non-Member Country such as WCPFC and CCAMLR, etc.; as well as cooperation on specific issues through MOUs between RFMOs, or between RFMOs and international organizations.

2. Cooperation with international organizations at the regional level, *i.e.*, the ASEAN, RPOA–IUU and SEAFDEC. Thailand has exerted efforts toward the establishment of ASEAN Network for Combating IUU Fishing (AN–IUU) under the ASEAN cooperation framework to be a network for exchange of fisheries information in a timely and effective manner among agencies under the fisheries agencies and other government agencies that have authorities relevant to combating IUU fishing, in order to combat illegal fishing in the region. The AN–IUU also intends to improve exchange of information among concerned agencies to enhance the efficiency in combating IUU fishing in the future. Thailand also implement the RPOA–IUU workplan which is developed by the RPOA-IUU Coordination Committee Meeting with the objectives of prevention, deterrence and elimination of IUU fishing in the region. Moreover, Thailand also cooperates in exchanging of information on fishing vessels 24 meters in length and over in the Regional Fishing Vessels Record (RFVR) developed under ASEAN–SEAFDEC mechanism, which is another important tool to support vessel inspection in accordance with port State measures of the ASEAN Member States.

3. Cooperation with FAO and International Maritime Organization (IMO). Thailand has exchanged knowledge, experiences, expertise, including operational technologies among experts with countries/organizations that have experiences in fisheries in order to obtain knowledge and skills and widen the operation, covering issues as follows:

- 3.1 Port State Measures;
- 3.2 Traceability of imported fish and fishery products;
- 3.3 Prevention imports of fish and fishery products from IUU fishing vessels;  
and
- 3.4 Safety at Sea.

Thailand promotes the implementation in accordance with international measures for combating IUU fishing, by adjusting its policies and measures toward compliance, such as:

1) Inspection of foreign fishing vessels and transshipment vessels that bring fish to land at ports in Thailand in accordance with the PSMA to prevent the import of fish from IUU fishing;

2) Monitoring, control and surveillance of Thai fishing vessels and transshipment vessels in RFMO areas, or carrying fish to land at ports in Thailand in compliance with international laws and standards;

3) Promote the operation among countries in the region in surveillance, information exchange on fishing operations by foreign fishing vessels and by fishing vessels from countries in the region, through the support for establishment of the AN–IUU and cooperation at bilateral and multi-lateral levels;

4) Cooperation with international non-government organizations (NGOs) and relevant agencies at the international level, such as the Environmental Justice Foundation (EJF), the International Labour Organization (ILO), Stella Maris, the International Justice Mission (IJM), the International Monitoring, Control and Surveillance Network (IMCS Network), the Pew Charitable Trusts, the Seafood Task Force (STF), OCEANMIND, and Fish-i–Africa, etc.;

5) Cooperation with States that are flag States, port States, coastal States, including market States, by developing implementation arrangement at the bilateral level to exchange information on fishing vessels and fishing activities, develop guidelines for inspection of import–export of fishery products, and cooperation in combating IUU fishing, *i.e.*, the Republic of the Fiji Islands, Japan, the Republic of Korea, the Socialist Republic of Viet Nam, the Kingdom of Cambodia, the Republic of the Philippines, the Republic of the Union of Myanmar, the Independent State of Papua New Guinea, and the Republic of the Marshall Islands.

Measure to be undertaken is:

<b>No.</b>	<b>Measure</b>
1	Expand cooperation among States during fora at regional and sub-regional levels under the framework of the FAO Compliance Agreement.

### 3.2.9 Publicity

The IPOA–IUU recommended States to implement as follow:

- Publicize widely, including through cooperation with other States, full details of IUU fishing and actions taken to eliminate it, in a manner consistent with any applicable confidentiality requirements.

Thailand has carried out publicity program on IUU fishing and the impacts from such fishing activities either inside and outside the country under the Official Information Act, B.E. 2540 (1997), which provides wide opportunity to people to receive information on implementations by the government, except those not to be explicitly disclosed specifically information of which the disclosure may have harmful impacts on the nation or the benefit of private sector, through coastal radio stations, televisions, websites, online social media to the public including NGO groups, and academic institutions through newspapers and brochures at landing sites, ports; while also provides budget for publicity through radios, televisions, posters, videos, participation to international meetings and seminar, etc., continuously. The budget for publicity activities is allocated from regular budget for continuous awareness building programs.

To facilitate systematic management, control, and inspection of Thai fishing vessels, seamen, and ports throughout the country, the Marine Department has publicized the list of vessels that are legitimate commercial fishing vessels, transshipment vessels, and support vessels, seamen, and legitimate Thai ports (white list) in the website of the Marine Department for the purpose of inspection of IUU fishing by commercial fishing vessels, oversea fishing vessels, transshipment vessels, and artisanal fishing vessels under Section 174 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, that are registered as fishing vessels to conduct fishing operations and had fishing license before the Royal Ordinance was put into force. The Department of Fisheries has publicized in its website details, such as the name of vessel in Thai and English, vessel registration number, vessel marking, and type of fishing gear. Moreover, the Department of Fisheries has also publicized information on legitimate ports, with information, such as name of port, license number, port type, registration date, location. Nonetheless, the list and details of oversea fishing vessels that are permitted to undertake fishing operations in SIOFA areas are publicized in the website of SIOFA, and the Department of Fisheries has circulated the list and details of the vessels to countries where Thai transshipment vessels transship the fish such as the Republic of Maldives and Malaysia.

The Department of Fisheries has publicized information on Thai fishing vessels and vessels engaged in fishing operations in the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) of FAO, which comprises vessels of over 100 gross tonnage or with the length of more than 24 meters, either iron or wooden vessels, including vessels smaller than 100 gross tonnage until those with the length of 12 meters that undertake fishing operations outside the Thai waters. This is for the purpose of combating IUU fishing, and to be transparent and verifiable. The publicized information must be of the vessels with IMO number under the International Maritime Organization (IMO) and with information on Unique Vessel Identifier (UVI) of the vessel.

As for the cooperation on combating IUU fishing in the region, the Department of Fisheries has cooperated with ASEAN and SEAFDEC in dissemination of information on registered vessels of 24 meters in length and over in regional database of RFVR. Initially, it is

required that the vessels data be updated twice a year, and there are 28 items of key data elements that should be provided into the database. SEAFDEC is the database administrator, and the ASEAN Member States have collaborated in providing their fishing vessel information and are able to access into the database.

#### **4. Responsibilities of Thailand as a Flag State**

As a flag state, Thailand has the obligation to control fishing operations by fishing vessels flying Thai flag to be in compliance with laws and regulations on fishing operations at the national, international and regional levels to prevent IUU fishing and relevant illegal fishing activities.

##### **4.1 Fishing Vessel Registration**

Under the part on Fishing Vessel Registration, the IPOA–IUU recommended States to implement as follows:

- States should ensure that fishing vessels entitled to fly their flag do not engage in or support IUU fishing;
- A flag State should ensure, before it registers a fishing vessel, that it can exercise its responsibility to ensure that the vessel does not engage in IUU fishing;
- Flag States should avoid flagging vessels with a history of noncompliance;
- All States involved in a chartering arrangement, including flag States and other States that accept such an arrangement, should, within the limits of their respective jurisdictions, take measures to ensure that chartered vessels do not engage in IUU fishing;
- Flag States should deter vessels from reflagging for the purposes of non-compliance with conservation and management measures or provisions adopted at a national, regional or global level;
- States should take all practicable steps, including denial to a vessel of an authorization to fish and the entitlement to fly that State’s flag, to prevent “flag hopping” or double registration;
- Flag States should ensure appropriate links between the operation of their vessel registers and the record those States keep of their fishing vessels. Where such functions are not undertaken by one agency, States should ensure sufficient cooperation and information sharing between the agencies responsible for those functions; and
- A flag State should consider making its decision to register a fishing vessel conditional upon its being prepared to provide to the vessel an authorization to fish in waters under its jurisdiction, or on the high seas, or conditional upon an authorization to fish being issued by a coastal State to the vessel when it is under the control of that flag State.

The Marine Department has improved legislation for Thai vessels on the criteria and procedures for vessel registration, changing of vessel type, changing of vessel details or engine, and transferring of vessel ownership, which need certification from the Department of Fisheries, and the registration applicant must have no prohibited qualifications to obtain fishing license in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment. The vessel that seeks for registration must have never been used for illegal activities, and is not in the procedures of legal cases, and has been recorded in the database of vessel registration which is



linked with the information at the Department of Fisheries. In case of the request for changing of type of fishing vessel, there must be an inspection by the Department of Fisheries and the Marine Department prior to, during and after the implementation, and attached with pictures that show the modification of the vessel.

In the case where the ownership of fishing vessel is transferred to a person or juristic person that is not Thai national, which is not allowed to possess Thai vessel in accordance with the Thai Vessel Act. If the vessel is located in Thailand, the vessel should be locked-up. In the case where such vessel has been installed with the radiocommunication system, evidence on cancellation or withdrawal of the license to use, and license to install the radiocommunication equipment, including disconnection of call sign and/or MMSI code that proclaim the vessel as a Thai vessel. In order to unlock the vessel, inspection must be made that the Thai registration number has been removed from the vessel, and the new vessel name and foreign registration number were written to replace the original vessel name and registration number, and the foreign vessel registration document must be demonstrated. In case where the vessel is located in other country, evidence on registration as foreign vessel must be shown with a copy certified by the Embassy or Consulate of the country where the vessel was registered, or having purchase contract with the evidence of port out from Thailand, the evidence of port in to the current port, and temporary vessel registration from the country of destination. In this regard, there could be coordination with agency of the country where such documents were issued to verify the documents.

The Department of Fisheries and the Marine Department has the control over Thai flagged fishing vessels and vessels supporting fishing activities in the Thai waters, waters of the coastal States, and in the RFMO areas. Cooperation has been established through MoU with other coastal States to exchange information such as fishing permission, vessel registration, etc. The Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment has prescribed that Thai-flagged vessel must obtain permission for oversea fishing operations and must comply with the prescribed laws with penalty for violation.

Under its fisheries legislations, Thailand denies the registration of vessel and issuance of permission to use the vessel for fishing in the case where such vessel is in the list of vessels used for IUU fishing, or vessels that has previously been registered in other country and has evidence that it has been used in IUU fishing. Nonetheless, the law requires the officer to inspect the information on IUU fishing with flag State prior to the registration or issuance of license to use the vessel for fishing, by establishing condition and prohibited qualifications for those who request to obtain fishing license in order to prevent the vessel or those requesting for license that has history of engaging in IUU fishing to use such vessel for fishing operations.

Measures to be undertaken are:

No.	Measures
1	Promote and coordinate among countries in linking vessel registration systems, including exchanging of information on vessel registration of the ASEAN Member States in order to be used for combating IUU fishing;
2	Develop system to monitor the operations by shipyards, dockyards and ports to enable management and close monitoring of relevant activities of the entire system;
3	Continuously improve the capacity and develop technologies to control and monitor vessels that are restrained from fishing operations or support fishing operation; and
4	Continuously improve work process relevant to registration of fishing vessels, transshipment vessels, and support vessels in order to enhance the effectiveness on control and monitoring.

#### 4.2 Development of Record of Fishing Vessels

Development of record of Thai fishing vessels that conduct fishing operations inside and outside the Thai waters would include information on physical characteristics, vessel history, and fishing operations, as follows:

1. Vessel name and vessel registration number;
2. Vessel type;
3. Vessel material;
4. Vessel breadth, length and depth (meter);
5. Vessel identifier;
6. Engine size (horsepower or kilowatt) and engine number;
7. Registered displacement tonnage (gross tonnage);
8. International radio call sign (if any);
9. Picture of the whole vessel from the side;
10. Picture of the vessel after structure modification;
11. Name, address, and nationality of person or juristic person that is registered as vessel owner;
12. Name, address, and nationality of person or juristic person that is responsible for utilizing the vessel (if any) such as mortgagee;
13. Name, address, and nationality of person or juristic person that obtain benefit from the vessel (if any) such as holder of preferential rights;
14. Place and year of vessel construction;
15. Original vessel name and country where the vessel was previously registered; prior to registration as Thai vessel (if any);
16. Original nationality prior to registration as Thai vessel (if any);
17. Possession history of Thai vessel;
18. Type of fishing gear and method;
19. Records of fishing license or fishing gear license; and
20. Records of IUU fishing.

The Marine Department has established electronic database that is up-to-date, and comprises information on legitimate vessels, and vessels under IUU vessel list for Thai and foreign fishing vessels. The information is publicized in the website of the Marine Department in accordance with the established criteria.

Measures to be continually undertaken are:

No.	Measures
1	Include artisanal fishing vessels in fishing vessel registration, while also improve the database on registration of fishing vessels and support vessels to always be up-to-date;
2	Cooperate to notify/update information on legitimate Thai fishing vessels in database systems of regional organizations and international organizations, such as FAO/IMO, Global Records, RFVR, etc.; and
3	Exchange and share or link information on Thai fishing vessels with other States, RFMOs, and international organizations upon the request for the benefit of combating, deterrence, and eliminating IUU fishing.

#### 4.3 Authorization to Fish

As a flag State, Thailand has granted authorization to conduct oversea fishing operations, and those requesting for license shall be considered based on the following criteria:

- The applicant for a license shall have no prohibited qualifications based on Section 39 of the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment and relevant subordinate regulations;
- The applicant for a license shall have ownership to the vessel to be used for oversea fishing operations, and in the case where the one requesting for license has ownership to several vessels, either Thai or non-Thai vessels, the name of all vessels must be declared with evidences showing the ownership to those vessels;
- The applicant for a license shall have financial status that is sufficient for conducting oversea fishing operation, and must have bank statement with cash balance of not less than 10 million Baht, or other securities with the value of not less than 10 million Baht, and such securities shall not be the vessel requesting for authorization;
- The applicant for a license and the vessel master shall pass training on fishing operations outside the Thai waters, in coastal States or other international organizations;
- The applicant for a license to fish in the water of other coastal State shall provide the evidence of being authorized to fish in the water of such coastal State;
- In case the request for the license for fishing operations in high seas that are governed by RFMO that Thailand is a member to, the fishing vessel must not be in the list of IUU vessels as determined by the Administrative Measures Committee;
- The fishing vessel must be the vessel registered as Thai vessel in accordance with the Thai Vessel Act, and must have IMO number for vessels that are required by the IMO;

- The fishing vessel must not be under detention. If the vessel had previously violated fisheries legislations, the applicant must provide the evidence that the previous vessel owner, vessel master, or licensee have no direct or indirect benefit, and no further authority on such vessel;
- The fishing vessel must be installed with Vessel Monitoring System (VMS);
- The fishing vessel must have document to certify its onboard sanitation;
- The fishing gear authorized for fishing operations must be in the category, type, size, and number that are specified in the request for authorization, which must not contradict to the criteria and condition of the coastal State or international organization where fishing operations will be conducted;
- In case of fishing operations in high sea area that is under the international organization, not more than two types of fishing gear shall be used, and shall specify one main category and type of fishing gear, while another fishing gear must be the handline; and
- Auxiliary fishing equipment which will be used to support fishing gear must be in the category, size, and number that are specified in the request for authorization, and must comply with the criteria and condition of the coastal State or international organization.

Thai fishing vessel, that is authorized under the aforementioned criteria and is intended to conduct fishing operations outside the Thai waters and in the waters of other States, or in the international waters, must follow the prescription of the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, as follows:

- The fishing vessel must have fishing license. The Thai fishing vessel that will conduct fishing operations must register the vessel and request for authorization to fish as prescribed by the State; and has evidence showing that the authorization to conduct fishing operations in the waters of other coastal State has been granted and certified by such coastal State, and the vessel owner and vessel master consent to comply with the conditions as specified in the authorization to fish;
- For Thai flagged vessel authorized to conduct oversea fishing operations, that conducts fishing operations in areas of a coastal State, or in areas under the management of international organization, has to comply with not only Thai laws, but also laws, criteria and conservation and management measures of the coastal State or international organization, and comply with condition for authorization to fish of such country; and
- The responsible authority is required to prescribe criteria for granting authorization to vessel conducting oversea fishing operations, and establish responsible agency to give authorization to fishing vessels to conduct oversea fishing operations, inspection of fishing vessels conducting oversea fishing, with system to monitor fishing operations of such vessels through electronic system, such as VMS, ERS/EM and observer onboard, etc.

As a flag State, Thailand will implement in accordance with measures to ensure that the fishing vessels that will conduct fishing operations outside the Thai waters, in the waters of other States or in international waters would comply with laws for fishing operations, transshipment and would report activities on fishing operations and transshipment to the Department of Fisheries, which include;

- Port in–port out date from fishing port, category of gear used for fishing operations, fishing ground, and vessel position when the fish was caught;
- Category and quantity of fish caught or discarded;
- Name, registration number, nationality of fishing vessel and transshipment vessel; and
- Fishing port to transship fish or other activities.

Thailand has managed its fishery resources under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, and applied MSY as the “reference point” to determine the Total Allowable Catch (TAC) in the Thai waters to prevent over capacity that led to overfishing situation of the country. Such indicators have continuously been applied as reference point for granting authorization to commercial fisheries during the fishing years of 2018-2019 and 2020-2021, as follows:

1. Maximum Sustainable Yield (MSY) of fishery resources in the Thai waters in 2019 was 1,626,075 tonnes.
2. The National Fisheries Policy Committee has given approval on the quantity of Total Allowable Catch (TAC) for fishing year of 2020-2021 at 95% of the MSY, which is equal to 1,544,772 tonnes.
3. The Department of Fisheries has guidelines to allocate the quantity of fish for fishing year 2020-2021 based on the following orders:
  - 1) Allocated to all artisanal fishing vessels
  - 2) Allocated to commercial fishing vessels using low efficient gears
  - 3) Allocated to commercial fishing vessels using highly efficient gears
4. The number of artisanal fishing vessels of 51,500 vessels, based on the survey on 4 February 2020, were allocated with the fish quantity of 259,151 tonnes for fishing year 2020, accounting for 17% of the TAC. This was an increase of 11% from fishing year of 2018-2019.
5. The number of fishing vessels authorized to conduct commercial fishing operations in fishing year 2020 (as of 1 April 2020) of 8,573 vessels were allocated with the fish quantity of 1,238,529 tonnes, accounting for 80% of the TAC. This was a decreased from 86% in fishing year 2019.
6. The total allocation of fish quantity for fishing year 2020 was approximately 1,497,680 tonnes, with the remaining quantity of 47,092 tonnes.

#### Summary on allocation of fish quantity for fishing year 2020-2021

	Fishing year 2020-2021
Maximum Sustainable Yield (MSY) (tonnes)	1,626,075
Total Allowable Catch (TAC) (tonnes)	1,544,772
Number of artisanal fishing boats (no.)	51,500 <sup>5</sup>
Allocated quantity of fish (tonnes)	259,151
Number of commercial fishing vessels (no.) <sup>6</sup>	8,573 <sup>7</sup>
Allocated quantity of fish (tonnes)	1,238,529
Total allocated quantity of fish (tonnes)	1,497,680
Remaining quantity of fish (tonnes)	47,092

<sup>5</sup> Based on the survey on 4 February 2020

<sup>6</sup> Excluding generator vessels that are not allocated quantity of fish

<sup>7</sup> Number of vessels authorized to conduct commercial fishery as of 1 April 2019

The quantity of fish allocated to each fishing vessel is not directly controlled by the amount of catch, but by the number of fishing days. Vessels using low efficient gears can conduct fishing operations all-year-round without limitation of fishing days; while vessels using highly efficient gears will have limited number of fishing days.

Measures to be undertaken are:

No.	Measures
1	In fishery licensing system, number of fishing license would be restricted by results from analysis of scientific information on fishery resources. Nonetheless, spatial management may be applied to grant fishing license only during appropriate period, and determine measures for accessing the right to fish in order to enhance the effectiveness for resources management;
2	Allocate quantity of fish allowed for fishing operations by each vessel based on the scientific information, first by allocating to all registered artisanal fishing vessels based on the TAC, then the remaining quantity would be allocated to commercial fishing vessels and to vessels using highly efficient gears as determined by using “Day Scheme” for management; not to issue fishery licenses more than the TAC; and the fishing effort not to exceed the MSY level; and
3	Implement Fisheries Improvement Program (FIP) for management by species group, species, or by fishing gear.

#### 4.4 Measures to Control Fish Transport and Support Vessels

Thailand has established and implemented measures to control transport vessels to prevent IUU fishing or support to IUU fishing under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, specifying the transport vessels to undertake as follows:

- Install vessel monitoring system, and maintain such system to be operational at all time in accordance with the rules and process prescribed by the Director-General;
- The transshipment plan requires approval by the competent authority prior to the conduct of transshipment, and the transshipment certified by the transport vessel master must be reported to the competent authority after the transshipment based on the rules and timeline prescribed by the Director-General;
- Port in–port out must be declared every time at the Port in-Port out Controlling Center based on the rules and process prescribed by the Director-General;
- Develop Marine Catch Transshipping Document (MCTD) certified by vessel master, and report to the Department of Fisheries based on the timeline and process prescribed by the Director-General; and
- Transshipment of fish outside the Thai waters requires observer onboard the transport vessel in accordance with rules of the coastal State, or international organization having authority over the area where the fish was transshipped, or based on the rules prescribed by the Director-General.

Vessel that is registered as a transport vessel, beside compliance with the Royal Ordinance on Fisheries, if the transshipment of fish is in the sea in area of any coastal State, it shall comply to the laws, rules, or regulations of such coastal State; and if the transshipment of

fish is in the high sea, it shall comply to the laws, rules, or regulations of relevant international organization.

Thailand has established the Ministry of Transport Regulations on Support Vessels, B.E. 2563 (2020), by the virtual power in accordance with Article 6/3 of Section 5 and Section 62 Paragraph 1 of the Thai Vessels Act, B.E. 2481 (1938), which was amended by the Emergency Decree Amending the Thai Vessels Act, B.E. 2481 (1938) (No. 2), B.E. 2561 (2018), where the Ministry of Transport has prescribed the Ministerial Regulation for vessels that are registered as sailing ship with the following type and size to be fishery support vessel:

- 1) Refrigerated vessel with the size of 30 gross tonnage or larger;
- 2) Vessels carrying fuel for fisheries with the size of 30 gross tonnage or larger;
- 3) Vessels carrying freshwater with the size of 30 gross tonnage or larger;
- 4) Vessels carrying freshwater for fisheries with the size of 30 gross tonnage or larger;
- 5) Vessels carrying fuel with flash point of lower than 60°C with the size of 30 gross tonnage or larger but not larger than 1,000 gross tonnage; and
- 6) Vessels carrying fuel with flash point of higher than 60°C with the size of 30 gross tonnage or larger but not larger than 1,000 gross tonnage.

The fishery support vessel has measures that establish implementation rules, methods, and conditions for the benefit of enhancing the capacity for monitoring, control and surveillance not to engage in IUU fishing.

Measures to be undertaken are:

No.	Measures
1	Enhance capacity to control fish transshipment inside and outside the Thai waters;
2	Upgrade measures and guidelines for fish transshipment and operation of Thai support vessels in accordance with changing international regulations and RFMO measures; and
3	Improve and develop database system for fish transport vessel and support vessel to be up-to-date to coordinate and submit the information to international organizations and RFMOs.

## 5. Thailand's Coastal State Responsibilities

The IPOA–IUU recommended States to implement as follows:

- Effective monitoring, control and surveillance of fishing activities in the exclusive economic zone;
- Cooperation and exchange of information with other States, where appropriate, including neighboring coastal States and with RFMOs;
- To ensure that no vessel undertakes fishing activities within its waters without a valid authorization to fish issued by that coastal State;
- To ensure that an authorization to fish is issued only if the vessel concerned is entered on a record of vessels;

- To ensure that each vessel fishing in its waters maintains a logbook recording its fishing activities where appropriate;
- To ensure that at-sea transshipment and processing of fish and fish products in coastal State waters are authorized by that coastal State, or conducted in conformity with appropriate management regulations;
- Regulation of fishing access to its waters in a manner which will help to prevent, deter and eliminate IUU fishing; and
- Avoiding licensing a vessel to fish in its waters if that particular vessel has a history of IUU fishing, taking into account the provisions of paragraph 36 of IPOA–IUU.

### **5.1 Measures to Prevent, Deter and Eliminate IUU Fishing in the Thai EEZ**

The Marine Department is responsible for registration of vessels and establishment of database of all fishing vessel registration records, including types of vessels used for fishing operations and support vessels. In this regard, the Department of Fisheries has linked the vessel database with the Marine Department in order to issue fishing licenses, and in fisheries control and surveillance to prevent Thai fishing vessels from conducting IUU fishing. Moreover, the Department of Fisheries also has a unit that is responsible for the implementation of control and monitoring of IUU fishing, by having the FMC to monitor fishing vessels through the VMS, monitoring of port in and port out, fish inspection at port, and inspection of fishing operations at sea, by integrating the implementation with relevant agencies under the government and private sectors, as follows:

- The Department of Fisheries is the lead agency responsible for the mission to prevent, deter and eliminate IUU fishing;
- Developing fishing license database through the system for issuance of fishing license (e–license) that cover wide categories and types of fishing gears;
- Having information technology system for fishing operations “Fishing Info” to effectively control the fishing operations by linking with relevant databases of other agencies, such as vessel database under the Marine Department, database of the Royal Thai Police, database of the Department of Administrative Affairs, database on legal cases, etc.;
- Establishing categories and types of fishing gears that are prohibited for fishing operations; categories, types, sizes, number of gears, and fishing grounds that are allowed for fishing operations using highly efficient gears and low efficient gears;
- For management of fishery resources to commensurate with fishing capacity and the MSY as prescribed in the Fisheries Management Plan of Thailand, and as approved by the National Fisheries Policy Committee, issuance of fishing license must specify categories, types, and number of gears that are permitted to be used for fishing operations, fishing grounds, maximum quantity of catch, or the duration that fishing operations are allowed;
- Promoting fishers to comply with the regulations and rules for fishing operations by providing knowledge and understanding, including promoting stakeholders’ participation in development of fisheries regulation, and building awareness to enhance cooperation in complying with such regulation;
- To prevent IUU fishing, in case of violation to regulations, the punishment/sanction shall be proportionate to the violation in accordance with



Section 114 under the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, the administrative measures, and the criminal measures; including upgrading the capacity for control, surveillance and monitoring of fishing vessels when suspected to have engaged in IUU fishing;

- For registration of non-Thai fishing vessels, the Marine Department and the Department of Fisheries shall inspect information on IUU fishing operations from the flag State prior to accepting the registration or issuance of vessel license. In case where the vessel is in the list of fishing vessels engaged in IUU fishing or the vessel used to register in other country with the evidence that it had been engaged in IUU fishing, Thailand will deny the request for registration of such vessel under the law of relevant agencies;
- If Thailand grants permission to foreign fishing vessel to undertake fishing operations in the Thai waters, inspection must be conducted whether such vessel received permission by its flag State to undertake oversea fishing operations; and consideration should be given on the level of MSY in the Thai waters whether or not this is sufficient for such permission. This must comply with relevant legislations as measures for management of fishing fleets, and control over effective utilization of the resources in the future if the permission is granted to foreign fishing vessels to fish in the Thai waters with the implementation of control over the fleets as mentioned. However, at the present, the laws of Thailand have no prescription to grant permission to such foreign vessels to fish in its waters based on the Act on the Right to Fish in Thai Fishery Areas, B.E. 2482 (1939) and the Act on the Right to Fish in Thai Fishery Areas (No. 2), B.E. 2539 (1996);
- Coordinating the implementation of the National Plan of Action with relevant agencies and stakeholders at the national, sub-regional, regional, and global levels, by cooperating and exchanging information with other States as appropriate, including with adjacent coastal States and RFMOs;
- Requiring fishing license holders to record information on fishing operations into the fishing logbook and report to the Department of Fisheries based on the rules and process prescribed by the law; and
- Prescribing methods to control fish transshipment at sea, processing of fish and fishery products either inside or outside the Thai waters to be harmonized with laws, rules, or regulations, including conservation and management measures of RFMOs.

Measures to be undertaken are:

No.	Measures
1	Upgrade the effectiveness in the implementation and inter-agency integration in monitoring and control over IUU fishing in Thailand;
2	Develop database of fishery resources, fishing vessels, including social and economic condition of fishers;
3	Establish laws and regulations including measures that are harmonized with monitoring, control and surveillance;
4	Develop and expand close cooperation in combating IUU fishing and exchanging of information on fishing vessels and transport vessels with other flag States and coastal States, including RFMOs;
5	Establish measures for implementation of fishing operations in the Thai waters in compliance with the UN Fish Stock Agreement;

No.	Measures
6	Enhance the capacity and authority of coastal fishing communities including local government agencies in management of fishery resources in their respective areas, by supporting technical information, coordinating and linking the practices, and introducing volunteer system for surveillance of fishing operations in the community and local areas to prevent illegal fishing; and
7	Develop regulations, implementation guidelines, as well as procedures for effective and efficient law enforcement, in accordance with the changing situation including linking information on legal cases among concerned agencies.

## 5.2 Monitoring, Control and Surveillance in the Thai EEZ

Implementation of monitoring, control, and surveillance in the exclusive economic zone of Thailand is the responsibility of the Department of Fisheries and relevant agencies, *i.e.*, the Thai-MECC, the Royal Thai Navy, the Marine Department, the Royal Thai Police, the Department of Marine and Coastal Resources, and the Customs Department, that work in integration based on their competencies which cover the areas both in the Gulf of Thailand and the Andaman Sea.

Thailand has established the MCS for Thai fishing vessels conducting fishing operations in the Thai waters, starting from prior to the fishing operations, during the fishing operations, and after the fishing operations, comprising:

- Monitoring of situation on fishing operations and catch of different aquatic species in the Thai waters by using research vessels and from fish landing;
- Calculating MSY to serve as reference point for management and utilization of fishery resources;
- Systems for fishing vessel registration and granting of permission to fishing vessel, and system to prevent unauthorized vessels to conduct fishing operations;
- Systems to grant fishing license, transfer rights, sell and demolish fishing vessels, and transfer license in the form of combining fish quantities or combining vessels, etc.;
- Systems to inspect sanitation standards of fishing vessels and fishing ports;
- Systems for safety, sanitation, and welfare of seamen;
- Improvement of laws, regulations relevant to monitoring, control and surveillance to suit with the changing fisheries situation;
- Measures for transshipment at sea, such as registration of transport vessels, issuance of Marine Catch Transshipping Document, port in–port out notification of transport vessels, etc.;
- Fisheries information technology system, by controlling port in–port out notification of fishing vessels;
- Vessel monitoring system by FMC;
- Systems for at sea surveillance by the inspection at sea units, such as the Department of Fisheries and relevant agencies, including air surveillance by the Royal Thai Navy and the Thai-MECC;
- Systems to record information on fishing operations in fishing logbook; and
- Systems to control and inspect fish landing at port, and fish data collection.

Measures to be undertaken are:

No.	Measures
1	Develop regulations on MCS to enhance the efficiency and to suit with the environment and social context of Thailand, and harmonize with international regulations, as well as to facilitate effective and continuous law enforcement on IUU fishing in the Thai waters;
2	Establish appropriate measures to monitor and control fishing operations by small commercial fishing vessels and artisanal fishing vessels;
3	Strengthen cooperation and coordination with other agencies to monitor and enforce laws and regulations for combating IUU fishing;
4	Develop system to assess fish production potential, MSY, and fishing efforts to be effective and appropriate with fish population structure in Thailand;
5	Develop tools and working mechanism on MCS to enhance the capacity, and to suit with the changing situation and technologies for fishing operations, such as VMS, UAV, etc.;
6	Assess periodically and continuously the implementation by implementing units on various monitoring such as fish landing at ports, port in–port out of fishing vessels, etc.; and
7	Strengthen risk assessment in monitoring, control and surveillance, including establish risk factors and supporting technologies to suit with the situation.

### 5.3 Information Exchange with International Organizations and Regional Fisheries Management Organizations (RFMOs)

Thailand has established cooperation at the regional and international levels to combat IUU fishing with the aim of exchanging information related to IUU fishing. Thailand has continuously coordinated to exchange information with coastal States on the conduct of illegal fishing, or IUU fishing vessels that entered to conduct illegal fishing in the Thai waters; and exchanged information on IUU fishing vessels list with relevant RFMOs. Moreover, Thailand also actively took part in MCS network at the regional and sub-regional levels, such as the MCS network in the ASEAN region, and has cooperated in exchanging information on IUU fishing from the vessel monitoring system.

Measures to be undertaken are:

No.	Measures
1	Organize information on IUU fishing and use for exchange and sharing among States and RFMOs;
2	Exchange or link data on fishing vessels in the ASEAN region through RFVR;
3	Support information on IUU fishing vessels under the framework of the RPOA–IUU, including exchange of information relevant to IUU fishing vessels with various RFMOs; and
4	Expand partnership and engage in MCS information exchange mechanism with other ASEAN Member States toward preventing and surveillance of IUU fishing in the ASEAN region.

#### **5.4 Authorization to Fish for Thai Fishing Vessels**

For fishing in the Thai waters, the Department of Fisheries has issued licenses for commercial fishing operations under the guidelines for authorization of fishing operations in accordance with the fishing capacity and the MSY by using reference point as a basis for consideration. Licenses for commercial fisheries in the Thai waters would be issued to individual fishing vessels, specifying categories, types, and number of fishing gears that are authorized to be used for fishing operations, fishing grounds, maximum quantity of catch, or duration that fishing operation is allowed to commensurate with the fishing capacity and MSY as established by the Government. Nonetheless, those who request to conduct commercial fishing operations must have rights to fish in accordance with the Act on the Right to Fish in Thai Fishery Areas, and have possession over fishing vessel that will be used for commercial fishing operations. License holders must comply with the laws, regulations, and measures for fishing operations in the Thai waters, as well as the Navigation in the Thai Waters Act.

For issuance of license to fish outside the Thai waters, the license shall be issued to individual fishing vessels, specifying categories, types, and number of gears that are authorized to be used for fishing operations. If the license applicant intends to conduct fishing operations in areas of coastal State, authorization would be granted only to those that could provide evidence of having the right to conduct fishing operations in the waters of the coastal State, and with clear evidence that the license applicant is in the status that would implement in compliance to the laws, rules, and measures of the coastal State or relevant international organizations. In the case where license holder authorized to fish outside the Thai waters conducts fishing operations in areas of coastal State or in areas under the jurisdiction of international organizations, the license holder needs to comply with not only the Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment, but also the laws, rules, and conservation and management measures of such coastal State or international organizations.

Applicants for license to fish inside and outside the Thai water must have no prohibited qualification as prescribed by the law.

#### **5.5 Authorization to Fish for Foreign Vessels**

If Thailand is to grant authorization to foreign fishing vessels to undertake fishing operations in the Thai waters, inspection must be conducted whether such vessel has received authorization by its flag State to undertake oversea fishing operation; and consideration should be given on the level of MSY in the Thai waters whether or not this is sufficient for such authorization. This must comply with relevant legislations as measures for management of fishing fleets, and control over effective utilization of the resources in the future if the authorization is granted to foreign fishing vessels to fish in the Thai waters with the implementation of control over the fleets as mentioned. However, at the present, the laws of Thailand have no prescription to grant permission to such foreign vessels to fish in its waters based on the Act on the Right to Fish in Thai Fishery Areas, B.E. 2482 (1939) and the Act on the Right to Fish in Thai Fishery Areas (No. 2), B.E. 2539 (1996).

## 6. Thailand's Port State Measures

The IPOA–IUU recommended States to implement as follow:

- States should use measures, in accordance with international law, for port State control of fishing vessels in order to prevent, deter and eliminate IUU fishing.

Thailand as a port State has prescribed measures, procedures, and control in its capacity as the port States, which follows the conditions and is complied with principles of the international law to effectively prevent IUU fishing, under the country's sovereignty and national law.

Thailand has designated ports for foreign vessels to entry into port, for which the vessel owners and vessel masters must cooperate in inspection of the fishing vessels when entry into port in accordance with the port State measures.

Thailand has developed the country's capacity in implementing, regulating and controlling import of fish and fishery products from foreign fishing vessels in accordance with the international law and standards, with the Department of Fisheries as the main responsible authority to prescribe measures for inspection and to control import of fish and fishery products from foreign fishing vessels, with measures being put in place for all import channels.

All foreign fishing vessels or transport vessels that intend to entry into port must make an advance request for port entry with adequate time as prescribed by the law. If there are reasons for suspecting that the foreign fishing vessel or transport vessel that requests for port entry may have engaged in IUU fishing, inspection shall be made on other relevant information of such vessel prior to granting permission to entry into port. If there are clear evidences for believing that such vessel has engaged in IUU fishing, the entry into port shall be denied for such foreign fishing vessel or transport vessel, as the case may be.

After granting permission to foreign fishing vessel or transport vessel to entry into port in Thailand, and there are reasonable grounds to believe that such vessel has engaged in IUU fishing, such vessel shall be prohibited to land the catch, transship at port, or undertake other activities at such port; and the information shall be notified to the vessel's flag State. And if such vessel is suspected to engage in illegal fishing in the waters of other States, or in the water under the jurisdiction of RFMOs, notification shall also be made to the relevant States and organizations. Moreover, Thailand has cooperated with flag States, coastal States, port States, and RFMOs to enforce any other measures on the vessels or operators of the foreign vessels upon the approval or request.

Measures to be undertaken are:

No.	Measures
1	Register and designate PSM ports for foreign fishing vessels to entry as suitable with the potential of the places and the number of foreign vessels;
2	Improve regulations related to import–export of fish and fishery products to be effective and to cover monitoring of issues to prevent the entry of commodities from IUU fishing from any import channels; and
3	Develop and improve electronic systems to be updated to support the implementation of port State measures.

### 6.1 Notice of Access

The IPOA–IUU recommended port States to implement as follows:

- Provide port access to vessel, in accordance with international law, for reasons of force majeure, or distress, or for rendering assistance to persons, ships or aircraft in danger or distress; and
- Prior to allowing a vessel port access, States should require fishing vessels and vessels involved in fishing related activities seeking permission to enter their ports to provide reasonable advance notice of their entry into port, a copy of their authorization to fish, details of their fishing trip and quantities of fish on board, with due regard to confidentiality requirements, in order to ascertain whether the vessel may have engaged in, or supported, IUU fishing.

The Royal Ordinance on Fisheries, B.E. 2558 (2015) and its amendment prescribed that fishing vessels that are not Thai fishing vessels that intend or not intend to import fish or fishery products into the Kingdom shall make an advance request for port entry, with information and supporting documents given to the competent authority within the period prescribed by the law.

For foreign fishing vessel or transport vessel that could not comply with the rules, or there are reasonable grounds to suspect that such vessel has conducted IUU fishing or engaged in IUU fishing activity, the Department of Fisheries may deny the entry into port, or may allow the entry into port of such vessel only in an emergency case that is essential to the safety or health of the crew or the safety of the vessel, or for the purpose of inspecting it and taking other appropriate actions to prevent and suppress IUU fishing which are as effective as denial of port entry.

### 6.2 Inspection of Fishing at Port

The IPOA–IUU recommended port States to implement as follow:

- Exercise their right as port State to inspect fishing vessels and collect relevant information and remit it to the flag State and the relevant regional fisheries management organizations.



A system and operational manual shall be established for inspection of foreign fishing vessels requesting permission to entry into port in accordance with measures for combating IUU fishing, based on rules and procedures prescribed by the law. There shall also be an inspection together by relevant agencies of Thailand and flag State, as well as information exchange and checking with flag State and coastal State to ensure that the vessels and the fish or fishery products that are allowed to entry into the port are not relevant to IUU fishing.

### 6.3 Actions on Foreign Vessels in Port Found to be IUU Fishing Vessels

The IPOA–IUU recommended port States to implement as follow:

- immediately report matter on vessel suspected to engage in IUU fishing or in support of IUU fishing to the flag State of the vessel and, where appropriate, the relevant coastal States and regional fisheries management organizations. The port State may take other action with the consent of, or upon the request of, the flag State.

When Thailand granted authorization to foreign fishing vessel to enter into its port, if the competent authority has reasonable grounds to suspect or clear evidence that the vessel has engaged in IUU fishing, the Department of Fisheries has the authority under the Royal Ordinance on Fisheries, B.E 2558 (2015) and its amendment as follows:

1. In case of foreign vessel with nationality, the Department of Fisheries shall command the vessel to leave the Kingdom within the specified period, and shall notify to flag State or other relevant States, and RFMOs.

2. In case of stateless vessel, the Department of Fisheries shall seize the fishing vessel and property in the vessel, and shall notify to RFMOs.

### 6.4 Denial of Port Access

The IPOA–IUU recommended port States to implement as follow:

- Where a port State has clear evidence that a vessel has engaged in IUU fishing activity, the port State should not allow the vessel to land or transship fish in its ports, and should report the matter to the flag State of the vessel.

Thailand has prescribed rules for denial of port access and the use of infrastructures at port by prescribing details on inspection procedures in accordance with international standards, and notify the result of such denial to flag State, coastal State and relevant RFMOs.

Measure to be undertaken is:

No.	Measure
1	Develop regulations and conditions for foreign fishing vessels to access into port in accordance with the situation.

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## 6.5 Cooperation with Port States and RFMOs

The IPOA–IUU recommended port States to implement as follows:

- States should cooperate, as appropriate, bilaterally, multi-laterally and within relevant regional fisheries management organizations, to develop compatible measures for port State control of fishing vessels; and
- States should enhance cooperation, including by the flow of relevant information, among and between relevant regional fisheries management organizations and States on port State controls.

Thailand has cooperated on information exchange at the bilateral and multi-lateral levels and among relevant RFMOs including FAO to develop compatible measures to control fishing vessels by port State. Moreover, Thailand has also cooperated with other relevant States in examining information on foreign vessels intended to entry into port in Thailand.

Measure to be undertaken is:

No.	Measure
1	Enhance cooperation with coastal States, flag States, relevant States, and RFMOs on inspection in accordance with the port State measures.

## 7. Internationally–agreed Market Related Measures

The IPOA–IUU recommended States to implement as follow:

- States should cooperate, including through relevant global and regional fisheries management organizations, to adopt appropriate multi-laterally agreed trade-related measures, consistent with the WTO, that may be necessary to prevent, deter and eliminate IUU fishing.

Thailand has closely cooperated on trade in fishery commodities with relevant RFMOs and international organizations by involving in the development of measures, standards, including the implementation in compliance with international measures and global standards as follows:

1. Implement international trade-related measures to resolve problems on IUU fishery commodities, including development of measures to prevent the import, transfer, and export of fish and fishery products through sea, land, and air transportation; and
2. Trade in fishery commodities must comply with rules of the Thai laws and the treaty that Thailand has accepted.



## 7.1 Catch Documentation Schemes

The IPOA–IUU recommended States to implement as follows:

- States should support consistent and effective implementation of trade-related measures, such as adoption catch documentation and certification requirements to reduce or eliminate trade in fish and fish products derived from IUU fishing; and
- States, when requested by an interested State, should assist any State in deterring trade in fish and fish products illegally harvested in its jurisdiction.

Thailand has developed traceability system of fish and fishery products, covering activities from fish landing, fish purchasing, processing in plants, and export, in order to assure that there is no fish from IUU fishing throughout the seafood production and processing line of the country. Certification documents have been issued to importing countries and importers that require the documents to assure that fish and fishery products exported from Thailand are not from IUU fishing, *i.e.*:

1. Catch Certificate, which is the document to certify that the exported products used raw materials that were caught by Thai flagged vessels, derived from fishing operations in the Thai waters, high seas or foreign waters with concession, have correct sources, and are not from IUU fishing. The Marine Catch Purchasing Document (MCPD) is an important document to support tracing of the origins of fish that are used to produce products for export.

2. Processing Statement, which is the document to certify that exported products used imported fish raw materials that were caught by non-Thai fishing vessels, have correct sources, are not derived from IUU fishing, and are processed in Thailand. The Catch Certificate that is issued by flag States and the Import Aquatic Animal Movement Document (IMD) are important documents to support tracing of the origins of fish that are used to produce products for export.

Prior to issuance of certification documents, inspection shall be conducted to ensure consistency, accuracy, completeness, and linkages among relevant documents, as well as with information in network database systems. If no abnormality is found, certification documents will be issued to the operator. The system for issuance of certification documents is consistent with the principle of catch certificate as prescribed by FAO.

In case where IUU fishing by Thai fishing vessels is detected, fish and fishery products from such offense would be ceased and sold by auction, and the vessel owner or vessel master are not eligible to buy or to be transferred with such fish and fishery products. The buyer has to comply with conditions as prescribed by the law. As for import of IUU fish from other country, if detected, importation would be denied or seized, and would be subject to implementation in accordance with relevant laws. Therefore, it could be assured that fishery products from IUU fishing either from within the country or imported from other countries would not enter into the supply chain for export or transferring to other countries.

It should also be noted that Thailand has developed two electronic systems to enhance efficiency of the traceability system to be implemented in accurate, timely and precise manner, and enable tracing of the movement of fish throughout the production line, which are:

1. Thai Flagged Catch Certification System (TFCC) covering activities from fish landing, fish purchasing, processing at the plant, and issuance of Catch Certificate, by linking vessel information from “Fishing Info” system, and “E-license” system to this TFCC system.

2. PSM-linked and Processing Statement System (PPS) which is the system that could link with information on import and export permits between the Department of Fisheries, the Customs Department and the Marine Department, covering activities from seeking permission for fish import, transferring fish from vessels to processing plant, processing at the plant, and issuance of Processing Statement.

Thailand has cooperated with coastal States, flag States, port States and importing countries in exchanging of information from traceability systems, information on fishing operations, and information on fish landing at ports in Thailand, including cooperation with countries that are interested to have study visit and observe the system for preventing IUU fishing in Thailand.

Measures to be undertaken are:

No.	Measures
1	Follow-up on rules, regulations of RFMOs relevant to combating IUU fishing in order to improved catch certification scheme in Thailand;
2	Improve risk assessment using digital system for controlling import of fishery products in order to ensure the effectiveness and strengthen monitoring and control;
3	Develop methodologies and apply appropriate technologies to periodically assess the implementation of units in traceability system for different regions in order to ensure the implementation in accordance with regulations and unified procedures; and
4	Create innovations for traceability system in accordance with the changing context in fisheries in Thailand.

## 7.2 Trade-related Measure

The IPOA–IUU recommended States to implement as follows:

- States should ensure that measures on international trade in fish and fishery products are transparent, based on scientific evidence, where applicable, and are in accordance with internationally agreed rules; and
- States should take steps to improve the transparency of their markets to allow the traceability of fish or fish products. States should work toward using the Harmonized Commodity Description and Coding System for fish and fishery products in order to help promote the implementation of the IPOA.

Thailand accessed to be a member of the World Trade Organization (WTO) on 28 December 1995 as a founding member, making development of trade measures relevant to fish and fishery products of Thailand must be consistent with and considering the basic principles of WTO, which comprise: non-discrimination principle; reciprocal principle or fair-trade policy; and other important provisions, such as rules on quantitative restrictions and tax quota, and transparency principle, etc. In addition, Thailand has applied coding system by following the Customs Harmonized System (HS) in specifying the name, category and type of products to be able to control permission of import-export of fishery commodities in accordance with the international laws. Moreover, the Department of Fisheries also has an electronic system for issuance of Catch Certificate, which links with information on import-export at the Customs Department through electronic system for the purpose of exchanging information on fishery products, facilitating Customs inspection, and preventing products from IUU fishing.

Measures to be undertaken are:

No.	Measures
1	Upgrade the capacity of electronic traceability system to minimize discretion and errors from officers in order to enhance transparency in the implementation; and
2	Develop system for close, continuous and concrete cooperation among national agencies concerning traceability.

### 7.3 Information Dissemination

The IPOA–IUU recommended States to implement as follows:

- States should take all steps necessary, consistent with international law, to prevent fish caught by vessels identified by the relevant regional fisheries management organization to have been engaged in IUU fishing being traded or imported into their territories; and
- States should take measures to ensure that their importers, transshippers, buyers, consumers, equipment suppliers, bankers, insurers, other services suppliers and the public are aware of the detrimental effects of doing business with vessels identified as engaged in IUU fishing.

Thailand has a plan to improve publicity works to create awareness to fishery-related operators including general public to support prevention of the entry of fish and fishery products from IUU fishing into the country through international trade, as well as on the impacts of IUU fishing on natural resources and economy of Thailand through various media, such as mass media, printed media, online media, and through the conduct of activity with a view to promote conservation and dissemination of knowledge, etc. This also includes establishment of networks among relevant organizations or agencies to cooperate on inspection of information on the origins of fish and prevention of IUU fishing by developing the Publicity Plan of Action to enhance public awareness and not to use or consume products from IUU fishing as follows:

- Handbook for commercial fishers;
- Handbook on laws for general people;

- Meetings and seminars to impart knowledge, create understanding, and disseminate guidelines to fishers and relevant people;
- Marine Fisheries Management Plan of Thailand;
- Information dissemination through website of the government agencies, printed media, electronic media, video clips;
- Establishment of networks for fishery monitoring and surveillance, and for management of fishery resources with community participation;
- Import-Export or transfer of fish or fishery products from IUU fishing is an offense, in accordance with the Royal Ordinance on Fisheries, B.E 2558 (2015) and its amendment, and fine penalty has been prescribed for violation. Anyone that violates such law would be subject to severe punishment/sanction by the fine penalty;
- Anyone that involves or supports the offense must be punished in accordance with the law;
- Anyone that is granted with rights in accordance with agreement or contract with States or private sector in foreign countries to conduct fishing operations in foreign waters, must notify such rights in accordance with the agreement or the contract to the Department of Fisheries. Offenders are subject to penalty fine in accordance with the Royal Ordinance on Fisheries, B.E 2558 (2015) and its amendment; and
- The Department of Fisheries has arrangement to compile information that are notified and other necessary information to enable and facilitate relevant stakeholders to verify the information, such as list of IUU fishing vessels, fishing ports for foreign fishing vessels, etc.

Measures to be undertaken are:

No.	Measures
1	Create public awareness on trading of IUU fishery products, especially on monitoring and control of IUU fishery products, as well as promote campaign to prevent consumption of IUU fishery products; and
2	Train continuously to create expertise on labor laws that are relevant to the fisheries sector for practitioner officers from various governmental agencies to improve the effectiveness and efficiency in protecting rights for fisheries workers particularly the migrant workers.

## 8. Research

The IPOA–IUU recommended States to implement as follow:

- States should encourage scientific research on methods of identifying fish species from samples of processed products. FAO should facilitate the establishment of a network of databases of genetic and other markers used to identify fish species from processed product, including the ability to identify the stock of origin where possible.

Thailand has undertaken researches on fishery resources, which is in collaboration among government agencies, private sector and academes. Most of the research focused on utilization of fishery resources toward sustainability, studies on various aspects of impacts on fishery resources and establishment of networks to exchange knowledge and research results

to be used for the establishment of fishery management policy, researches on species identification, and researches on rehabilitation of fishery resources. Throughout the years, Thailand has technical and research cooperation in various activities, such as:

1. Support from Hokkaido University in sending experts on fishery resources assessment to help reviewing the process of analysis for MSY of Thailand, including implementation of collaborative researches on fishery resources management among Thai and Japanese researchers;

2. Support from the Australian Fisheries Management Authority in conducting study visit on marine shrimp fishery management in Australia;

3. Support from the Pew Charitable Trusts in sending expert to help enhancing knowledge and understanding on “Harvest Strategy” and “Harvest Control Rules”;

4. Cooperation from Ubon Ratchathani University in sending the faculty member to help enhancing knowledge and understanding on statistics in relation to fishery researches and fishery resources assessment; and

5. Support from the International Seafood Sustainability Foundation in sending expert to help enhancing knowledge and understanding on resources management in the RFMO areas.

Measures to be undertaken are:

No.	Measures
1	Develop guidelines to identify fish species used for processing industry, either from imported fish or fish caught domestically;
2	Promote scientific research on species identification, and identify the species used for processing and for export, either from imported fish or fish caught domestically, based on the developed guidelines; and
3	Establish cooperative network with international organizations to undertake researches with a view to exchange knowledge and results from researches on marine fisheries, marine biology, and other relevant subjects.

## 9. Cooperation with Regional Fisheries Management Organization (RFMOs) and International Community in Combating IUU Fishing

### 9.1 Party Compliance

The IPOA–IUU recommended States to implement as follows:

- States should ensure compliance with and enforcement of policies and measures having a bearing on IUU fishing which are adopted by any relevant regional fisheries management organization and by which they are bound;
- States should cooperate in the establishment of such organizations in regions where none currently exist; and

- States should compile and make available on a timely basis to regional fisheries management organizations and to FAO, information relevant to the prevention, deterrence and elimination of IUU fishing.

Thailand as a member to IOTC and SIOFA has complied with and enforced fishery conservation and management measures and IUU fishing related measures established by IOTC and SIOFA as a member and under the responsibility as flag State in accordance with the fisheries law and subordinate laws relevant to overseas fishing operations, and in prevention, deterrence and elimination of IUU fishing. Guidelines have been established, comprising:

1. Regulations for seeking authorization and granting licenses to overseas fishing operations for those who would use Thai fishing vessels to conduct overseas fishing operations;

2. Rules and regulations for Thai overseas fishing vessels, in accordance to Section 50, paragraph 1 and Section 82 of the Royal Ordinance on Fisheries, B.E. 2558 (2015); and for fish transshipment at sea from Thai fishing vessel to Thai transport vessel at fishing port as required by port State in accordance with Section 81(1), (2), (3), (4) and Section 87 paragraph two, on:

2.1 Installation of fishing vessel positioning system and maintenance to ensure its operational at all time in accordance with the standard specified by the Department of Fisheries,

2.2 Installation of Electronic Reporting System (ERS) and Electronic Monitoring System (EM) for fishing and transport vessels,

2.3 Reporting of fishing operation and transshipment, *i.e.*, procedures, patterns and submission of fishing logbook, and seeking permission and reporting of transshipment at sea or at port of other States, which is authorized only in case of transshipment to vessels that are registered with the Department of Fisheries as transport vessels,

2.4 Port in–Port out notification of fishing vessels, *i.e.*, procedures on duration for notification of port in and port out by fishing vessels, documents required for port out notification. Port in–port out notification could be done only at specific fishing port in specified provinces.,

2.5 Provision of on-board observers for fishing vessels,

2.6 Provision of marking for fishing vessels;

3. Rules and regulations for provision of fishing vessel marking for overseas fishing vessels and transport vessel marking for overseas transport vessels. The Fishing vessel marking or transport vessel marking as issued by the Department of Fisheries and appeared in the overseas fishing license or in the registration document of transport vessel must be made visible on the vessel that has obtained license or is registered by using paint or spray paint based on the specified rules and procedures;

4. Rules to establish qualifications, trainings, registration as observers, and implementation by the observers. The observer has the authorities for the purpose of

monitoring the implementation in accordance with the Royal Ordinance on Fisheries, B.E. 2558 (2015), Ministerial regulations, notification and other relevant laws; implementing onboard fishing vessels or transport vessels, such as observation and compilation of biological information, and relevant activities; recording biological information or information on compliance with conservation and managements measures of the fisheries management organizations as specified by the Department of Fisheries; and preparation of periodical report, etc.;

5. Issuance of public announcement for vessel operators and owners that intend to go fishing in the areas under the responsibility of IOTC and SIOFA to be aware of rules and regulations in each area and to ensure that Thai fishing vessels would be able to comply with such rules and regulations:

5.1 Areas under the responsibility of the Indian Ocean Tuna Commission, *i.e.*:

- Notification of the Department of Fisheries on Rules and Regulations of Overseas Fishing Vessels Operating in the Area under the Responsibility of the Indian Ocean Tuna Commission,

- Notification of the Department of Fisheries on Rules and Regulations of Overseas Transport Vessels Operating in the Area under the Responsibility of the Indian Ocean Tuna Commission,

5.2 Areas under the responsibility of the Southern Indian Ocean Fisheries Agreement, *i.e.*:

- Notification of the Department of Fisheries on Rules and Regulations of Overseas Fishing Vessels Operating in the Area under the Framework of the Southern Indian Ocean Fisheries Agreement,

- Notification of the Department of Fisheries on Rules and Regulations of Overseas Transport Vessels Operating in the Area under the Framework of the Southern Indian Ocean Fisheries Agreement,

- Notification of the Department of Fisheries on Rules and Regulations of Tanker Vessels which are Operating in the Area under the Framework of the Southern Indian Ocean Fisheries Agreement;

6. The Department of Fisheries has organized trainings to provide knowledge to overseas fishing vessel operators to understand on procedure for vessel preparation, requesting for overseas fishing license, registration of fishing vessels and transport vessels with IOTC and SIOFA, as well as fishing operations in compliance with rules and regulations of the respective RFMOs, thereby the overseas fishing operations by Thai fishing vessels could be undertaken in accordance with relevant Notifications of the Department of Fisheries, as follows:

- Notification of the Department of Fisheries on Rules and Regulations of Overseas Fishing Vessels Operating in the Area under the Responsibility of the Indian Ocean Tuna Commission,

- Notification of the Department of Fisheries on Rules and Regulations of Overseas Transport Vessels,
- Notification of the Department of Fisheries on Rules and Procedures for Registration of Transport Vessels with Regional Fisheries Management Organizations,
- Notification of the Department of Fisheries on Establishing Training Curriculum on Overseas Fishing Operations; and

7. Thailand has also compiled and exchanged information relevant to prevention, deterrence and elimination of IUU fishing and provided such information to RFMOs, such as in the case of UTHAIWAN which was arrested at fishing port in Phuket as the vessel entered into Thai waters without permission, and hold flags of more than one nationality. Thailand has coordinated to obtain information from international organizations and coastal States to undertake necessary actions, *i.e.*, IOTC as such vessel was in the IOTC IUU Vessels List, and with the Republic of Honduras, Plurinational State of Bolivia, Republic of Moldova, Republic of Cameroon, and Mongolia, etc., considering that these countries has previously issued fishing licenses to such vessel. At the present vessel “UTHAIWAN” has already been demolished in the People’s Republic of Bangladesh. Thailand also exchanged information on other vessels, such as PROGRESO, BEST HARVEST 11, and BEST HARVEST 22 with the Republic of the Union of Myanmar; and SEAVIEW and SEAWIND with the People’s Republic of Bangladesh, etc., in order to signify the intention of Thailand in combating IUU fishing.

Measures to be undertaken are:

No.	Measures
1	Strengthen cooperation with RFMOs that Thailand is a party to, by enhancing the capacity in the implementation of conservation and managements measures issued by the RFMOs; and
2	Enhance international cooperation and upgrade the potential on law enforcement with illegal fishing operators.

## 9.2 Non-party Compliance

The IPOA–IUU recommended States to implement as follow:

- States should cooperate by agreeing to apply the conservation and management measures established by regional fisheries management organization which they are not members of, or by adopting measures consistent with those conservation and management measures, and should ensure that vessels entitled to fly their flag do not undermine such measures.

Although Thailand is not a member to some RFMOs, *e.g.*, WCPFC, Thailand has accepted and implemented in compliance with their conservation and management measures, including continuous exchanging of information on fish (tunas) import caught in area under the responsibility of WCPFC.



In addition, Thailand has also cooperated with other RFMOs, such as ICCAT and CCAMLR, by attending in meetings and exchanging information relevant to prevention, deterrence and elimination of IUU fishing in the region. Moreover, Thailand is currently under consideration process to be a Cooperating non-Contracting Party of CCAMLR in order to facilitate traceability of Patagonian toothfish throughout the species' production chain.

Measure to be undertaken is:

No.	Measure
1	Strengthen cooperation with other RFMOs which Thailand is not a member of in addressing problems on IUU fishing.

### **9.3 Extending Cooperation under Multi-lateral Framework and with International Organizations**

Thailand, as a member of ASEAN, has implemented the ASEAN work plan (2009-2015) and supporting documents, and has also implemented the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020.

During the period when Thailand served as the ASEAN Chair in 2019, Thailand through the Department of Fisheries has continuously pushed for the establishment of the ASEAN Network for Combating IUU Fishing (AN-IUU) until this was supported by the Special Senior Officials Meeting of the 40<sup>th</sup> Meeting of the ASEAN Ministers on Agriculture and Forestry (Special SOM-40<sup>th</sup> AMAF) on 5 August 2019 at the Socialist Republic of Viet Nam. Subsequently, during the Special Senior Officials Meeting of the 41<sup>st</sup> Meeting of the ASEAN Ministers on Agriculture and Forestry (Special SOM-41<sup>st</sup> AMAF) organized on 5 August 2020 through teleconference, the Meeting also supported Thailand through the Department of Fisheries to host the AN-IUU Interactive Platform under the AN-IUU. At the present, the ASEAN Member States has already moved forward on the implementation of the AN-IUU.

Thailand is also a member of the RPOA-IUU, and attended in the Coordination Committee Meeting (RPOA-IUU CC Meeting) every year to review the progress in the implementation by each of the Member Countries under the RPOA-IUU work plan, and to consider new issues/challenges that the Member Countries have to implement and address under 11 components of RPOA-IUU with the goal of promoting and supporting responsible fishing practices and combating IUU fishing in the Southeast Asian region. Moreover, Thailand has also regularly cooperated with SEAFDEC and the ASEAN Member States in exchanging information on Thai fishing vessels through the Regional Fishing Vessels Record (RFVR) and with FAO through the vessel database of Global Record.

Thailand has ratified 17 Conventions and one Protocol of the International Labour Organization (ILO). As for fisheries-related Conventions, Thailand ratified the Forced Labour Convention, 1930 (No. 29) on 26 February 1969, and the Protocol of 2014 to the Forced Labour Convention (No. 29) on 4 June 2018; while Thailand also ratified the Work in Fishing Convention, 2007 (No. 188) on 30 January 2019 with the aim of improving working conditions and welfare onboard fishing vessels to meet with minimum requirements, as well as to protect the safety and occupational health of fishers at sea and inshore. In addition, Thailand is planning to ratify two more Conventions, *i.e.*, the Freedom of Association and Protection of

the Right to Organise Convention (No. 87), and the Right to Organise and Collective Bargaining Convention (No. 98).

Measure to be undertaken is:

No.	Measure
1	Strengthen cooperation under regional cooperative frameworks which Thailand is a member to in addressing problems on IUU fishing.

## 10. Special Requirement of Developing Countries

The IPOA–IUU recommended States to implement as follows:

- States should cooperate to support training and capacity building and consider providing financial, technical and other assistance to developing countries, including in particular the least developed among them and small island developing States, so that they can more fully meet their commitments under the IPOA and obligations under international law, including their duties as flag States and port States; and
- States should cooperate to enable:
  - review and revision of national legislation and regional regulatory frameworks,
  - the improvement and harmonization of fisheries and related data collection,
  - the strengthening of regional institutions, and
  - enhancement of integrated MCS, including satellite monitoring systems.

Thailand has a policy to support developing countries in three aspects, *i.e.*, training, exchanging experiences on combating IUU fishing, and technical assistance on combating IUU fishing.

Training: Thailand has cooperated with FAO to organize a “Workshop on Strengthening and Cooperation to combat IUU fishing through sharing of experience and lesson” among Thailand and the ASEAN Member States on 3–7 June 2019 at the Department of Fisheries, Thailand, which is one of activities under FAO project on “Support to Countries to Address Illegal, Unreported and Unregulated (IUU) Fishing.” This project is aimed at supporting countries through workshops, seminars, and trainings at the national and regional levels to combat IUU fishing.

Exchanging experiences on combating IUU fishing: Thailand has exchanged knowledge on MCS through study visits especially on the implementation of surveillance by Fisheries Monitoring Center (FMC) under the Department of Fisheries with other countries and organizations, such as the International Criminal Police Organization under INTERPOL, the Immigration and Customs Enforcement of the United States; and with representatives from the ASEAN Member States at the 10<sup>th</sup> ASEAN Fisheries Consultative Forum Meeting, participants from all over the world at the 6<sup>th</sup> Global Fisheries Enforcement Training Workshop (GFETW) organized in Thailand, visitors from Fischereischule, the Federal Republic of Germany, and officers from the Republic of Seychelles and IOTC, etc.

In addition, during the 6<sup>th</sup> Global Fisheries Enforcement Training Workshop (GFETW) on 18–22 February 2019 in Thailand, the Department of Fisheries demonstrated the electronic system used for controlling traceability in Thailand, both for imported and domestic

fish, to promote the good practices of Thailand to be acknowledged by others and to enhance good image and the traceability system of Thai fishery commodities. The system received the second prize at the “3<sup>rd</sup> STOP IUU FISHING AWARDS.”

Technical assistance on combating IUU fishing: Thailand has the roles as both “provider” and “recipient” country for technical supports for combating IUU fishing. Considering that Thailand is one of the most active countries in the region in the implementation of measures to prevent, deter and eliminate IUU fishing, Thailand is therefore ready to extend support to neighboring countries to implement actions to combat IUU fishing at the same intensity level, such as technical assistance and support to the Republic of the Union of Myanmar and the Socialist Republic of Viet Nam in development of technologies for monitoring and checking vessel’s behavior, development of VMS including other technologies relevant to prevention of illegal fishing, including exchanging knowledge and experiences in working and management procedures of the FMC, etc.

As for the roles as a recipient country for technical support, the Department of Fisheries collaborated with the “OceanMind” under consultant contract to support and provide advice to the Department of Fisheries to combat IUU Fishing. The OceanMind has supported VMS operation under the project on “Advanced Machine Learning Analysis” to enhance the surveillance system using VMS of Thailand to be timelier and more accurate in the future, with the target of reducing the use of manpower in surveillance. However, such system is still under developing process. In addition, Thailand still requires technical supports on other issues, such as on combating IUU fishing throughout the supply chain, technical cooperation on fish species and genetic identification, experts on international laws, protocols for vessel inspection and co-surveillances in accordance with international standards, management on MCS, etc.

Measures to be undertaken are:

No.	Measures
1	Exchange with and support the other ASEAN Member States to have a study visit on MCS in Thailand to facilitate information exchange;
2	Create cooperation to establish the ASEAN Network for Combating Illegal, Unreported and Unregulated Fishing (AN-IUU) with Thailand as the network coordinator between the ASEAN Member States and external members;
3	Exchange information with and learn from international organizations, such as OceanMind, EJF, SEAFDEC, etc.; and
4	Involve in and enhance good cooperation, while also mobilize bilateral and multi-lateral and cooperation frameworks with international organizations to provide technical supports for combating IUU fishing and other relevant issues for the overall benefit of the country.

## 11. Reporting

The IPOA-IUU recommended States to implement as follow:

- States and RFMOs should report to FAO on progress with the elaboration and implementation of their plans to prevent, deter and eliminate IUU fishing as part of

their biennial reporting to FAO on the Code of Conduct. These reports should be published by FAO in a timely manner.

Thailand has cooperated to report the progress on the implementation of the National Plan of Action to Prevent, Deter and Eliminate IUU Fishing to FAO on the biennial basis through the FAO Questionnaires for Monitoring the Implementation of the Code of Conduct for Responsible Fisheries.

Measure to be undertaken is:

No.	Measure
1	Report the progress to FAO every 2 years.

## **12. Preparation for the Implementation under the NPOA-IUU**

This National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA–IUU) No. 2 has been improved from the original version to be up-to-date in accordance with the principles and provisions of the FAO IPOA–IUU with the aim to continuously address the issue on IUU fishing, and to specify corresponding actions and measures. Thailand acknowledged that the problem on IUU fishing is very important, and Thailand has strong determination to combat IUU fishing. The process of revising the NPOA–IUU had been undertaken through the Committee on Improving the National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA–IUU), by conducting 5 meetings during 2020-2021 involving stakeholders from the governmental and private sectors, as well as relevant fishery associations, until completion. The National Fisheries Policy Committee, during the meeting No. 2/2021 on 4 June 2021 at the Office of the National Security Council, the Government House, considered and approved the NPOA–IUU and assigned to relevant agencies missions toward the implementation. The National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (NPOA–IUU) No. 2 would be put into practice until the time when there is significant change in fishery situation or other necessity to make further amendment; and such amendment could be made as appropriate.