



## Supporting Southeast Asian Countries in Implementing Port State Measures

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The importance of port State measures (PSM) is highlighted in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) adopted by the FAO Committee on Fisheries (COFI) in 2001. PSM has been identified as an effective means of combatting illegal, unreported and unregulated fishing, and the need to build capacity and develop human resources to implement port State measures had been emphasized. Later, the FAO Conference in 2009 adopted Resolution 12/2009 approving the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement), as a legally binding instrument. The PSM Agreement aims to “prevent illegally-caught fish from entering international markets through ports”. To do so, port State needs to take actions on restriction of entry into port, use of port, access to port services, among others. In addition, inspection and other enforcement activities are also included in the PSM Agreement. At the regional scene, the importance of PSM in combating IUU fishing in the Southeast Asian region has been well recognized by the Senior Officials responsible for fisheries from the ASEAN-SEAFDEC Member Countries. Given such target, the Senior Officials adopted the Plan of Operation on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020 in June 2011, which includes a provision on the need to “*build up capacity among Member Countries, including functions for regional and sub-regional cooperation, to effectively meet the requirements of Port State measures and Flag State responsibilities.*” SEAFDEC together with its collaborating partners, is therefore building up the capacity of the ASEAN countries to enable them to implement port State measures, and ultimately combat IUU fishing in their respective waters.

Southeast Asia is not only a major fish producing region but is also a leading trader of seafood supporting a big bulk of the fish requirements of peoples around the world. With such a scenario, it has become imperative that the Southeast Asian countries should avoid creating any negative repercussions on their international and intra-regional seafood trade to make sure that the niche of their fish and fishery products in the global market is secured. Implementation of port State measures is one of the requirements that the ASEAN Member States (AMSs) should consider to sustain fair seafood trading in the world market, together with other regional management measures developed under the ASEAN-SEAFDEC Collaborative Framework, *i.e.* ASEAN Catch Documentation Scheme (ACDS), Regional Fishing Vessels Record (RFVR), ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing into the Supply Chain, among others.



At the outset, FAO developed a Model for Port State Measures (PSM) to Combat Illegal, Unreported and Unregulated (IUU) Fishing which was meant to be implemented on a voluntary basis. The PSM Model includes international minimum standards for PSM and the requirements for implementation of PSM at regional or national levels (Saikliang *et al.*, 2012). Later, when FAO developed the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported

and Unregulated Fishing (IPOA-IUU) which was adopted by the FAO Committee on Fisheries (COFI) in 2001 (FAO, 2001), provisions on PSM were given emphasis, specifically encouraging the use of PSM to combat IUU fishing.

Implementation of PSM requires that relevant countries' laws and regulations are consistent with international laws and qualified inspectors are capable of examining all relevant areas

**Box 1. Status of implementation of PSM by AMSs**

Cambodia	<ul style="list-style-type: none"> <li>• Laws and regulations to support PSM implementation</li> <li>• In the process of developing NPOA-IUU which will also include PSM</li> <li>• PSM has not really been applied since no foreign vessels unloading in the country</li> <li>• No designated port for PSM</li> </ul>
Indonesia	<ul style="list-style-type: none"> <li>• Signed the PSM Agreement and preparing to ratify the FAO PSM Agreement</li> <li>• Following the IOTC resolution on PSM to prevent, deter and eliminate IUU fishing</li> <li>• 5 designated ports for PSM implementation</li> <li>• At present, no foreign or joint venture fishing vessels operating in the country's EEZ</li> <li>• Requirement of foreign fishing vessels information prior to entering into port</li> <li>• Implementation of the EC-Catch Certification, the CCSBT CDS, and IOTC resolution on CDS for big-eye tuna</li> <li>• Decree laws and regulations to support PSM implementation</li> <li>• NPOA-IUU linked to the implementation of PSM</li> <li>• Conduct of capacity building on PSM and relevant activities for staff concerned</li> </ul>
Malaysia	<ul style="list-style-type: none"> <li>• Only one designated of port in Penang under IOTC requirement</li> <li>• Domestic law supports the implementation of PSM</li> <li>• Foreign fishing vessel is required to get written approval prior to land fish</li> <li>• Continuous capacity building on PSM for officials from relevant agencies</li> <li>• NPOA-IUU developed in 2013</li> </ul>
Myanmar	<ul style="list-style-type: none"> <li>• Signed for accession the FAO PSM Agreement in 2010</li> <li>• Decree laws and regulations to support PSM implementation</li> <li>• Local and foreign fishing vessels should be inspected in check points before entering landing sites</li> <li>• Designated five ports for foreign fishing vessels which operate in Myanmar EEZ</li> <li>• Implement check point as one stop service to inspect fishing vessels when they go to fishing ground and come back to the port</li> <li>• Implementation of catch certification scheme under EC regulation</li> <li>• Preparing NPOA-IUU linked to the PSM Agreement</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>• One designated port for foreign vessel in Davao and is planning to designate one more port in General Santos</li> <li>• Fishing vessel must submit prior notification information to the one-stop action center</li> <li>• Enacted law and regulation to support PSM implementation</li> <li>• Foreign fishing vessel is required to submit catch documentation in support to PSM implementation</li> <li>• Developed the NPOA-IUU in 2013 which include PSM</li> <li>• Signed the instrument of accession to the 2009 FAO PSM Agreement in 2016 and is currently in the process of ratification</li> <li>• Conducted capacity building training for PSM implementation for local inspectors</li> </ul>
Singapore	<ul style="list-style-type: none"> <li>• 3 ports designated for fishing vessels to import, export and transship fish: Jurong Fishery Port, Jurong Port and Senoko Fishery Port</li> <li>• Advanced notification of arrival of foreign fishing vessels</li> <li>• Compliance with CCAMLR's Catch Documentation</li> <li>• Collaboration with ICCAT in issuance of re-export certificates for Big-eye Tuna and Swordfish</li> </ul>
Thailand	<ul style="list-style-type: none"> <li>• 27 ports have been designated for PSM and on-going for revision</li> <li>• Implemented pilot project on PSM at Phuket in 2012-2014</li> <li>• Signed Instrument of Accession to the 2009 FAO PSM Agreement on 10 May 2016</li> <li>• Significant enforcement activities</li> <li>• Requirements prior to port entry</li> <li>• Relevant activities to PSM (Traceability System, MCS, Processing Statement Validation)</li> <li>• Decree laws and regulations to support PSM implementation</li> <li>• Development of NPOA-IUU with support to PSM implementation</li> <li>• Developing "Processing Statement and PSM Linked System" (PPS)</li> <li>• Updated inspection manual based on information provided by MoU and NPCI</li> </ul>
Viet Nam	<ul style="list-style-type: none"> <li>• No designated port for foreign fishing vessels</li> <li>• Required information prior to port entry</li> <li>• Law, decree and regulation to support PSM implementation</li> <li>• Development of NPOA-IUU with support to PSM implementation</li> </ul>

**Box 2. Summary of constraints/problems encountered by AMSs hindering the implementation of PSM**

Constraints/Problems	CM	ID	MY	MM	PH	SG	TH	VN	Challenges
<b>Operational</b>									
• Lack of standard operating procedure (SOP) in implementing PSM with any scale of vessel	X	X			X		X	X	1. Revision and reorganization of fishing port operational procedures to support PSM 2. Development of harmonized SOP on vessel inspection at port for guidance of all AMSs 3. Identification of the needs and capacity building required for staff concerned on relevant aspects for PSM implementation 4. Difficulties in verification of vessel documentation and inspection
• Port management under different agencies leads to insufficient inter-agency cooperation for PSM implementation	X	X		X				X	
<b>Legal</b>									
• Challenges with regards to implementation of laws and regulations	X	X	X				X	X	1. Inconsistent interpretation of laws
• Challenges in interpretation of the PSM Agreement	X	X			X	X	X	X	
<b>Human Resources</b>									
• Limited capacity of implementation due to inadequate facilities and officers concerned	X	X		X		X	X	X	<none>
<b>Infrastructure</b>									
• Insufficient infrastructure and lack of budget for upgrading infrastructures to support PSM	X	X		X			X		<none>
<b>Information</b>									
• Lack of fish landing data collection system and management, e.g. list of IUU fishing vessels from RFMOs is not updated	X		X*						1. Encouraging “traders” to cooperate with AMSs through information and education campaigns 2. Sharing of information such as catch, fishing vessels, fishing gear through sharing of experience in PSM implementation among the AMSs 3. Information sharing on rules and regulations for inter-agencies collaboration and implementation <ul style="list-style-type: none"> <li>• Creation of a “rapid alert system” for ASEAN (through Mobile Application if available)</li> <li>• Establishment of the ACDS</li> </ul>
• Lack of regional network, MCS and information sharing in concerned agencies, among the AMSs	X	X	X**	X	X		X	X	
• Lack of awareness among stakeholders about PSM	X	X							
• Limited traceability of some imports of fish and fishery products						X			
• Control of ports fall under different port authorities			X						
<b>Measures related to PSM implementation</b>									
• Inadequate vessels registration and fishing license system management	X								<none>

\* Malaysia's experience shows that RFMO's IUU vessel list may not be up-to-date

\*\* Malaysia sees information sharing with regards to PSM implementation, e.g. inspection report, as a challenge rather than an issue for the region



of the vessels, the fish onboard, the nets and any other gear, equipment, and any document or record onboard. In addition, international, regional and inter-agencies cooperation is necessary for exchanging of necessary information. However, due to the high volumes of seafood trade in the Southeast Asian region, certain constraints hinder the effective implementation of port State controls for all foreign fishing vessels, such as human resources, institutional and infrastructures. SEAFDEC therefore proposed to establish a Regional Cooperation to support the effective implementation of the PSM. In addition to the standard approach, a harmonized approach would be developed in which PSM are integrated, aligned with international and regional agreement/measures, and applied for all foreign-flagged vessels of the AMSs. Such approach should be agreed by all the AMSs and linked to existing management tools such as the ACDS, the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing into the Supply Chain, and the RFVR. Although the main responsibility of enforcing these IUU fishing countermeasures lies with the flag States, the role and functions of port States should also be strengthened through the enforcement of relevant regulations to enhance the promotion of measures to combat IUU fishing.

### Initiatives of AMSs and Current Status of Implementation of PSM in Southeast Asia

Under the ASEAN-SEAFDEC Strategic Partnership Mechanism, SEAFDEC convened the Experts Meeting on Regional Cooperation for Supporting the Implementation of Port State Measures in Southeast Asian Region in Bangkok, Thailand in February 2016. Results of the preliminary assessment of the current status (Box 1), and constraints/problems on the implementation of the PSM (Box 2) were discussed during the Experts Meeting, which came up with

recommendations for development of the regional cooperation for supporting PSM implementation in the Southeast Asian region.

### The Port State Measures Agreement

Considering that implementation of PSM was made voluntary while IUU fishing operations continue to become a major global concern, COFI endorsed the initiative of FAO to develop a binding agreement on PSM based on the PSM Model and the IPOA-IUU (FAO, 2009). The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement), which is binding to all parties, is aimed at preventing illegally-caught fish from entering international markets through ports and addressing the role of a port State to prevent IUU fishing at landing sites, in ports and on transshipment vessels (considered as “first port”). The PSM Agreement also defines the roles of port States and flag States, especially the measures to be considered in connection with landings of catches by fishing vessels. As shown in Box 1, only four AMSs signed the instrument of accession to the PSM Agreement, namely: Indonesia, Myanmar, Philippines, and Thailand. During the February 2016 Experts Meeting on Regional Cooperation for Supporting the Implementation of Port State Measures in Southeast Asia, some countries expressed concerns on the implementation of PSM, especially with respect to the provisions in the PSM Agreement, as shown in Box 3.

Moreover, in order to strengthen the implementation of PSM in the region, capacity building by imparting knowledge and understanding on PSM is important for staff concerned, which could be categorized as general audience, inspectors, fishery managers, and policy markers. Capacity building on PSM should take into consideration Annex E of the PSM

**Box 3. Recommendations for regional cooperation to support the implementation of PSM**

Refers to the PSM Agreement		Recommendations of Regional Cooperation on PSM implementation
PART	Article No.	
Entry to Port	Article 7: Designated port	<ul style="list-style-type: none"> <li>Encourage AMSs to identify designated ports for foreign fishing vessels and discourage foreign fishing vessels from unloading fish and fishery products in non-designated ports</li> <li>Include in the list of designed ports information on the name of the port, address of location, contact person and his/her designation as well as official website in English version</li> <li>Publicize information on AMSs designated ports through SEAFDEC mechanism</li> </ul>
	Article 8: Advance request for port entry	<ul style="list-style-type: none"> <li>AMS shall provide, as a minimum standard, the information requested in Annex A of the PSM Agreement or relevant document to be adopted by AMS to be provided before granting entry to a vessel to its port (Note: SEAFDEC to provide a simplified document for small fishing vessel for adoption by AMSs)</li> <li>Support the implementation by port State of the database on fishing vessels record which shall be expanded based on the existing Regional Fishing Vessels Record (RFVR) Database</li> </ul>
	Article 9: Port entry, authorization or denial	<ul style="list-style-type: none"> <li>Share information on the countries’ laws and regulations among the AMSs taking into account the situation where some AMSs (e.g. Malaysia and Indonesia) do not allow its fishing vessels excluding carriers to unload catch at other ports in the respective countries</li> <li>Encourage AMSs to require foreign fishing vessels and carriers to submit pre-arrival information (such as approval to land catch, origin of catch or certificate of catch) so that port State can decide whether to authorize or deny the entry of such vessel into their port. Decision to deny shall be communicated to the flag State</li> <li>Provide awareness building to relevant stakeholders (e.g. fishing boat owners, importers, port authority officials and staff, etc.) at national level to enhance better understanding of the countries’ laws and regulations, and other procedures on inspections</li> </ul>



### Box 3. Recommendations for regional cooperation to support the implementation of PSM (Cont'd)

Refers to the PSM Agreement		Recommendations of Regional Cooperation on PSM implementation
PART	Article No.	
Inspections and Follow-Up Action	Article 12: Levels and priorities for inspection	<ul style="list-style-type: none"> <li>Adopt the Standard Operating Procedures (SOPs) on risk assessment and inspection of vessels through harmonization during consultations or workshops</li> <li>AMSs to consider minimum levels for inspection of vessels through, as appropriate, agreement among all AMSs</li> <li>Support inspection of the vessels, based on historical data/information of vessels, should be required in the database module of vessels</li> </ul>
	Article 15: Transmittal of inspection results	<ul style="list-style-type: none"> <li>AMS to transmit the results of each inspection to the flag State of inspected vessels</li> <li>AMS to submit to SEAFDEC the total number of inspections conducted annually</li> <li>Port State to share the summary report of inspection to SEAFDEC, when AMS flagged vessel has been denied entry, denied the use of port or denied the landing of fish</li> </ul>
	Article 16: Electronic exchange of information	<ul style="list-style-type: none"> <li>Facilitate implementation of this Regional Cooperation, where possible, each AMS should establish a communication mechanism that allows for direct electronic exchange of information with due regard to appropriate confidentiality requirements</li> <li>AMSs to cooperate for the establishment of an information-sharing mechanism by SEAFDEC to facilitate the exchange of information with existing database for this cooperation</li> </ul>
	Article 17: Training of inspectors	<ul style="list-style-type: none"> <li>AMSs to request FAO, RFMOs, ASEAN, SEAFDEC and relevant agencies for the conduct of training of trainers (TOT) for port inspections including legal and operational aspects with emphasis on practical hands-on component</li> <li>Develop a network/team among AMSs on training of trainers for port inspections</li> <li>Consider an existing training module developed by RPOA-IUU in collaboration with the Australian Maritime on port inspections to support the TOT programs</li> </ul>
	Article 18: Port State actions following inspection	<ul style="list-style-type: none"> <li>Publicize and create awareness building on standard inspection procedures</li> </ul>

### Box 4. Capacity needs identified by AMSs to support the implementation of PSM

Target Group	Capacity building modules
General audience	<ul style="list-style-type: none"> <li>Fisheries situation and management scheme               <ul style="list-style-type: none"> <li>Fisheries region and global situation</li> <li>Form of IUU fishing in Southeast Asian Region</li> <li>Initiative activities to combat IUU fishing</li> <li>Management scheme such as RPOA, NPOA, RFMO</li> </ul> </li> <li>Applicable international law and national laws and regulation measures</li> <li>Introduction of Port State Measures Agreement</li> <li>Importance of implement on PSM</li> <li>Advanced request to enter port</li> </ul>
Inspectors	<ul style="list-style-type: none"> <li>Fisheries situation and management scheme               <ul style="list-style-type: none"> <li>Fisheries region and global situation</li> <li>Form of IUU fishing in Southeast Asian Region</li> <li>Initiative activities to combat IUU fishing</li> <li>Management scheme such as RPOA, NPOA, RFMO</li> </ul> </li> <li>Applicable international law and national laws and regulation measures</li> <li>Introduction of Port State Measures Agreement and especially focus on;               <ul style="list-style-type: none"> <li>Overview inspection and Follow action (Article 12-19)</li> <li>Vessel inspection (Article 13 and Annex A and B)</li> </ul> </li> <li>Ethics of PSM inspector</li> <li>Health Safety &amp; Security of PSM inspector</li> <li>Authority &amp; Powers (Fisheries enforcement) of PSM inspector including the owned domestic laws and regulation (if applicable)</li> <li>Standard Operating Procedure (SOP)/decision criteria</li> <li>Advanced request to enter port</li> <li>Prioritizing inspection based on the risk assessment</li> <li>Inspection of vessel (intensive)               <ul style="list-style-type: none"> <li>Prior boarding inspection</li> <li>Boarding and inspection procedures                   <ul style="list-style-type: none"> <li>Identification the VMS devices and VMS record</li> </ul> </li> <li>Freezer and cold store inspections guidelines</li> <li>Bridge observations and equipment</li> <li>Calculating product weight by hold measurements</li> <li>Calculating gross fish hold volume</li> </ul> </li> <li>Commercial fishing gear, equipment and techniques</li> <li>Fish and product identification</li> <li>Monitoring offloading and transshipment operation</li> <li>Follow-up procedures information sharing including requesting for additional information from flag State and deny port entry and IUU vessels list</li> <li>Legal process, rule of evidence and interviews</li> <li>Field practical training</li> </ul>

#### Box 4. Capacity needs identified by AMSs to support the implementation of PSM (Cont'd)

Target Group	Capacity building modules
Fishery managers	<ul style="list-style-type: none"> <li>• Fisheries situation and management scheme               <ul style="list-style-type: none"> <li>◦ Fisheries region and global situation</li> <li>◦ Form of IUU fishing in Southeast Asian Region</li> <li>◦ Initiative activities to combat IUU fishing</li> <li>◦ Management scheme such as RPOA, NPOA, RFMO</li> </ul> </li> <li>• Applicable international law and national laws and regulation measures</li> <li>• Introduction of Port State Measures Agreement</li> <li>• Ethics, Health Safety &amp; Security, Authority &amp; Powers (Fisheries enforcement) of PSM inspector</li> <li>• Advanced request to enter port</li> <li>• Prioritizing inspection based on the risk assessment</li> <li>• Inspection of vessel               <ul style="list-style-type: none"> <li>◦ Prior boarding inspection</li> <li>◦ Boarding and inspection procedures                   <ul style="list-style-type: none"> <li>- Identification the VMS devices and VMS record</li> </ul> </li> <li>◦ Freezer and cold store inspections guidelines</li> <li>◦ Bridge observations and equipment</li> <li>◦ Calculating product weight by hold measurements</li> <li>◦ Calculating gross fish hold volume</li> </ul> </li> <li>• Commercial fishing gear, equipment and techniques</li> <li>• Fish and product identification</li> <li>• Monitoring offloading and transshipment operations</li> <li>• Follow-up procedures, information sharing including requesting for additional information from flag State on denial at port entry and IUU list</li> <li>• Legal process, rule of evidence and interviews</li> <li>• Capacity needs assessments towards implementation of Port State Measures</li> <li>• Observation on fishing port and inspection activities</li> </ul>
Policy makers	<ul style="list-style-type: none"> <li>• Fisheries situation and management scheme               <ul style="list-style-type: none"> <li>◦ Fisheries region and global situation</li> <li>◦ Form of IUU fishing in Southeast Asian Region</li> <li>◦ Initiative activities to combat IUU fishing</li> <li>◦ Management scheme such as RPOA, NPOA, RFMO</li> </ul> </li> <li>• Applicable international law and national laws and regulation measures (Intensive)</li> <li>• Understanding on Port State Measures Agreement for apply in the region</li> <li>• Advanced request to enter port</li> <li>• Prioritizing inspection based on the risk assessment</li> <li>• Inspection of vessel (in general)</li> <li>• Monitoring of loading and transshipment operation</li> <li>• Follow-up procedures information sharing including requesting for additional information from flag State and deny port entry and IUU list</li> <li>• Legal process, rule of evidence and interviews</li> <li>• Capacity needs assessments towards implementation of Port State Measures</li> <li>• Observation on fishing port and inspection activities</li> </ul>

Agreement. During the February 2016 Experts Meeting on Regional Cooperation for Supporting the Implementation of Port State Measures in Southeast Asia, the AMSs identified the capacity needs to support the implementation of PSM based on the target group, as shown in **Box 4**.

### Way Forward

Adopted in 2009, the Port State Measures Agreement requires all parties to exert greater port controls on foreign-flagged vessels, in order to keep IUU fish out of the supply chain in the world's markets by removing the incentives for dishonest fishing operators to stop them from doing illegal activities. This implies that the implementation of port State measures is necessary for the AMSs that allow foreign-flagged vessels to enter into their ports. Concerned stakeholders such as fishing boat operators, boat owners, exporters, importers, and others need to understand the situation while supporting the port authorities to effectively implement the PSM. They should also



take into consideration the condition that port States enforcing the treaty, would refuse port entry or access to port services including landing and transshipment of fish, to foreign-flagged vessels known to have been engaged in IUU fishing.



**Box 5. Work Plan for the development of Regional Cooperation for the Implementation of PSM in Southeast Asia**

Activity	2016	2017	2018
Enhancement of RFVR database to support implementation of PSM	Q4		
Development of SOPs on vessel inspections		Q1	
Capacity building to support implementation of PSM		Q1	Q2 Q3
Pilot site(s) demonstration			Q4
Report of results of implementation at pilot site(s)			Q1

In support therefore of the development of the Regional Cooperation for the Implementation of PSM in the ASEAN, SEAFDEC will continue to work closely with its Member Countries under the supervision of the SEAFDEC Council of Directors. In this connection, the Work Plan for the development of the Regional Cooperation (**Box 5**) would focus on the harmonization and enhancement of database systems, development of SOPs for port inspections, capacity building, and sharing of information to support its effective implementation at the regional level.

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