

HIGH AND DRY

A policy briefing on the future
of Thai fisheries



A briefing written by the
Environmental Justice Foundation (EJF)



About the organisation

The Environmental Justice Foundation (EJF) exists to protect the natural world and defend our basic human right to a secure environment.

EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, Indigenous peoples, communities, and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable and sustainable futures.

EJF has worked in Thailand since 2014 to help achieve a sustainable, legal, and ethical fisheries management system for Thailand. During this time, EJF has worked closely with the Thai Maritime Enforcement Command Centre (Thai-MECC), the Ministry of labour, Ministry of Social Development and Human Security, the Department of Fisheries, the Marine Department, Department of Marine and Coastal Resources, the Royal Thai Navy, and the Royal Thai Police. Based on information gathered by EJF, we have produced detailed reports for the Royal Thai Government and directly to Deputy Prime Minister Prawit Wongsuwan's office. These reports outline recommendations on how to elevate Thailand's fishing industry further and protect its marine resources.



Over the years EJF has observed countless vessel inspections at Thai ports. The results of these observations have fed into a range of government-facing briefings and public-facing reports which provide recommendations for resolving capacity gaps.

Introduction

As of 2022, Thailand’s fisheries and seafood industry was ranked 6th in the world for seafood product exports by value worth \$641 million (22 billion THB).¹ This is predicted to rise by Reportlinker to \$1.1 billion (37 billion THB) by 2026.² The main seafood export products include farmed shrimp and canned tuna.³ The industry is an essential contributor to the domestic economy with sector revenue predicted to total more than \$8.04 billion (274 billion THB) in 2023 with annual average growth predicted to be 3.35% between 2023 – 2027.⁴

Conversely, Thailand’s seafood imports are set to reach \$4.1 billion (140 billion THB) by 2026, a 2.2% annual increase from 2021’s \$3.5 billion (119 billion THB). Since 2000, demand has been growing at a rate of 5% every year.⁵

After the withdrawal of the ‘yellow card’ warning issued by the European Commission to Thailand for its failings in combating illegal, unreported, and unregulated (IUU) fishing in 2019 it is hoped that relative stability will translate into renewed recovery in the export sector.⁶ This is exemplified by the fact that export revenues have risen by 38% since 2016.⁷



Thailand’s IUU carding status by the European Commission year by year.

A broken system rebuilt from scratch

EJF has conducted a range of in-depth independent and joint investigations alongside local Thai civil society organisations between 2013 and 2016, to identify incidences of IUU fishing and associated labour abuses in the Thai fishing industry. These investigations uncovered a wide range of crimes including widespread illegal fishing as well as shocking human rights abuses including physical abuse, slavery and even murder.⁸ EJF research also established how uncontrolled growth in the Thai fishing industry from the 1950s onwards alongside out-of-date fisheries legislation that predated World War II, destructive fishing gears including push nets, and a complete lack of oversight of fishing operations, had led to rapid depletions of fish stocks across Thailand’s domestic waters.⁹

Thai commercial fishing vessel numbers rose from just 99 powered trawlers in 1961¹⁰ to an estimated 57,000 in 2011.¹¹

A complete absence of monitoring, control, and surveillance (MCS) mechanisms across both the domestic and distant-water Thai fishing fleets also meant that it was practically impossible to determine where catch was coming from and where product was destined. Vessel movements were also unknown, allowing commercial vessels to fish within marine protected areas (MPAs) and inshore exclusion zones (IEZ) – IEZs extend three nautical miles outwards from the shore and are reserved for artisanal fishers – without fear of ramifications. This led to frequent conflicts with small-scale fishers and coastal communities.

“We used energy drink bottles to warn commercial vessels to back off. We attacked and kept on throwing, and throwing. Glass would shatter everywhere. We believed that’s the best we could do to protect our village...”

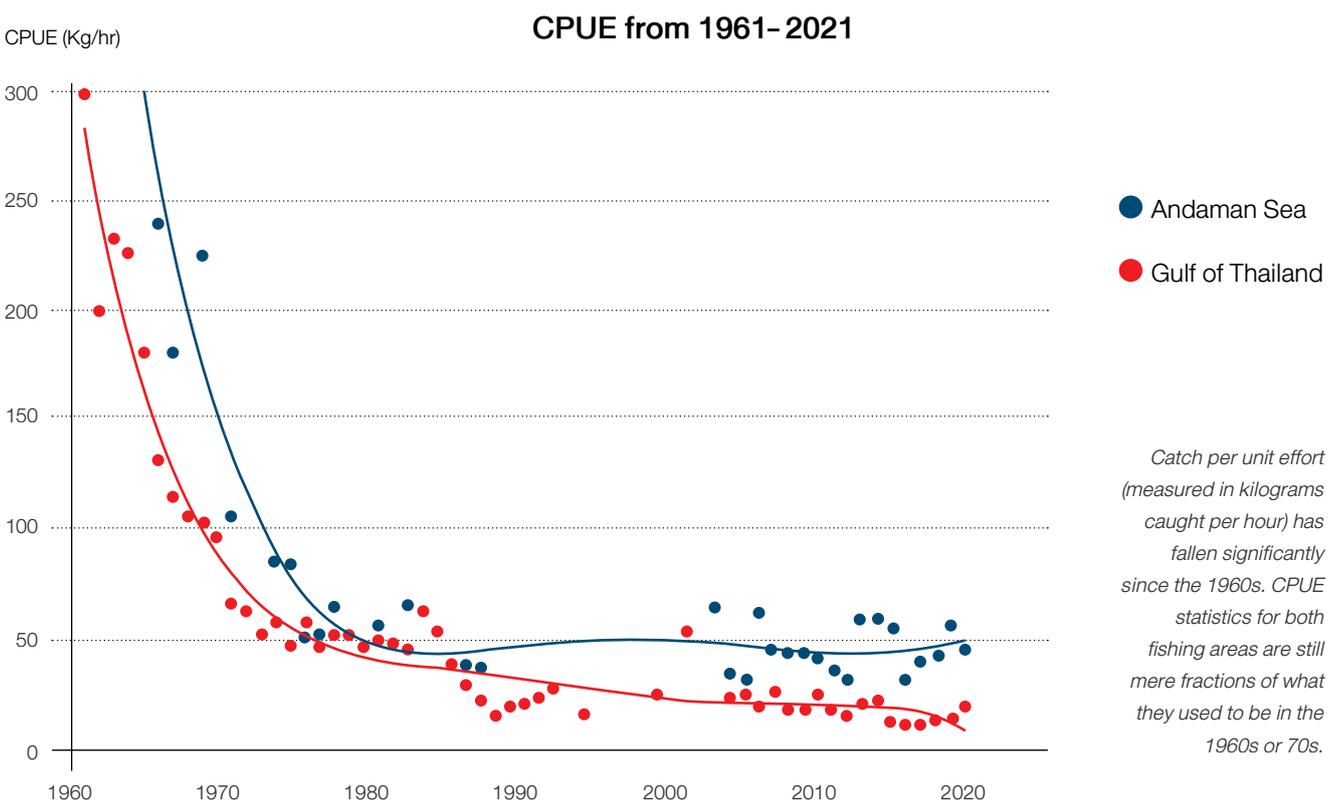
- Artisanal fisher from the western coast of the Gulf of Thailand.

Even if fishing vessels were caught for IUU fishing crimes, punitive and criminal sanctions were so low as to offer little to no deterrent against committing future crimes. Trawler operators were known to pay arbitrarily small fines before their vessel would be released, allowing them to return to the same illegal fishing activities almost immediately.¹²

“There are laws but they aren’t enforced. You get fined 5,000 baht (\$150) for fishing within three kilometres of the coast, but this is like a grain of sand for the larger fishers; they might as well just pay up before they head out for the night.”

- Sirasa Kantaratanakul, Thai campaigner.¹³

Such a deficient fisheries management system, coupled with ineffective sanctions and punishments, resulted in severe fish stock depletions in both the Gulf of Thailand and Andaman Sea. Catch per unit effort (CPUE) – a measure of how healthy fish stocks are – in the Gulf of Thailand fell by 92% between 1961 and 2015 whilst in the Andaman Sea CPUE fell by 75% between 1966 and 2015.¹⁴ Catch per unit effort is often used to measure the abundance of a particular target species or fishery. It is measured in kilograms of fish caught per hour. Seafood catches totalled 1.49 million tonnes in 2017, a significant decrease compared to catches of 3 million tonnes in 2000.¹⁵ These statistics formed part of an already overwhelming wealth of evidence to require urgent action to reform the industry – both in terms of legality and sustainability.¹⁶



Since these issues were first brought to light, due in part to the significant reforms put in place to the industry since 2015, catches have shown small signs of recovery, reaching 1.63 million tonnes in 2021. However it is not clear how much of an impact the COVID-19 pandemic has had on overall fishing effort since then.^{17/18}

The ratification of important international conventions such as the ILO's Work in Fishing Convention No. 188 which provides the declaration on fundamental principles and rights at work for the fishing sector, the installation of vessel monitoring systems (VMS) on over 5,000 commercial fishing vessels, the issuance of unique vessel identifiers which help verify vessel identity and ownership and the roll-out of a nationwide network of port-side inspection points, have all helped to resolve crucial capacity gaps in Thailand's fisheries management systems. These mechanisms have also helped to elevate transparency and accountability within the Thai fishing industry, making it easier for the authorities to scrutinise and verify catch and labour conditions onboard vessels.

“VMS recordings help prevent commercial vessels from entering the IEZ. Fewer commercial vessel intrusions have finally given juvenile fish the chance they need to mature.”

- Artisanal fisher from the northern coast of the Andaman Sea.



Thailand's commercial fleet has reduced in size in recent years, however EJF argues that certain elements of the fleet such as the trawler fleet are still overcapacity and require additional phasing out of vessels.

As of 2022 there were 50,639 registered small-scale fishing vessels making up 83.40% of the total fishing fleet and 10,047 commercial vessels (vessels measuring over 30 gross tonnes) representing 16.6% of the fleet.^{19/20} Since May 2016, the commercial fleet has shrunk from 13,456 vessels by 25%.²¹ This has occurred both through active decommissioning efforts and buy back schemes as well as the revocation of 8,024 fishing vessel registrations which were allegedly implicated in unregulated fishing.²²

All small-scale fishing operations take place within the IEZ area. Commercial vessels are not allowed to fish in these areas due to the disproportionate impact that their fishing gears can have on these sensitive areas. Destructive fishing gears such as bottom trawlers can disrupt the reproduction abilities of fish species²³ and destroy coral reef areas or seagrass meadows which are important habitats for breeding and nursery areas for juvenile fish.²⁴ End-of-life fishing gears such as gillnets and trawl nets can also adversely affect marine life and ecosystems. In 2019, more than 70% of charismatic species, including turtles and dugongs, found stranded in Thailand were found entangled in fishing nets.²⁵

According to EJF fishing community survey responses from 69 Thai artisanal fishers between 2019 - 2022, 70% of respondents expressed that they either burned, buried, or abandoned fishing gear due to their community being isolated from mainstream waste management systems - harming both the environment and human health through the release of toxic fumes. The impacts of fishing gear mismanagement affect both Thailand's social, environmental, and economic prosperity and there is an urgent need to improve ocean governance and strengthen fishing gear management regulations to prevent and mitigate future losses.



A pile of discarded fishing nets and ropes found by EJF in Trang province.

The path ahead

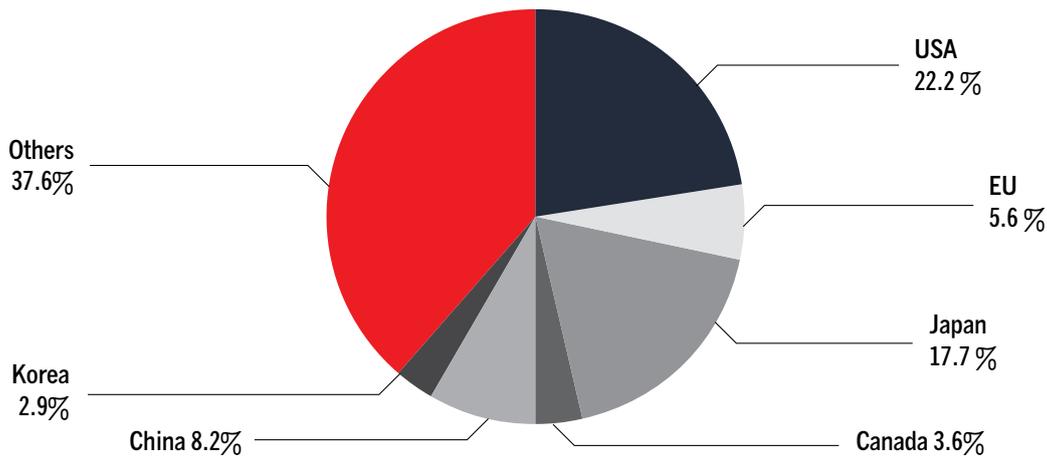


EJF strongly urges any future government to ensure that new fisheries legislation is designed to enable sustainable, legal and ethical fisheries for all fishers across both sectors.

EJF strongly urges any future elected government to conduct comprehensive fisheries reform and legislative debates through in-depth and substantive public consultations with all fisher groups, regardless of their vessel sizes. Another significant reason to carefully consider the comprehensive reformation of fishery policies is the impact that these might have on the significant artisanal sector which relies on fishing both for their way of life but also food source.²⁶

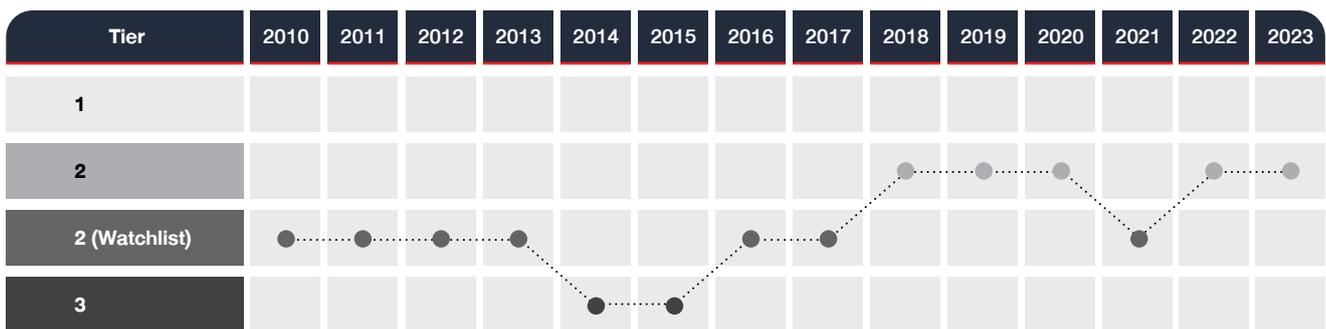
As of 2022, Thai seafood exports to the United States, European Union and Japan made up 45.4% of Thailand's total seafood exports worth \$10.4 billion (366 billion THB).²⁷

Significant international seafood markets, such as the United States, European Union and Japan have or are in the process of elevating their seafood importation regulations to screen for indicators of IUU fishing, unsustainable fishing and forced labour in associated supply chains.²⁸ Current mechanisms such as the EU's IUU Regulation, the USA's Seafood Import Monitoring Program, Withhold Release Order Findings List and Japan's Improvement of Domestic Trade of Specific Marine Animals and Plants Act²⁹ represent just the beginning in terms of international instruments to close off market access to unscrupulous vessel operators and high-risk seafood markets. Joining these instruments will soon be the US National Security Memorandum (NSM) to address IUU fishing and related harmful fishing practices,³⁰ as well as a new EU Regulation on prohibiting products made with forced labour from entering the EU marketplace.³¹ If the Thai fisheries sector is to remain competitive and relevant with the evolving pace of international seafood regulation and scrutiny in the USA, EU and Japan, then it will need to continue elevating its anti-IUU and forced labour regulations rather than looking to relax them.³²



Thai seafood exports by tonnage to key international markets for 2022.³³

Labour conditions in Thai fisheries



Thailand's Trafficking in Persons report ranking by the US Department of State by Year.



Crew interviews have become a vital component to gather insights into vessel operations and potential labour violations onboard vessels.



- 94% had no contract
- 80% reported never feeling free
- 68% reported sexual/physical violence
- ▲ 59% witnessed executions at sea
- 52% witnessed their boss/trafficker harming someone
- 47% reported at least one injury
- 44% reported lack of food
- 42% experienced wage reductions
- 23% were locked in a room during trafficking situation
- 17% worked against their will
- 17% were threatened with violence
- 11% attempted escape
- 10% were severely beaten
- 5.8% reported being forced to use drugs

Sources :

- ▲ UNIAP (2009); (n=49)
- ILO (2013); (n=596)
- Zimmerman et al (2014); (n=275)

Thailand's fishing industry has received a great deal of international scrutiny due to human rights concerns in the sector. Thai fishing vessels were notorious for being the scenes of appalling crimes including slavery, brutal physical abuse, human trafficking, and even murder of vulnerable migrant workers.^{34/35/36/37} EJF's investigations since 2013³⁸ have uncovered how unscrupulous vessel owners have preyed on vulnerable migrant workers from neighbouring countries, often threatening them with violence, debt bondage, and threats against their families whilst forcing them to work, commonly in atrocious living and working conditions.^{39/40}

As a result of these reports, alongside those published by other NGOs and media outlets including the Guardian⁴¹ and Associated Press⁴², Thailand's ranking in the US Department of State's Office to Monitor and Combat Trafficking in Persons (JTIP) Trafficking in Persons (TIP) report was downgraded to 'Tier3' in 2014. Only after initial improvements began to be made, was this ranking upgraded to 'Tier 2 watchlist' in 2016 and Tier 2 in 2019.^{43/44/45} In 2021 Thailand was downgraded back to 'Tier 2 watchlist' but was then reinstated to Tier 2 in 2022.⁴⁶

Historical findings from interviews conducted with Thai fishing crew and victims of trafficking aboard Thai fishing vessels between 2009 and 2014. These interviews took place before any reforms took place.⁴⁷



Transparency measures such as restricting at-sea trans-shipment and satellite-based monitoring systems such as the VMS can help to protect workers whilst at sea.

Recommendations

This white paper provides a substantive set of recommendations for how any future government can maintain as well as enhance positive progress made in improving the Thai seafood industry. EJF believes that a strong precautionary approach should be employed by any incoming government to ensure that future reforms are conducted with substantial public consultation involving all relevant stakeholders. EJF also stresses that any attempt to repeal reforms enacted over the last seven years should be conducted with appropriate scrutiny, scientific rigour, consultation methodology and using statistical evidence. It is vital that Thailand does not squander the positive progress that has been made in recent years and allow its seafood sector to slip into the opaque and dark practices of the past.

1. Implementation and endorsement of the Charter for Fisheries Transparency⁴⁸

EJF has worked with the Royal Thai Government since 2016 to design and implement substantive MCS mechanisms that elevate transparency and accountability in Thailand's fishing sector. These include publishing commercial licence lists in an online, publicly accessible database⁴⁹, digitising vessel crew lists, and conducting preliminary investigations into the beneficial ownership of former Thai-flagged fishing vessels now operating overseas.

In 2022, EJF and international NGO partners including Oceana and Global Fishing Watch established the global Coalition for Fisheries Transparency.⁵⁰ This Coalition is working to enhance transparency and accountability in fisheries around the world through the implementation of the Global Charter for Fisheries Transparency (GCFT). This Charter is centred around 10 cost-effective and realistically achievable policy principles for transparency in global fisheries which provide flag, coastal and port States with a framework to facilitate cooperation at the national and regional level, identify and fill capacity gaps and ultimately strengthen fisheries governance globally.

POLICY PRINCIPLES

Vessel information	1		Require unique identification numbers for all fishing vessels (including transport and supply vessels).
	2		Publish lists of licenses, authorizations, and sanctions.
	3		Make public the beneficial ownership of vessels.
	4		Stop the use of flags of convenience by fishing vessels.
Fishing activity	5		Make vessel position data public.
	6		Ban or closely monitor at-sea transshipment.
	7		Mandate seafood traceability from boat to plate.
Governance and management	8		<p>Ratify international agreements that set standards for fishing vessels and trade.</p> <p>(Including the Food and Agriculture Organization of the United Nations iFAOI Agroorhonit on Port State Moasures: International Labour Organization OLO Fundamional Principlos and Rights at Work ILO C188. and Intornational Maritime Organization OMOI Cape Toun Agreomnent)</p>
	9		Ensure public and equitable access to fisheries data and participation in fisheries management and decision-making.
	10		Collect data on the conditions of fishing vessel crews and publish it in aggregate form.

The Global Charter for Fisheries Transparency is a holistic set of principles around which Coalition members coordinate their advocacy efforts. The Charter aims to ensure that information about vessels and fishing activity is widely available to support fisheries management practices that promote seafood production free from illegal practices and human rights abuses at sea. While intended for the entire fisheries sector and readily implementable in industrial fisheries, the Coalition acknowledges that some principles require further adaptation before they can be effectively applied to all small-scale fisheries.⁵¹

In February 2023, 27 commercial fishing vessels were caught for conducting illegal fishing activities within Tarutao National Park, demonstrating the continued relevance and urgency for maintaining transparency mechanisms that can help detect and prosecute such activities.⁵² These vessels were caught through the use of the VMS by the Department of Fisheries and resulted in all vessels being confiscated and the violators subjected to a fine of 40.5 million THB.⁵³

EJF recommends that the incoming government should accelerate the adoption of the Global Charter for Fisheries Transparency, capitalising on the substantive progress made to date as well as Thailand's regional influence across Southeast Asia in relation to tackling IUU fishing and promoting fisheries transparency. EJF recommends that special attention be paid to adopting the following principles:

- **Policy principle 2** : Publish lists of licenses, authorizations and sanctions. *Although a list of commercial fishing licenses is available this should be complemented by a publicly accessible database for sanctioned vessels and their owners.*
- **Policy principle 6** : Ban the transfer of fish between boats at sea – unless carefully monitored by both CCTV cameras and human observers. *Thailand currently has a ban on at-sea trans-shipment due to the difficulties in monitoring the practice. EJF strongly encourages the future government to maintain this ban for all domestic-flagged fishing vessels. Distant water fishing vessels should only be authorised to conduct at-sea trans-shipments if they are fitted with CCTV cameras **and** they have human observers onboard.*
- **Policy principle 9** : Ensure public and equitable access to fisheries data and participation in fisheries management and decision-making. *Up-to-date data on the status of Thailand's fisheries resources is essential for researchers, NGOs, seafood buyers and other relevant stakeholders to identify potential issues affecting the industry. EJF has identified a number of data gaps since 2021 that require filling.*



Thai fishing vessels photographed in 2015 engaging in at-sea trans-shipment. The practice can greatly obscure seafood traceability, making it difficult for both authorities and seafood buyers to verify the true origin of seafood products.

EJF has identified at-sea trans-shipment as one of the key contributors to both IUU fishing and labour exploitation at sea.⁵⁴ The opaque nature of the practice, often conducted hundreds of kilometres from shore without official oversight, can facilitate illegal transfers of catch as well as unmonitored crew transfers between vessels. This can lead to labour exploitation with crew being perpetually rotated amongst vessels whilst being unable to alert the authorities.⁵⁵

Reintroducing the practice of at-sea trans-shipment would seek to benefit a small group of vessel owners and operators whilst putting the lives of hundreds of vulnerable workers at risk. A total absence of transparency or scrutiny surrounding the practice would also jeopardize Thailand's international seafood market reputation. The reintroduction of such a practice would also conflict with the codes of conduct or traceability policies for several major international seafood buyers including Nestlé, Mars Petcare, and Thai Union.^{56/57/58} The practice of at-sea trans-shipment is explored in further detail in Section 8 of this briefing.



Transparent and traceable seafood supply chains can give international seafood buyers greater confidence that Thailand's fisheries are free of IUU fishing and labour abuses.

Additional policy principles that Thailand has already begun paving the way for include the scrutiny and cessation of the use of flags of convenience (Policy principle 4) and making vessel position data public (Policy principle 5). Both principles would serve to make fishing vessel operators more accountable for their actions whilst also ensuring that the true beneficial owners or operators of fishing vessels are known. EJF understands, for example, that several formerly Thai-flagged fishing vessels now operate around the world flying flags of convenience which provide legal vessel registration whilst requiring little in the way of sustainable fishing practices or labour protections.

2. Promote transparency and responsible fishing practices across the ASEAN region



Vietnam remains on a yellow card warning from the European Commission for not adequately addressing IUU fishing in its fisheries. Thailand should cooperate with neighbouring countries to expand regional efforts to combat IUU fishing across ASEAN.

Continued prevalence of IUU fishing and associated human rights abuses in fisheries across Southeast Asia have made it increasingly apparent and a growing matter of urgency that Thailand, Indonesia, Vietnam and other ASEAN nations must strengthen collaboration on initiatives to prevent and combat IUU fishing. Cambodia remains on a 'red card' from the European Commission - first introduced in 2014 while Vietnam remains on a formal 'yellow card' warning as of June 2023. Indonesia, Malaysia and Myanmar also have significant fishing and maritime interests in the region. This confluence of fishing nations with either past or present struggles in combating IUU fishing should make it an urgent regional priority to address.

Since 2015, Thailand has put in place several new regional-facing MCS mechanisms as well as legislative reforms. These include forming the ASEAN Network for Combating IUU Fishing (AN-IUU) platform for encouraging the exchange of information amongst ASEAN countries. Thailand was formally assigned to serve as the official centre of AN-IUU in December 2022.⁵⁹

EJF strongly believes that Thailand should utilise its regional standing on combatting IUU fishing to push further regional efforts to harmonise fisheries regulations and transparency mechanisms in accordance with the Global Charter for Fisheries Transparency.⁶⁰

EJF also urges any incoming government to also promote the work of and collaborate with the Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region (RPOA - IUU).⁶¹ This voluntary instrument chaired by Indonesia is working to implement several priority work areas including advocating for responsible fishing practices, strengthening fisheries data collection, and implementing regional market measures to identify and track fish catches and prevent IUU caught products from reaching market.

EJF and the Coalition for Fisheries Transparency believe that the promotion of transparency in fishing across the region can serve to bring near-term, substantial, cost-effective benefits for ocean conservation and the sustainable use of marine resources. Robust regional cooperation can, for example, prevent the creation of so-called 'ports of convenience' that allow IUU fishing operators to continue exploiting marine resources at the expense of regional marine security and sustainable fisheries. Regional cooperation to build digital, accessible licence lists for fishing vessels or to harmonise at-sea vessel inspection protocols would also serve to enhance MCS mechanisms to address IUU fishing.

3. Ratify ILO Conventions C87 & C98 to allow the freedom of association for migrant workers

As of 2020, there were an estimated 300,000 workers employed in the Thai seafood industry with migrant workers from neighbouring countries such as Myanmar, Cambodia and Laos representing two-thirds of this.⁶² Migrant workers also make up 94% of the 70,000 fishers working on Thai commercial fishing vessels over 30 gross tonnes.⁶³ Despite these figures and working in one of the most dangerous professions in the world as recognised by the ILO, these migrant workers are still not granted the same rights as Thai domestic workers.⁶⁴

EJF firmly believes - along with several other international organisations and institutions - that the ratification of the International Labour Organisation's (ILO) Conventions C87 - 'Freedom of Association and Protection of the Right to Organise'⁶⁵ - and C98 - 'Right to Organise and Collective Bargaining'⁶⁶ - remain the most substantive reforms available to the RTG to effectively tackle forced labour and human trafficking in the fisheries sector.

Without adequate protections of workers' fundamental rights, fishers and ultimately all migrant labourers in Thailand will remain vulnerable to forced labour, human trafficking and slavery. These two Conventions would remove this structural vulnerability by granting them freedom of association and the right to collective bargaining. They would also empower migrants to challenge cases of labour exploitation themselves. EJF is encouraged by the MoL's ongoing discussions around C98 but feels strongly that these two Conventions can only serve their purpose if implemented together.

Ratifications would be dependent on amendments to sections 88 and 101 of the Labour Relations Act, B.E. 2518 (1975) which limit freedom of association and the right to collective bargaining to Thai nationals only.

Any effort to reform domestic legislation and move towards ILO ratifications should be carried out in close coordination with Thai and migrant worker organisations to ensure reforms are appropriate and the process is inclusive. All reforms should be streamlined to safeguard the rights of migrant workers whilst incorporating a victim-centred approach.

Such a progressive improvement in migrant worker rights protection by the RTG would seek to provide migrant workers with the same freedoms enjoyed by domestic workers and help showcase Thailand as an international leader in tackling human trafficking.

4. Implement the carefully managed and measured decommissioning of destructive bottom trawling vessels



Pair trawlers fish far out at sea in the Gulf of Thailand. These vessels operate one large fishing net which stretches between the two vessels.

Thailand has one of the largest fishing fleets in the world with around 61,000 fishing vessels as of 2022.⁶⁷ Approximately 5% of these vessels are trawlers, using nets which are either dragged near or along the seafloor.^{68/69/70} Despite representing such a low proportion of the total fleet, these trawlers are responsible for almost 50% of total marine catch landings as of 2020.

Trawlers are increasingly regarded both within Thailand and internationally as having a disproportionate environmental impact.⁷¹ This is because trawling nets can catch seafood species indiscriminately, even catching juveniles of economically important species before they have had a chance to reproduce.⁷²

The catching of juveniles of fish and seafood is especially damaging to marine ecosystems as it prevents fish populations from recovering and replenishing the stock. This can rapidly decimate populations and threaten livelihoods.⁷³

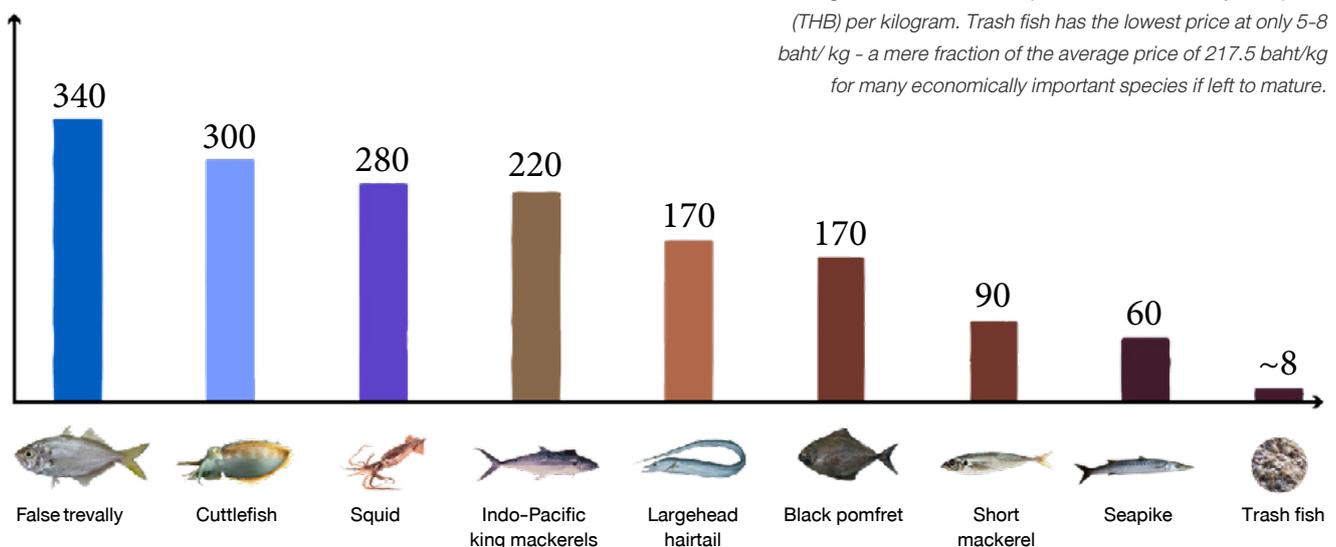
Often trawler catches are so badly bruised and mixed together that they are no longer classified as fit for human consumption. Instead, much of their catch is branded as 'trash fish' and is sent to factories to be made into fishmeal and subsequently livestock or aquaculture feeds instead.⁷⁴



Trash fish is heaped onto the back of a truck ready to be sent to a processing facility.

Trash fish is worth a fraction of the value of adult specimens of the main species that often make up trash fish. Trash fish may fetch a price of approximately 6-7 baht/kg whereas one kilogram of short mackerel could be worth 100 baht/kg and squid worth up to 280 baht/kg.⁷⁵

Value of seafood species at market in baht/kilogram



A range of different seafood products are ranked by their price (THB) per kilogram. Trash fish has the lowest price at only 5-8 baht/ kg - a mere fraction of the average price of 217.5 baht/kg for many economically important species if left to mature.

Pair trawlers – representing a third of the total trawl fleets with 1,124 registered pair trawlers⁷⁶ – have been found to have the greatest impact. Despite conducting less than 20% of trawler fleet fishing trips, pair trawlers are responsible for over 50% of the total trawler catch. Pair trawlers also contribute the greatest amount of trash fish with 55% of all trash fish landed in 2019 coming from this sector.⁷⁷

To resolve the situation, EJJ recommends that a carefully structured and phased approach is deployed which targets the largest and most powerful pair trawling vessels first. Such an approach would have to consider:

- Undertaking further fish population assessments across Thailand's fisheries to see how the fishing effort of banned vessels could be reallocated most appropriately and fairly amongst the remaining fishing fleet.
- Studying alternative fishery-related activities for vessel operators and workers to engage in if affected by such bans.
- Providing financial incentives and assistance for fishers who want to change to non-destructive fishing gears/practices (e.g. fish gillnets⁷⁸), as well as for those who are willing to change livelihoods completely.
- Providing a voluntary scrapping or buy back scheme for pair trawler fishers who wish to leave the sector regardless of vessel size or engine power.
- Ensuring that a sincere participatory approach is employed for any consultation to include affected fishers, local communities, small-scale fishers and civil society organisations.



Transform Bottom Trawling Coalition recommendations

As part of the Transform Bottom Trawling Coalition, EJF also sees bottom trawling as an urgent global issue that affects coastal states around the world. The Coalition calls on all coastal states to tackle this problem and wants to see evidence of a globally reduced footprint by 2030. To help achieve this goal, the Coalition is calling for States, in consultation with fishworker organisations and other stakeholders, to:⁷⁹

- Establish, expand and strengthen national inshore exclusion zones (IEZs) for small-scale fishers in which bottom trawling is prohibited.
- Prohibit bottom trawling in all marine protected areas (outside IEZs) to ensure vulnerable habitats and ecosystems are effectively protected and recovered.
- End subsidised bottom trawling and allocate financial and technical resources to support a fair transition for fleets.
- Prohibit the expansion of bottom trawling to new, untrawled areas, unless and until it can be proven that there are no significant adverse impacts.

“Fisheries policies do not favor artisanal fishers. We can see when the government launches new policies, they are prone to favour the commercial fishing sector.”

– Artisanal fisher from the upper Gulf of Thailand.

Interviewed on 11th March 2023.



The ability for monitoring and enforcement agencies to scrutinise fishing practices and verify vessel catches are a critical component of effective fisheries management and transparency.



A worker scoops dropped trash fish into a bucket.

5. Reconsider the introduction of a young apprenticeship scheme for fishing vessels

In March 2022, the Ministry of Labour issued a new Ministerial Regulation concerning Labour Protection in Sea Fishery Work B.E.2565 (2022) which allows children under the age of 18 years old but over 16 years old to work on fishing vessels as apprentices.⁸⁰

Under the regulation, every commercial vessel will be allowed to recruit one apprentice. This individual must be a relative of the vessel owner or captain, may only work during daylight hours and hold a training certificate. EJF remains concerned about the future implementation of this regulation due to notable examples in recent years of poor living and working conditions onboard Thai fishing vessels as well as high rates of fishers lost at sea in 2020 (121 fishers lost at sea) and 2021 (109 fishers lost at sea).⁸¹

The regulation lacks integral supporting protection and monitoring mechanisms to facilitate the identification, verification and investigation of apprenticeships. PIPO centres are already struggling to implement consistent and robust forced labour or human trafficking victim identification protocols for regular workers. Until such case identifications and investigations improve, the introduction of under 18 year old apprentices should be postponed.

Thailand has always paid great attention to the protection of children with this reflected in the ratification of the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182)⁸², Minimum Age Convention, 1973 (No. 138)⁸³ and United Nations Convention on the Rights of the Child (CRC). Numerous examples of domestic legislation such as the Labour Protection Act B.E. 2541 (1998) all seek to provide children with the protections they need against child labour.

This latest Ministerial Regulation therefore conflicts with existing stances on child protections and could put Thailand's reputation as an international seafood market leader at risk. This is because most seafood industry codes of conduct do not allow under 18-year-old workers in their supply chains. Seafood buyers in important seafood markets such as the European Union and the United States may not be willing to accept the risk of purchasing seafood product from Thailand potentially tainted by unethical child labour.

6. Expand conservation efforts for marine biodiversity to protect coastal livelihoods and preserve other important economic sectors

Food security and sustainable fishing are two critical issues that are closely interlinked.⁸⁴ Sustainable fishing practices ensure that fish populations are conserved, which in turn help to secure the long-term availability of plentiful seafood to serve as a vital food source.⁸⁵ At the same time, ensuring food security requires sustainable fishing practices to ensure that fish populations are not depleted beyond their capacity to recover.

IUU fishing can greatly affect the survival of fragile marine ecosystems and can contribute to the decline of charismatic or endangered marine species such as sharks, turtles and other animals which are essential for maintaining ecosystem services.⁸⁶ For example, in 2018, a dive operator chanced upon a pair of trawler fishing vessels which had caught a pregnant whale shark in their net. The vessel captains were fined a record three million baht and their fishing licences were revoked. Such punishments are necessary to act as an effective deterrent against such wildlife crimes in the future and must be preserved.⁸⁷



A pregnant whale shark is hoisted onto a pair trawler in Phuket province.⁸⁸

In October 2022, Thailand announced its interest in joining the High Ambition Coalition for Nature and People (HAC), a group of more than 100 countries encouraging the adoption of the 30x30 target.⁸⁹ This target seeks to protect 30% of the world's land and oceans by 2030.⁹⁰ Southeast Asia is an especially important region for such targets given that 18% of the world's endangered species live in ASEAN countries.⁹¹ EJF believes that Thailand can secure much of its contribution to this important ambition by strengthening existing Marine Protected Areas (MPAs) and Inshore Exclusion Zones (IEZs) as well as designating new areas where human activities are limited or prohibited to conserve marine biodiversity.⁹²

Small-scale fishers rely on the IEZ for their fishing grounds as well as important ecosystem services such as breeding and spawning grounds and nurseries for juveniles of many economically valuable species.⁹³ Currently the Thai IEZ is set at 3 nautical miles (NM) from shore but this can shrink to just 1.5NM around islands in areas such as the Andaman Sea.

Preserving these important marine ecosystems would also support Thailand's tourism industry which was valued at \$82 billion (2.8 trillion THB) in 2017 representing 17.7% of total GDP.^{94/95} Thailand's marine tourism industry which includes scuba diving is worth over \$161 million (5.52 billion THB), making it as valuable as Thailand's seafood exports to the European Union in 2018.⁹⁶ As the global dive industry recovers from the effects of COVID-19, any future government should see marine conservation and habitat protection as both an environmental and economic benefit.

7. Preserve fisheries laws to prevent illegal, unreported and unregulated (IUU) fishing

Despite the overall positive progress made by the Thai fishing industry since the issuing of the European Commission's yellow card warning, there have been several more recent legislative amendments and proposals made to Thai fisheries regulations that have or put at risk the pace of progress. EJF has recorded a number of amendments to fisheries regulations since the removal of the yellow card which can be seen to benefit the commercial fishing sector by restricting transparency in fisheries and reducing the ability of management agencies to scrutinise living and working conditions on board fishing vessels. These amendments have been driven primarily by lobbying efforts by the commercial vessel industry.⁹⁷

Amendments or proposals include lobbying for the reintroduction of at-sea crew transfers and at-sea trans-shipment of seafood catch between fishing vessels, removing the requirement that vessel operators record fishing coordinates in vessel logbooks, and extending the allowable number of fishing days per trip.⁹⁸ EJF believes that these amendments would greatly inhibit the ability of monitoring and enforcement agencies to monitor and enforce fisheries compliance across the commercial fleet.

As of April 2023, a new draft Fisheries Act has been finalised by the Senate Standing Committee on Agriculture and Co-operatives.⁹⁹ Several of the commercial sector's policy recommendations, such as the reintroduction of the practice of at-sea trans-shipment of seafood, are included. Out of seven draft Fisheries Act submissions since 2021 by six different political parties (Move Forward submitted two drafts) four of these Acts declared support for reintroducing this practice. These include the Charthaipattana, Democrat, Pheu Thai and Bhumjaithai parties.

EJF's own investigations in Thailand and in East Asia have established a correlation between at-sea trans-shipment and both IUU fishing and human rights abuses.¹⁰⁰ At-sea trans-shipment can facilitate human rights abuses by enabling indicators of forced labour or human trafficking such as physical, verbal and psychological abuse to stay undetected far out at sea. It can also be used to prevent trafficked or slave crew from escaping or alerting the authorities by keeping them at sea. This has been widely documented in Thailand and more recently on board Chinese distant water fishing (DWF) vessels.^{101/102}

Through interviews with 96 Indonesian fishermen working on DWF vessels, EJF discovered that fishing vessels that engaged in at-sea trans-shipment and stayed longer at sea during fishing trips were more likely to engage in both IUU fishing as well as human rights abuses.¹⁰³ Vessels that engaged in at-sea trans-shipment spent on average 13.3 months at sea per trip compared to 3 months for vessels not engaging in at-sea trans-shipment. According to interview testimonies, almost 30% of vessels engaging in at-sea trans-shipment also engaged in IUU fishing compared to 18% for vessels that did not trans-ship. Likewise, for human rights abuses, 79% of vessels engaging in at-sea trans-shipment also reportedly engaged in abuses compared to 63% for vessels that did not trans-ship at sea.¹⁰⁴

Drafts for a Fisheries Fund Act, National Fisheries Council Act, and Establishment of an Aquatic Marine Department Act are also under primary review of the related government agencies.¹⁰⁵ These drafts provide an opportunity for Thailand to both preserve existing regulations as well as to elevate these in line with international standards by recognising the importance of improving socioeconomic aspects of Thai fisheries governance at the same time. EJF urges the RTG to ensure any future legislative consultation is conducted with full participation of all concerned stakeholders including civil society, the artisanal fishing sector and worker representative organisations.



Tuna is trans-shipped from a longline fishing vessel to a refrigerated cargo ship. Such transfers can be difficult to observe by law enforcement agencies if conducted at-sea.

8. Institutionalising competent officer training at PIPO/PSCC centres



Institutionalising learnings accrued over the last five years is essential to ensure fisheries compliance is maintained.

One of the most pressing concerns affecting the day-to-day MCS of Thai fisheries is the lack of consistent implementation of fisheries laws and regulations by ‘Port in Port out’ (PIPO) officials. This issue is especially pertinent as PIPO centres have recently had their roles and responsibilities expanded to encompass both domestic and foreign vessel inspections and will soon be rebranded as Port Security Control Centres (PSCCs).¹⁰⁶

EJF believes that any future government should set about implementing a dedicated and coherent training course and curriculum to be completed by prospective and current PIPO, fisheries and labour officials. Training should include elements of theory, workshops, case studies as well as guest lectures by experts from relevant sectors such as civil society. Real-world field training should be incorporated as much as possible and officials should only be able to begin their assignment once they have passed a final exam. Short refresher courses for officials should be conducted periodically. These measures are vital in ensuring that crucial knowledge and skills in identifying potential IUU fishing infractions or human rights abuses are reinforced and retained. EJF stands ready to provide technical support towards these training exercises.

As part of this institutionalisation, it is vital that there is adequate independent oversight that can accurately monitor the effectiveness and performance of PIPO centres over time. The recently reinstated IUU Hunter taskforce should be given such a mandate, ensuring that officials retain vital knowledge about inspection protocols. It is imperative that such inspections are conducted unannounced so as to provide authorities with the clearest indication possible of any underlying issues.

Without the timely and substantive rollout of long-term training programmes for PIPO officials, the RTG and associated agencies risk losing essential knowledge and expertise in identifying and investigating both IUU fishing and human rights abuses in the fishing industry. Such a system would demonstrate the ongoing commitment by the Thai authorities to ensure the continued longevity and effectiveness of Thailand’s MCS mechanisms.



“Even if I have my (Identification) card, I have no rights to vote for them (politicians). Worse yet, all of my documents are kept by him (broker).”

*- A Burmese fisher who was identified as a potential victim of forced labour by the Royal Thai Police's Anti-Trafficking in Persons Division (ATPD) and multidisciplinary team as per Thailand's National Referral Mechanism (NRM).
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