

# THAILAND'S PATH TO SUSTAINABLE FISHERIES

## INTRODUCTION

### **The Abundance of Aquatic Animal Resources of Thailand**

Thailand has a large coastal area covering 2,400 kilometer and adjoining to the Gulf of Thailand and Andaman Sea. Formerly, we could find diversity of aquatic animal inhabiting, breeding and sheltering within the Gulf of Thailand. This is due to natural rock, mangrove and coral reef including big rivers that blow food and nutrition (mineral) for marine animal to the Gulf of Thailand. From the past until now, Thai people takes advantage a lot from sea, marine resources in the Gulf of Thailand, apart from being domestic consuming, has been mostly exported to global market. For the time being, many kind of marine aquatic animal and seawater quality have been deteriorating and put adversely affect to marine ecosystem both direct and indirect ways which definitely will have an impact on global environment.

Thailand has been one of the significant aquaculture sources of the world. Shrimp; the main economic aquatic animal, has push Thailand towards the leader of seafood producer. Upon the geographical and weather conditions contributing to the aquatic animal growth, Thai shrimp has been internally recognized in terms of good flavor and higher quality. However, as in the past, under the Royal Ordinance on Fisheries B.E. 2490, fishing and aquaculture could be operated independently with non – restricted management and without prevention principle.

### **World Kitchen**

Thailand has been one of the world's major exporters of shrimps, fish, and fish products. The sector employs more than 250,000 people and represents up to \$7 billion of exports annually.

Thailand is also the world's largest canned tuna producer, accounting for more than half of the global trade. Thailand canned tuna industry exports around 95% of its total production exported to many countries.

Traceability and production procedure are in accordance with customers' standards and trade parties. As under the Royal Ordinance on Fisheries B.E. 2490, no provision on production, processing and traceability was identified.

### **Specific challenges for Thai fisheries**

The growth of Thailand's fishery sector has presented many challenges that now need to be addressed. The severe degradation of the marine fishery resources and ecosystem because of overcapacity, lower catch rates and large quantities of low-valued fish catches present immediate concerns and top priorities. In addition, IUU fishing and the degradation of critical fish habitats are contributing to a decline in stocks. Swift action has been required in a number of areas. It was clear that effective management and controls in the fisheries sector are crucial for the sustainable future.

## **I Achieving sustainability for our fisheries sector**

**Environment :** Thailand has had for centuries a policy of open access to the sea. Thailand has thousands of kilometers of coastline, and the sea has been a major source of food and economic activity for many local communities

Working toward greater sustainability will be long journey. In 2015 and 2016, Thailand made very important first steps to control its fleets and their activities. Thailand updated its legal framework for fisheries through the Royal Ordinance on Fisheries (2015) and Marine Fisheries Management Plan of Thailand 2015 – 2019. Under the Royal Ordinance on Fisheries, national fisheries has been shifted from open access to limited access according to Maximum Sustainable Yield (MSY), monitoring, control and surveillance (MCS) has been used as a tool to manage fisheries in order to encounter situation and issues may rise.

**Social:** The diversity of marine resources leads to the number of various fishing gears, small and large scale of fishers differ in social and economic conditions. It is found that registered fishing vessels are approximately 39,000 vessels and more than 71% are artisanal fishing boats of less than 10 gross tonnage. Under the Royal Ordinance on Fisheries has aimed to provide protection to artisanal fishers in order to allow them to fish independently and no need to request for permission. This is due to that it is considered as burden for them except for effective fishing gears that need to be under controlled. Moreover, coastal zone demarcation has been specified and imposed commercial fishing vessels of 10 gross tonnage and over to not enter the demarcated zone.

**Economic:** Fishery situation of Thailand has been under “open access” condition, throughout the last 60 years, limited access has been challenge for Thailand to go through by allowing fishers to live their lives upon their career favorably in the transition period.

## **II Ending human trafficking and human rights abuses.**

Thailand’s growing economy at tracts every year many migrant workers from neighboring countries in search of job opportunities, better wages and improved economic conditions for their families. Due to its geographical location, Thailand shares thousands of kilometers of land borders with its neighbors and illegal migrants can enter the country relatively undetected.

Without identity papers, work permits or knowledge of the Thai language, illegal migrant workers are vulnerable to exploitation. Since 2015, Thailand strengthened its legal framework for a better protection of workers and regularization of illegal migrant workers.

The Royal Thai Government recognizes the need to devise effective prevention. All line agencies are prepared to amend existing laws, where and when necessary, and ready to issue new regulations to make prevention more effective. Existing measures that have proven to work well in the past are also systematically implemented to deter trafficking in persons, labour violation, and curtail pull factors. The authorities concerned put in place preventive strategies for specific groups, in this case especially for every labour who work and stay in Thailand. The Government has devoted a lot of effort in the areas of labour management, labour inspection, capacity building and training of frontline officers, awareness raising, enhancing law enforcement and alignment with international standards in order to achieve optimal preventive effects.

### **III Respecting the international level- playing field.**

Until recently, there was no framework in place for the Thai authorities to control the activity of these vessels at sea. On land, greater accountability had already been established to fulfill traceability and food safety requirements of international buyers, including for EU , USA and other markets.

It is important to strengthen oversight over tuna landed in Thai ports by non-Thai vessels. As part of reforms, Thailand acceded in May 2016 to the FAO's Port State Measures Agreement, enhanced the traceability of fish catches and began a strict enforcement of its new rules.

## **I ACHIEVING SUSTAINABILITY FOR THAILAND'S FISHERIES SECTOR**

### **Thailand's Fleet structure and Fishing license**

The most importance of fishing management is the accurate number and structure of fishing fleet. The Marine Department has launched several campaigns of inspection since November 2015, either individually or jointly with the Department of Fisheries, the Royal Thai Navy, and the Department of Provincial Administration, Ministry of Interior, primarily with the objective to verify the vessels' existence and status. On 9 September 2016, the NCPO Order No. 53/2559 "Resolution of Problems Pertaining to Illegal, Unreported, and Unregulated Fishing: 3rd Amendment" was issued as a legal instrument to control unregistered fishing vessels and registered fishing vessels without fishing license by having them identify their location. If the vessels were found in existence, they were subject to be controlled by the Marine Department by means of securing the vessel steering helm with a cable seal to restrict the vessel's mobility. Registered fishing vessels without fishing license are required to suspend their use, or change its type of use to non-fishing purpose. If they failed to do so, the vessel registration would be consequently revoked. On 4 April 2017, the NCPO Order No. 22/2560 "Resolution of Problems Pertaining to Illegal, Unreported, and Unregulated Fishing: 4th Amendment" provided an additional instrument to solve the problem of fleet management and control by initiating a new round of inspection for Thailand's overall fishing vessel fleet, including registered fishing vessels with or without fishing license and those vessels whose registration was revoked on or after the date of entry into force of NCPO Order No. 10/2558. Any vessels which failed to participate in the inspection or failed to report their location to the Marine Department would be subject to control measures, such as securing the steering helm, withdrawing the fishing license, and possibly revoking the vessel registration

In 2017, Thailand has 39,060 fishing vessels comprising 27,924 artisanal fishing boats of less than 10 gross tonnage, 11,145 commercial fishing vessels including 10,584 commercial fishing vessels with commercial fishing license, and only 2,565 of them are of over 60 gross tonnage. Thailand has 75 transshipment vessels, all of them transships fish domestically, moreover, there are 8 refrigerated fishery cargo carriers internationally transferring fish from port to port. Under Royal Ordinance on Fisheries, it is specified that commercial fishing license will be issued "in compliance with fishing capacity and maximum sustainable yield" In 2015 - 2016, the MSY assessment was done for three different groups, namely, demersal fish, pelagic fish, and anchovy. In 2017, to achieve a more effective management of marine resources, the MSY assessment has been done in nine species or groups. Thailand has granted

commercial fishing license for 11,237 commercial fishing vessels of over 10 gross tonnage, the license will be valid for 2 years and some of them have been revoked. In 2018, Thailand has imposed that fishing vessel of less than 10 gross tonnage installing effective fishing gears such as trawler and anchovy falling net must request for commercial fishing license in order to allow fishing management more effective.

## **Monitoring, Controls, and Surveillance (MCS)**

### **Logbook**

Thailand has started using the logbook since 2010. The logbook usage was first on a **voluntary basis** and aimed to report the fishing operation of fishing vessels and its catch to the DOF agencies for traceability. At first, there were five types of logbook for such fishing gears as trawlers-push net, surrounding net, drift net, falling/lift/net, trap, and others.

In 2015 – 2016 , Thai commercial fishing vessel sizing 30 GT and over as well as every vessel using trawler, purse seine, and anchovy falling net have been placed under the regulation to implement logbook on a compulsory basis

In 2017, commercial fishing vessels of over 10 gross tonnage must implement Logbook. The logbook form has been improved to report the geographic position (latitude and longitude), where the fishing activity is conducted. DOF increased the number of types of logbook to 16 types according to licensed fishing gears

### **VMS & ERS/EM – Real-time Inspections**

Under the Royal Ordinance, commercial of 30 gross tonnage and over must install Vessels Monitoring System (VMS) for tracing its position and fishing activities. About 6,000 Thai-flagged fishing vessels of 30 GT in size or larger and their activities are monitored at real times 24 hours a day through VMS. This includes approximately 2,800 vessels of 60 GT in size or larger. The number of vessels monitored by VMS represents 15 percent of the Thai fleet, which contains 39,069 vessels in total, but almost all commercial fishing vessels.

During the first half of 2017, DOF officials conducted a comprehensive operation to seal all VMS devices in order to prevent a possibility of VMS device removal from the vessel. The VMS seal is to be also checked by PIPO inspectors when conducting vessel inspection, every time when the vessels port in and port out. In order to ensure that VMS is switched on at all time, the DOF has improved its Standards of Operation Procedure (SOP) for the FMC team to take immediate actions when VMS signals are lost or irregular. In addition, as a long term measure, the DOF has required the new set of VMS devices or the so-called “VMS Generation II” with a tampering proof technology duly replace the VMS Generation I. This will help the DOF official to efficiently detect VMS tampering.

It is significant to control those refrigerated fishery cargo carriers transshipping fish oversea, this is to ensure that they are in line with international rules and regulation. The new electronic surveillance system has been developed, comprising two main components: Electronic Reporting System (ERS) and Electronic Monitoring System (EM).

The Electronic Reporting System (ERS) is where the DOF staff can effectively control the oversea transshipment activities via satellite communication, request forms and reports, and upon the submission from the vessel, DOF staff can make a response. Electronic documents

include transshipment request, transshipment declaration, fishing logbook, crew transfer request, loading/landing request, and loading/landing declaration.

The Electronic Monitoring System (EM) is a mechanism to audit fishing and transshipment activities at sea in near real-time manner. EM comprises electronic sensors, CCTV system, and broadband satellite communication. The sensors will automatically give the information about fishing and transshipment activities. Once a sensor is triggered, an electronic message as well as the corresponding snapshot extracted from CCTV will promptly be sent to DOF to notify of such activity. In addition, CCTV will continuously record the whole trip and, when the vessel is back to port, such video will be inspected by the DOF staff. The first inspection will be to follow up the instruction for inspection of the DOF staff, where focus is given to the period in the video that the inspection was instructed. The inspection is carried out on board of the vessel and finished within 24 hours after port-in. The extending period of inspection will be carried out after collecting the video from the vessels.

### **Port-In Port-Out (PIPO) – facilitates day-to-day enforcement**

28 Port –In Port Out (PIPO) Control Centers, operational since May 2015 , have been set up in 22 coastal provinces nationwide. Four more PIPO Control Centers and 15 Forward Inspection Points (FIPs) will be established by the end of 2016. In 2017, four additional FIPs have been established for enhance effectiveness of PIPO’s performance.

At PIPO Control Centers, it is important to recall that the Thai authorities have set clear targets for port-in and port-out inspections i.e. documentation and physical checks of vessels and labor are carried out by PIPO officers and inspectors of relevant competent authorities. This means that all Thai-flagged vessels operating in Thai waters and wishing to PO or PI have to be physically inspected by the Thai authorities before they are permitted to leave for fishing (PO) or return to land their catch (PI). Two types of Thai-flagged vessels which must report to PIPO namely (1) Fishing vessels of > 30 GT (2) Fishing vessels of 10 - <30 GT with three types of fishing gears: 1) trawler, 2) purse seine and 3) anchovy falling net. In addition, Thai-flagged carrier vessels also have to report to PIPO i.e. All fish carrier vessels (of any size), Reefers of > 30 GT (other than fish carriers), Other support vessels of > 30 GT (including freshwater transport vessels, Fisheries oil tanker, etc. ).

To increase PIPO Control Centers’ efficiency, an electronic system called “Fishing Info II” has been introduced to facilitate PIPO operations. The Fishing Info II is now upgraded and able to effectively integrate the VMS database, the Marine Department database, E-license of DOF and fishing logbook in the system. The upgraded system will further strengthen the operation of PI and PO permission by automatic screening, verifying, reporting and rejection of non-compliance vessels, in order to avoid human errors. The current Fishing Info II system which supports a central risk-based assessment will process the automated checks of Thai vessel registration, vessel license, fishing license, the vessel’s lock status, and the VMS status.

In order to obtain, and verify the actual weight and species of fish caught by Thai-flagged vessels at fish landing sites, the DOF has developed a landing declaration form to be filled by the owner of fish landing sites where the fish is offloaded and submitted to DOF officials.

### **Landing and post-harvest control**

Under the Royal Ordinance, commercial fishing vessels must dock at the port registered with the Department of Fisheries. There are totally 1,058 registered ports consisting of 1,024 fishing ports that have stood up to port sanitary inspection.

Information on port in and port out of fishing vessels must be reported such as its name, arrival and departure times including catches volume transshipped at port in case fish has been landed at port.

To control catch at landing sites, DOF has applied an electronic system for recording landings at the fishing ports since October 2016. The first pilot project was run in three fishing ports of the Fishery Marketing Organization in Songkhla, Ranong and Phuket provinces in October 2016. DOF is then under expanding the usage to private fishing ports around the country.

In October 2017, DOF organized the training course for all staff of ports through which catch are intended for exports on how to record the catch data into the electronic system.. The inspection result shows that all target fishing ports understand the regulation and are able to record data correctly in the system.

## II ENDING HUMAN TRAFFICKING AND HUMAN RIGHT ABUSES.

### Legislative Framework

#### 1) **Conducting gap analysis study on the existing laws and the provision of the ILO Convention Work in Fishing Convention No.188 (C188) and Protocol of 2014 to the Forced Labour Convention, 1930 (P29) under the Ship to Shore Rights Project and to complete the process of ratification by 2017**

- ILO Work in Fishing Convention 188 (2007)

The Ministry of Labour and relevant government agencies are in the process of amending relevant government rules and regulations in accordance with the Convention. In this process of legal amendments, consultations with employers and employees in the fishing industry will be held. The amendments will be proposed to the Cabinet for endorsement by March 2018, with a view to entering the ratification process in Geneva by June 2018. These laws will ensure fishing workers' rights to social insurance benefits and employers' contribution to Workmen Compensation Funds, as well as safety and health standards in fishing vessels.

- ILO Protocol of 2014 to the Forced Labour Convention, 1930 (P29)

The Ministry of Labour is in the process of drafting the law on the prevention and suppression of forced labour, in order to fulfil the requirements for the ratification of P029. The draft law will clearly define offences relating to forced labour, along with appropriate punishments and the process of assistance, protection and rehabilitation for victims of labour exploitation, who are not qualified as victims of trafficking. The first draft is completed and has been under the process of public hearing from stakeholders. It will subsequently be proposed to the Cabinet for endorsement by March 2018, before being presented to the Council of State for examination. It is expected that the draft law will be proposed to the National Legislative Assembly for endorsement by April 2018, with the objective of submitting the instrument of ratification in Geneva by June 2018.

#### 2) **Continue to revise and amend the Labour Relations Act B.E. 2518 (1975) and the State Enterprise Labour Relations Act B.E. 2543 (2000) to ratify the ILO Right to Organise and Collective Bargaining Convention No. 98 (C98).**

The amendments to two sets of laws, namely the Labour Relations Act B.E. ... and the State Enterprise Labour Relations Act B.E. ... , as a foundation for the ratification of C98, are underway. One of the essential amendments relates to migrant workers' right to serve as a committee member of a labour union. Public consultations will be held with all stakeholders across the country, including the civil society, in order to collect inputs for the improvement of both laws. These two sets of legislation are set to be completed by August 2018, with an aim to proceed with the ratification process by September 2018.

### Close Tripartite Collaboration in 'Ship to Shore Rights Project'

The Ministry of Labour collaborates with the International Labour Organization (ILO) and the European Union (EU) under the Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry: Ship to Shore Rights Project, prominent progress under the project are;

1) Conducted the gap analysis study on the existing laws and the provision of the ILO Convention Work in Fishing Convention No.188 (C188) and Protocol of 2014 to the Forced Labour Convention, 1930 (P29)

2) Capacity building trainings for 178 government officials and labour inspectors to be more capacitated in identifying trafficking cases, labour exploitative cases in fishing and fisheries industries.

3) The Ministry of Labour, in collaboration with the International Labour Organization (ILO) and Stella Maris, established the Stella Maris Seafarer's Centre under the Combating Unacceptable Forms of Work in the Thai Fishing and Seafood Industry: Ship to Shore Rights Project. The Centre works towards improving living conditions and providing assistance for workers in the fisheries and seafood processing industries, including workers who are victims of exploitation. In 2017, the Stella Maris Seafarer's Centre, Songkhla, provided assistance and advice to 1,339 Thai and migrant workers in total. Meanwhile, new centres were opened in 2017 in the three provinces of Pattani, Chonburi and Rayong and, so far have provided assistance and advice to 5,829 Thai and migrant workers (As of December 2017).

## **Prevention**

### **1) Awareness Raising on Labour Rights**

As part of sustainable prevention strategies, the Ministry of Labour attaches importance to raising awareness among Thai and foreign workers on the threat of trafficking in persons by means of information dissemination, particularly on labour rights. To achieve the goal, a wide spectrum of media outlets have been utilized to enable workers to easily access information, ranging from the social media, television, newspapers, magazines, advertisements, leaflets and other published documents. It is estimated that this public relations strategy has effectively raised awareness among the target group of approximately 12,371,025 people in 2017, compared to the previous year that saw an approximate number of 130,400 people able to access such information, an increase by a factor of 95

### **2) Establishment of Post-Arrival and Reintegration Centres**

Established in the 3 provinces of Tak, Nong Khai and Sra Kaeo, the Post-Arrival and Reintegration Centres for Migrant Workers serve as linkage points between workers and employers. These Centres are responsible for handing over work permits to workers; providing training courses; identifying workers; and extending protection to workers returning to their home country. In 2017, there are 287,706 migrant workers attended training courses at the Centres.

To ensure that migrant workers in Post-arrival and Reintegration Centres receive adequate information about their rights in their languages; Build on good practice of training in certain centres. The Department of Employment developed and disseminated communication material in Cambodian, Laos, Myanmarese and English to provide post-arrival information for migrant workers entering Thailand under the MoU at all 3 Post-arrival and Reintegration Centres, and also envisages a new role for the Centres to identify potential cases of human trafficking and labour abuses, by organising short interviews at the end of process.

### **3) Collaboration with Private Sector on 'Good Labour Practices (GLP)'**

The Ministry of Labour in collaboration with the ILO and private sector encourages fisheries, shrimp farms, poultry and other relevant industries to implement GLP guidelines in order to improve working conditions and the environment. The GLP has been implemented by 5,049 establishments in 2017, compared to 499 establishments in 2016, a nine-fold increase.

#### **4) Language Coordinators**

The number of language coordinators hired by the Ministry of Labour rose 76.2 percent, from 42 people in 2016 to 74 people in 2017.

Additionally, a total of 60 language coordinators were hired by the Port In – Port Out Controlling Centre (PIPO) in 2017, doubling the number over the previous year when 30 language coordinators were hired.

#### **Prosecution and Enforcement**

##### **1) Increasing number of Labour Inspector**

In 2017, the number of labour inspectors has increased from 1,245 officers in 2016 to 1,506 officers in 2017, representing a rise of 21 percent. Moreover, the Cabinet has approved the recruitment of 186 new labour inspectors for the current fiscal year, which will increase the number of labour inspectors to as many as 1,692 officers in 2018.

##### **2) Capacity Building for Labour Inspector**

Despite the training under Ship to Shore Rights Project, the Department of Labour Protection and Welfare also organized five training courses in which 335 officers participated. These courses sensitized participants to the various elements and manifestations of forced labour and taught them how to promote industry labour guidelines with a supportive good labour practices training program. They additionally provided a valuable contribution to the efforts of finding sustainable solutions to the problems associated with illegal fishing.

##### **3) Labour Inspections**

Thailand has applied the principals of labour inspection guideline described in the ILO Labour Inspection No. 81 in conducting labour inspection. The result of labour inspection during 1 January – 31 December 2017 are as follows;

- General Labour Inspection: Most violations are related to unpaid wages, absent of record of holidays, absent of workers list, absent of work conditions list, absent of unpaid wage record etc.

- Labour Inspections in High-Risk Areas (establishments that produce sugarcane, garments, shrimp, fish, pig farms, etc. and the supply chain); Most violations found are related to unpaid wage, absent of record of rest hour and holiday, absent of workers' name-list, absent of unpaid wage record, absent of work conditions, not setting up the welfare committee etc.,

- Labour Inspection on Fishing Vessels. Most violations found are related to absent of employment contract, absent of wage and unpaid wage record, absent of rest time record.

- Compensation for workers in fishing vessels and seafood processing industries. (Data as of 1 November 2017)

## **Protection**

### **1) Establishment of Migrant Worker Assistance Centres**

The Ministry of Labour partners with various NGOs in establishing Migrant Worker Assistance Centres. These partner NGOs consist of International Organization for Migration (IOM); Human Resources Development Fund (HRDF); Labour Rights Promotion Network Foundation (LPN); Raks Thai Foundation; Migrant Workers Rights Network (MWRN); Aid Alliance Committee for Myanmar Workers (AAC); Solidarity Committee for the Protection Myanmar Migrant Workers (SCPM); MAP Foundation for the Health and Knowledge of Ethnic Labour (MAP); Migrant Workers Federation (MWF); World Vision Foundation of Thailand; Marist Asia Foundation; and Stella Maris. Migrant Worker Assistance Centres are located in 10 provinces: Samut Sakorn, Surat Thani, Songkhla, Samut Prakarn, Chonburi, Ranong, Chiang Mai, Nakhon Ratchasima, Khon Kaen and Tak. Each centre has an interpreter and provides an assortment of assistance to migrant workers, ranging from education on benefits, workers' rights and employment regulations. In 2017, a total of 57,498 migrant workers were provided with assistance from these Centres, a 3-fold increase from the previous year when 14,446 migrant workers were assisted.

### **2) Stella Maris Seafarer Centres**

Ministry of Labour collaborated with the ILO and Stella Maris under the Ship to Shore Rights Project, to established 3 additional Seafarers Centres in (1) Fish Marketing Organization, Pattani Province (2) Samae San Island, Chonburi Province and (3) Pak Nam District, Rayong Province. The Centres are aiming to improve quality of life for those who are working in the fishing and fisheries industries and increase their access to services and necessary assistances (detail as in Topic 6.2)

## **Labour Migration**

### **Continue to step up implementation of Nationality Verification System and Legalization**

The Department of Employment of the Ministry of Labour has facilitated officials from Thailand's neighbouring countries in conducting nationality verification. In 2017, governments from sending countries - Myanmar, Cambodia and Lao PDR - established 14 One Stop Service Centres in Thailand to verify the nationality of their citizens. These centres were able to verify 1,153,537 migrants, accounting for 57.7 percent of the total number of 1,999,240 migrant workers who have been permitted to work in Thailand temporarily.

Legalizing migrant workers and allowing them to work with temporary permits while going through the process of nationality verification are on-going measures that have been developed and continuously improved upon since 2014. They constitute a "systemic reform in labour management" which helps prevent migrant workers from becoming victims of labour exploitation. Additionally, establishing One Stop Service Centres in all of Thailand's 76 provinces, which is still on-going, also enables the development of a database on migrant workers. Data collection is, in turn, beneficial for the provision of protection of migrant workers. Currently, a total of 1,999,240 migrant workers from Myanmar, Cambodia and Lao PDR are allowed to work temporarily until 30 June 2018, while undergoing the nationality verification. A work permit and a visa are granted to migrant workers whose travel documents are issued by their countries of origin; so far, 1,153,537 migrant workers have been permitted to work legally in Thailand until 31 March 2020.

### III RESPECTING THE INTERNATIONAL LEVEL- PLAYING FIELD.

#### Traceability – Ridding Thailand off IUU Products

Thailand's traceability system has been developed and taken shape in 2016 following the enactment of the Royal Ordinance on Fisheries 2015 and its amendment in 2017. The system that is in operation in Thailand at the moment has been designed to cover catch arriving via various channels, that is, for fish from Thai-flagged vessels, foreign-flagged vessels, and other means of importation. A national traceability system has been developed and a catch certification scheme has been applied. Both of these elements enable Thailand to trace catch from both Thai-flagged vessels as well as imported raw materials and to ensure product traceability at each and every stage of production, from catch to processing and marketing, and particularly when exporting to the EU. As one of the world's largest seafood processing hubs and exporters, Thailand's ultimate aim is to make sure that the world market is not tainted by fish or fishery products arising from IUU fishing.

Covering the majority of fish entering the supplying chain, two control channels have been established to ensure that marine catch from both Thai-flagged vessels (fishing in the high seas, the EEZ of third countries, or in the Thai EEZ), and imported fish and fishery products (from carriers and foreign fishing vessels) are fully traced, monitored, and controlled. Once passing the control and inspection and entering into our national traceability system, the DOF as the competent authority has established a clear chain of custody involving all steps in the supply chain as a tool to trace the origin and legality of fish and raw materials entering and processing in the country, before being certified by the DOF under the CC Scheme and PS Scheme, and then exporting to the EU. Improvements to the tracing system have been gradually realized in term of data collection methods and documentary links among relevant authorities, cross-checking and verification procedures by Thai authorities, also by coordinating with other flag states, and auditing of traceability system.

Specifically, Thailand has also developed two new electronic databases for our national traceability system - "Thai-flagged catch certification system" for fish from Thai-flagged vessels and "PSM linked and Processing Statement System" (PPS) for imported fish and fishery products. For both of these databases, the prototypes have been developed and tested. The Thai-flagged system in particular is fully developed, and has been adopted by foreign vessel ports and piers since September 2017. As part of the PPS system, the PSM system has been fully operational since May 2017, while the Processing Statement Endorsement System (PSE) is expected to be in February 2018. This will mark an important new chapter in our traceability efforts.

#### E-Traceability system for fish from Thai-flagged vessels

DOF has developed and adopted the new E-traceability system for Thai-flagged vessels called **Thai-flagged Catch Certification system. Composed of five essential parts, namely, fishing logbook, MCTD, actual weight at landing site, MCPD, and catch certificate**, the system aims to be a full traceability system for fishery products along the entire supply chain from catch and processing to the export of finished products. In particular, it will increase the level of accountability with regards to the actual weight of catch at landing sites and the weight used at processing establishments through a full functionality of landing

declaration. The system will also automatically alert the inspectors to abnormal activity inside the traceability system.

The system has been used by port operators and processors along the supply chain, and the feedback is largely positive. The system has enabled the issuance of landing declarations and MCPDs at a greater speed, efficiency, and accuracy.

Thai authorities have improved the CC issuance process and procedures and are currently able to ensure that the CCs issued by the DOF are verified, reliable and accurate.

### **E-Traceability system for fish from Foreign-flagged vessels**

PSM linked and Processing Statement System (PPS) is a new electronic traceability system that will allow the competent authority and all involved national authorities to trace and control imports from third countries more efficiently. This will cover two main parts: the PSM part which covers the process from vessel inspection before porting in through import control, off-loading of fish, transportation, and the PSE part which covers 126 processing establishments until issuing of PS document and then exporting. The PPS system helps the Thai authorities verify and cross-check the origin and legality of imported fish more efficiently.

Since March 2017, the PPS system has been fully developed and tested among relevant stakeholders. The PSM part of this electronic system has been fully functional since May 2017, and the PSE part in February 2018 after the system undergoes a reconfiguration to make it concur with the current fishery business model.

### **Port State Measures (PSM)**

Thailand, as a port state, started to put **Port State Measures (PSM)** into practice, following FAO's and IOTC's guidelines, with which foreign-flagged fishing and carrier vessels aiming to use Thai ports for landing/transshipment of fish must comply. Thailand's accession to the PSMA has empowered the Thai authorities to control Thai fishing ports and take adequate enforcement actions against foreign-flagged vessels being involved in IUU fishing or suspicious of IUU activities. This will consequently enable Thailand to prevent illegally caught fish from entering the domestic supply chain and international markets through Thai ports. Thailand has strengthened its implementation of PSM control measures, through the import control and inspection of foreign-flagged fishing and carrier vessels by the Thai authorities. Since May 2017, 100% of AREP document checks, 100% of physical vessel inspection (while only 40% required in the standard operating procedures), and 100% of off-load inspection have been carried out by the Thai authorities.

### **Control measures at the processing establishments**

DOF inspectors regularly conduct assessment audits of the traceability system for imported raw materials stocked and used at processing establishments. These audits aim to prevent any unauthorized fish and fishery products from entering the supply chain in Thailand during the processing stage. The audits find that from the IMD documents, products can be traced back to the sources of raw materials and confirmed that they are not from IUU fishing.

### **Strict Law Enforcement and Deterrent Sanctions**

As Thailand tightens its legal and control measures, the effective enforcement of such measures plays an important role in deterring unscrupulous actions in the fishery sector and other related industries. The wrongdoings of interest include, but are not limited to, violations related to fishery activities, requirements of vessels, failures to comply with vessel control measures, and labor practice. Law enforcement actions against wrongdoings committed by those in the fishery industry, including vessels and processing establishments are progressing with a full intent to see the conclusions of cases as soon as the legal proceedings may allow.

Measures to reduce fishing capacity, manage fisheries, and protect the rights of Thai and migrant workers are being carried out strictly. The government is working closely with all stakeholders and law enforcement officials to keep them informed about the new changes and ensure the cooperation of all actors.

When a wrongdoing is committed and a case is initiated, an inquiry police official investigates and collects evidence before sending the case file to the public prosecutors, who may proceed with prosecution or issue a non-prosecution order. While the legal and the judicial processes are ongoing, administrative sanctions are imposed by the Administrative Sanction Committee in order to immediately stop the wrongdoings and the resulting damages.

To take cases regarding human trafficking as an example, from 1 May 2015 to 15 November 2017, there have been in total 85 human trafficking cases in the fishery sector. As of 15 November 2017, out of 85 cases, 63 have been ruled by the Court of First Instance. Seven cases are undergoing the pre-court procedures, and in eleven cases, the prosecution order and the corresponding arrest warrant have been issued. Only one remains under a re-consideration of the Police Commissioner General. Only one of them remains with the inquiry officer, and only two of them are under the consideration of the public prosecutors.

Recently in 2017, more functions have been added to the Office of Attorney General's human trafficking case archive, such that the human trafficking case can be reported in greater details, and its related statistics processed in more dimensions. Officers can now recall the information of human trafficking cases from the internet or the mobile application. The system is also connected to maps, so that officers can immediately investigate the areas of suspected crimes.

The electronic archive of criminal cases has also been developed to track the progress made to cases by each prosecutor and to assist the prosecutors in the preparation of evidence and witnesses in cases with a large number of documents and human witnesses. It has also now been connected to the electronic case archives of the Royal Thai Police, or the so-called the "Crimes" system. The connected system is updated every two days, making the verification of case statistics more convenient.

Since it was founded, **the Administrative Sanction Committee** has continued to ramp up its work. In late 2017, the Administrative Sanction Committee has reviewed old cases to make sure that the deterrence imposed is sufficiently stringent as well as taken up more than a hundred new cases.

Also, to make sure that the deterrence is imposed and the wrongdoings are stopped as soon as possible, the Administrative Sanction Committee has established a standard operating procedure, where cases can be originated from any control agencies, including the FMC, or

previously the VMS Center, and PIPO centers. While arresting officers make a criminal case, they also have to submit a case report to the Department of Fisheries in 48 hours from the time the wrongdoing is found, and stand ready to present the case to the Committee at all times. The Legal Affairs Division of the Department of Fisheries has three days to process the evidence and witnesses before they have to notify the alleged wrongdoer of the possibility of making counter-arguments. The alleged wrongdoer then has seven days to make counter-arguments via a letter or a video conference. Scheduled to meet twice a week to consider the cases, the Administrative Sanction Committee has three days from the day the Committee's secretariat presents the case to make consideration and issue administrative orders.

### **Cooperation with third countries and RFMOs**

For the global waters and the marine resources are connected and shared worldwide and with the goal of eliminating the IUU fishing activities and the IUU fishery products from Thailand, it is necessary that cooperation must continuously be forged with other countries. Ever since Thailand made fishery reform as well as the fight against the IUU fishing problem a national agenda, the Department of Fisheries, a competent authority in fishery matters in Thailand, has worked closely in cooperation with the EU on finding solutions, frameworks, and instruments to address the IUU fishing problem and to fulfill Thailand's responsibilities as a flag State, a coastal State, and a port State.

Key features of the expanding cooperation include:

- the cooperation with flag States whose vessels export their catch to Thailand, including the vessels of neighboring countries operating at the very border of Thailand and the respective country, in order to prevent these vessels from encroaching into Thailand's territory;
- the cooperation with the coastal States whose marine resources are exported to Thailand and whose marine resources are sufficiently abundant for Thai vessels to engage in legal fishing activities;
- the cooperation with the port States where Thai fishing and carrier vessels land their catch, and the port States where the catch is landed or transshipped before it is exported to Thailand.

Thailand has established cooperation through the signing of the Memorandum of Understanding (MOU) with South Korea, Fiji, the Philippines, Japan, Myanmar, and Laos. Draft MOU or Implement Agreements (IA) are being countered for further consideration with Cambodia and Papua New Guinea, Taiwan, Spain, Vietnam, and the Pacific Islands, including Kiribas, Marshall Island, Solomon Island, and Micronesia. Moreover, MOUs with Malaysia, China, Maldives, Indonesia, and France on ways to jointly combat IUU fishing are being planned for the near future.

For cooperation with RFMOs, Thailand has cooperated with IOTC and SIOFA on the capacity building on e-PSM and their Conservation and Management Measures (CMM) respectively. Thailand support these RFMOs on hosting their annual parties meeting and related meetings in 2018. After the accession into the SIOFA agreement was completed in June 2017, Thailand developed the control measures for overseas fishing as well as preparing the overseas fleet who may soon enter the SIOFA area for fishing operation by the first quarter of 2018.

## **CONCLUSION**

Thailand has undergone, and continues to implement, a comprehensive reform program to stamp out Illegal, Unreported and Unregulated (IUU) fishing and to ensure the protection of workers in the fishing and seafood processing sectors. We believe that partnerships with all relevant stakeholders, including neighboring countries, the International Labor Organization, the European Union, other international organizations and civil society groups have been key to our success so far and will remain crucial in the way forward.

While the success is nearer than ever before, Thailand remains committed to the enforcement and reform efforts as well as the full utilization of the systems we have set up. This is to ensure Thailand's seafood supply chains meet the highest standards, to send a clear message that IUU fishing, human trafficking and illegal labor practices are not acceptable and will not be tolerated, and ultimately to attain sustainability for the marine resources for generations to come.