Thailand's Progress in Combatting IUU, Forced Labour & Human Trafficking

EJF Observations and Recommendations

| Summer 2017 Update |

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Fishing vessel moored alongside Patrol Vessel 994 off the coast of Sattahip. © EJF

Abbreviations:

CCCIF	Command Centre for Combating Illegal Fishing
DoF	Department of Fisheries
FIP	Forward Inspection Point
FMC	Fisheries Monitoring Centre
GT	Gross Tonnage
DLPW	Department of Labour Protection & Welfare
IUU	Illegal, Unreported, and Unregulated (fishing)
MCS	Monitoring, Control, Surveillance
MTU	Mobile Transceiver Unit
NGO	Non Government Organisation
PIPO	Port In Port Out
RTG	Royal Thai Government
RTN	Royal Thai Navy
Thai-MECC	Thai Maritime Enforcement Coordinating Centre
VMS	Vessel Monitoring System

It is important to note that these recommendations are not exhaustive and are based on a limited number of observations.

Executive summary

Through 2016 and 2017 EJF has carried out in-depth observations of the Royal Thai Government's (RTG) initiatives aimed at tackling IUU fishing human trafficking in the Thai fishing industry. EJF has observed all stages of the monitoring, control, and surveillance (MCS) systems in place with recurring visits to 28 'Port In Port Out' (PIPO) centres, all three Thai Maritime Enforcement Coordinating Centre (Thai-MECC) Area Commands, as well as witnessing five at-sea patrols by the Royal Thai Navy (RTN) and Department of Coastal and Marine Resources (DCMR). It should be noted that EJF observed these MCS systems while on pre-arranged visits with the Royal Thai Navy (RTN).

As a result of these observations, detailed reports with recommendations on how to improve procedures were written and sent to the RTN as well as to the office of Deputy Prime Minister, General Prawit Wongsuwan. There has been some progress towards solving the issues raised, but there remain very serious unresolved issues.

This updated report outlines these urgent, ongoing issues identified by EJF staff through 2016 and 2017 and presents recommendations that are designed to address the gaps that continue to hinder Thailand's effort to combat IUU fishing and human trafficking, notably:

- **Severe staff shortages:** These were observed at 10 out of the 28 PIPO centres visited including **Chonburi, Phetchaburi, Surat Thani**, and **Nakhon Si Thammarat**. This is resulting in low vessel inspection rates and rushed inspections.

- **Over-stretched PIPO centres:** Many centres have multiple, dispersed piers that come under their jurisdiction. For example, **Surat Thani** (Area 2) has a pier that is over 75km away from the centre while **Krabi** (Area 3) has two piers that are each over 90km away from the centre. This means that inspecting teams may miss port visits or spend many hours of the day travelling, wasting time and also fuel.

- **Inconsistent provision of translation and a victim-centered approach during interviews:**[1] It should be noted that all Area 3 PIPO centres and the latest PIPO centres visited by EJF staff have receiving certified translators from the Department of Labour Protection and Welfare (DLPW). Interviews are carried out using inconsistent methods (especially with regard to separation from the rest of the crew), and in the use of questionnaires or questioning methods.

- **Inconsistent inspection procedures:** PIPO inspections do not follow a universal set of guidelines. Staff may carry out different tasks or miss crucial details meaning that the good work of one PIPO centre may be undermined by inconsistent inspections later on.

- **A lack of a risk-based approach for inspections:** Many overloaded PIPO centres have taken it upon themselves to adopt their own risk-based system for inspections in order to prioritise the highest risk vessels. This policy these should be universally applied and also interoperable with the current VMS risk grading system.

- **Tampering with tracking systems:** MTUs have in the past been easily removed and swapped with other vessels to allow IUU operators to continue fishing unnoticed. Tamper-proofing seals have now been fitted but it is imperative that these are checked regularly to prevent the practice from resurfacing.

- **Poor communication and cooperation amongst agencies:** At present, multiple agencies are passing information to each other in the form of one daily email or Excel spreadsheet. This leads to ineffective enforcement as patrol ships might be relying on coordinates and information that are more than 24 hours old. The Department of Fisheries (DoF) and Thai-MECC must have direct lines of communication so that VOI (vessel of interest) information can be passed onto the relevant enforcement agencies as quickly as possible. Thai-MECC patrol vessels should have direct access to VMS to allow targeted inspections at sea using real-time information.

- **Over-reliance on paper documentation and multiple databases:** PIPO centres and the DoF should make better use of technology to digitize their data into one universal database. The current 'FishingInfo2' database continues to rely on paper-based or scanned documentation for some of its information. This urgently requires improvement to allow real-time access and online updates to data such as inspection reports, landing and catch certificates, crew manifests, and VMS tracks.

- **False incentives:** Officials are associating the identification of potential victims of abuse or trafficking as a failure of the system. Inspection teams should be assured that, on the contrary, identifications and proper investigations of such cases are examples of the PIPO inspection procedure performing successfully.

1 A victim-centred approach is one that acknowledges that victims of trafficking or abuse are extremely vulnerable and likely to be fearful of speaking out for fear of retaliation. Inspecting officers should attempt to make victims feel as safe, secure, and comfortable as feasibly possible. For more information, please consult the EJF guidelines on conducting interviews with migrant workers.

Issues and recommendations

The capacity gaps identified by EJF over the past year and a half require urgent attention by the Thai authorities. The CCCIF should work quickly to implement them. To achieve this, there will need to be a significant increase in the pace of reform. EJF has produced a sample timeframe that the CCCIF should adopt in order to solve these issues.

Many of the recommendations suggested by EJF are virtually cost free and could be implemented quickly, especially the alterations to PIPO procedures and the adoption of risk-based vessel inspections.

Area	Recommendation	Timeframe for implementation
PIPO	Design and start using a checklist to improve procedures during vessel inspections	Design phase should start now to begin using within 2 months
PIPO	Adopt a risk-based system for vessel inspections so that high-risk vessels are prioritised	1-2 months
PIPO/DLPW	Adopt a victim-centred approach during inspections	1-2 months to account for further training
PIPO/DLPW	Hold interviews in confidential areas away from vessel captain, owner or other persons that may be concerning for crew	Immediately
PIPO	Redistribution of PIPO and DoF staff according to vessel traffic	Should start immediately with a deadline to complete of 6 months
PIPO	Finalise plans and begin construction of new PIPO centres and FIPs	Consultations should start immediately, existing plans expedited, and construction finished in 9 months
PIPO	Electronic crew manifests uploaded to FishingInfo2	3 months
DLPW	Update and combine labour inspection questionnaires so that questions are better suited to uncover labour abuses	1 month
At-sea Inspections	Provide VMS access to patrol vessels	3 months
At-sea Inspections	Hold interviews in confidential areas away from vessel captain, owner or other persons that may be concerning for crew	Immediately
At-sea Inspections	Adopt a victim-centred approach during inspections	1-2 months
VMS	Improve level of communication between VMS, Thai-MECC, and PIPO	3 months
VMS	Brief vessel operators when installing VMS so they know how to operate the unit (MTU)	1 month
VMS	Begin installation of VMS on vessels over 10GT	1 year

EJF has produced a separate training guide titled 'Conducting Interviews with Migrant Workers' which is available on request (in both English and Thai). This guide is adapted from Verite's Responsible Sourcing Tool and draw on the PIPO inspections that EJF has observed over the last year.

The issues and recommendations identified by EJF since 2016 are grouped into the areas of 1. PIPO centres, 2. Labour inspections, 3. Seabook registration, 4. Catch checking, 5. At-sea inspections, 6. VMS, and 7. VMS software. These recommendations are based on Thailand's domestic fishing operations in Areas 1, 2, and 3 and a separate set of recommendations is needed to target the Thai distant water fleet and Thailand's inspections of fish arriving in Thailand caught by foreign-flagged vessels. EJF staff are available to provide further detail as required by the RTG. It is important to note that these recommendations are not exhaustive.

1. PIPO centres

1.1. Overstretched and understaffed

- In 2017 EJF has visited 12 PIPO centres including all those on the Andaman Sea coast, from Ranong in the north to Satun in the south and four PIPO centres on the east coast of the Gulf of Thailand. This brings the total number of PIPO centres that EJF has visited to 28 out of a total 32 centres. A full list of the PIPO centres visited by EJF is available in the appendix.

PIPO inspection at Phuket port. © EJF

Every PIPO centre in Thailand has - as a default - 18 staff regardless of the number of registered vessels or vessel requests per day. Several PIPO centres across the country have reported being understaffed meaning that inspections were either missed or rushed. PIPO centres are now able to apply to the DoF to increase this number but due to staff shortages, recruitment has been slow.

Recommendation: Current PIPO staff should be redistributed among PIPO centres according to the number of vessel requests per day rather than all centres having the same staff resources regardless of volume. This should happen as soon as possible. One example would be to redistribute staff from the underused PIPO centre in **Cha Choeng Sao** - where there are only one or two vessel PIPOs *a month* - to neighbouring **Chonburi** - where there can be upwards of 80 vessels *per day* - to alleviate some of the pressure on staff there.

Recommendation: New staff should be recruited to fill capacity gaps at the busiest PIPO centres. This recruitment would cover both supervising Navy officers as well as representatives from relevant government agencies including the DoF, and DLPW.

- As well as being understaffed, in some cases PIPO centres have reported being over-stretched. For example, out of the 28 PIPO centres visited, 10 had an inspection point over 50km away from the centre. This is resulting in inspecting teams missing port visits or spending many hours of the day just by travelling to and from the ports.

Recommendation: New PIPO centres should be considered for provinces where there are many ports over a wide geographical spread. This will relieve the pressure on PIPO centres such as **Chonburi** and **Surat Thani** and improve the inspection rate for fishing vessels in that province. Alternatively, the government could consider consolidating industrial landing sites to fewer registered ports as part of a vessel decommissioning scheme.

- As part of efforts to reduce the strain for the busiest provinces, the CCCIF has introduced four new PIPO centres (two on the Andaman Sea coast) and 19 new FIPs.

The upgrading of **Kuraburi** (former FIP for **Phang Nga**) and **Pak Bara** (former FIP for Satun) in October last year to fully functioning PIPO centres has significantly improved vessel inspection rates in both provinces. For example, in **Pak Bara** inspection rates were as low as 32% in December 2016 but have now improved to approximately 70%. In **Phang Nga** this was even more pronounced with the inspection rate as low as 12% in October 2016, rising to 98% in January.

Recommendation: With the proven success of new PIPO centres, the Department of Fisheries (DoF) should speed up the process of implementing new FIPs and PIPO centres for the provinces that still need support. **Pak Bara** requested a FIP at a pier 36km away in early 2016 but is yet to hear back from the DoF on when this will be authorised.

- **Chonburi** has two FIPs – one at Mae San (26km away from the PIPO centre) and one at Si Racha (50km). However, no new staff were provided to these new FIPs, meaning that PIPO staff from the main office still had to travel long distances in order to inspect vessels.

Recommendation: FIPs should have their own dedicated staff, separate from the 18 staff at the main PIPO centre in order to alleviate the existing pressure.

Recommendation: Thai-MECC Command should coordinate with the DoF to continue evaluating the performance of PIPO centres to make sure that remaining centres with the greatest vessel traffic or piers receive new facilities urgently. EJF can provide recommendations as to which PIPO centres should be prioritised.

- PIPO centres that are overloaded or understaffed have often taken it upon themselves to develop a risk-based inspection system that prioritises high risk vessels. **Phetchaburi** and **Chonburi** are two examples of overloaded PIPO centres that have such systems in place.

Recommendation: A universal risk-based inspection system should be employed by all PIPO inspection teams across Thailand to ensure that all high-risk vessels are inspected. Inspecting officers should then aim to inspect medium risk vessels every other trip and low-risk vessels every two to three months. Vessels should be classified by their history concerning IUU fishing or labour abuses and should tie in with the current risk categorisation system as used by the FMC in Bangkok.

Recommendation: Such a universal system must also be interoperable with the current VMS risk grading system so that accurate and up-to-date information can be transferred seamlessly between the FMC and PIPO centres.

1.2. Procedures and checklists

- PIPO inspections are not based on a universal set of procedures with inspecting officers carrying out different levels of checks in different centres. At one PIPO inspection in 2016 EJF observed and documented the vessel owner himself reading out the names of the crew, and handing the ID cards to the worker as he passed, **without the DLPW representative verifying the information.**

Recommendation: All PIPO centres should adopt a universal inspection procedure which covers all aspects for 'port ins' and 'outs'. It is imperative that the inspecting officers check every ID card during a vessel inspection and that the vessel owner or vessel captain is not involved in the labour inspection.

Recommendation: EJF has observed at some inspections, the use of a net mesh gauge to ensure fishing gears were in line with the regulations. Such a procedure should be used universally, and especially for high-risk vessels.

Pranburi vessel inspection: A DoF official uses a net mesh gauge to make sure the net holes are at least 25mm wide. © EJF

- Six of the eight PIPO centres along the Andaman Sea coast use some form of checklist during inspections. This is a marked difference to centres on the Gulf of Thailand (GOT) coasts. Most Area 3 PIPO centres use the same checklist provided to them by Thai-MECC Area 3 Command (**Pak Bara** and **Satun** used a form from the DoF).

Recommendation: A checklist allows for consistent inspection procedures at PIPO centres and data comparisons between PIPO centres. A universal checklist system for use by all PIPOs could be digitised so that PIPO data can be uploaded to 'FishingInfo2' immediately after inspection.

Only two centres said that they did not use a checklist: **Ranong** and **Kantang**. In both **Kantang** and **Ranong** they explained this by the fact that they have one dedicated inspection point where vessels report to and so have laid out desks for each department from the multidisciplinary team. This structured, organised approach meant that each staff member was aware of their responsibilities during inspections.

PIPO Inspection point in Ranong with desks for each department of the multi-disciplinary team. © EJF

- At several inspections that EJF has observed no member of the inspection team boarding the vessels. This could allow potential infractions such as the use of illegal gears, tampering with the VMS, or hiding of stowaways and unregistered migrant workers onboard to continue unnoticed.

Recommendation: Boarding the vessel during a 'port in' or 'port out' inspection should be a universally adopted procedure and even for 'low risk' vessels should be seen as an important part of the inspection process. This is not only essential for checking for labour violations but also to check the Mobile Transceiver Unit (MTU) on-board the vessel has not been tampered with, and gears are in accordance with regulations.

- At the four PIPO centres visited in July 2017, EJF observed that all workers wore lifejackets. This was done for several purposes: 1) to clearly show that all crew had access to one, 2) that the crew knew where they were, and 3) that the crew knew how to put them on.

Recommendation: This practice should be adopted all PIPO centres as it is a quick and effective method of ensuring that all crew on-board have access to life jackets. Each life jacket should be clearly marked with the name of the vessel, vessel UVI, and port of registration.

Crew wear lifejackets during a PIPO inspection in Chantaburi. © EJF

2. Labour inspections

- Although all eight PIPO centres on the Andaman Sea used some form of checklist or structured approach towards inspections, labour checks continue to be sporadic and varied in their effectiveness. This is emphasised by the fact that no cases of serious abuse had been reported or identified by inspections at any of the 28 PIPO centres EJF has visited since their initial creation in mid 2015.

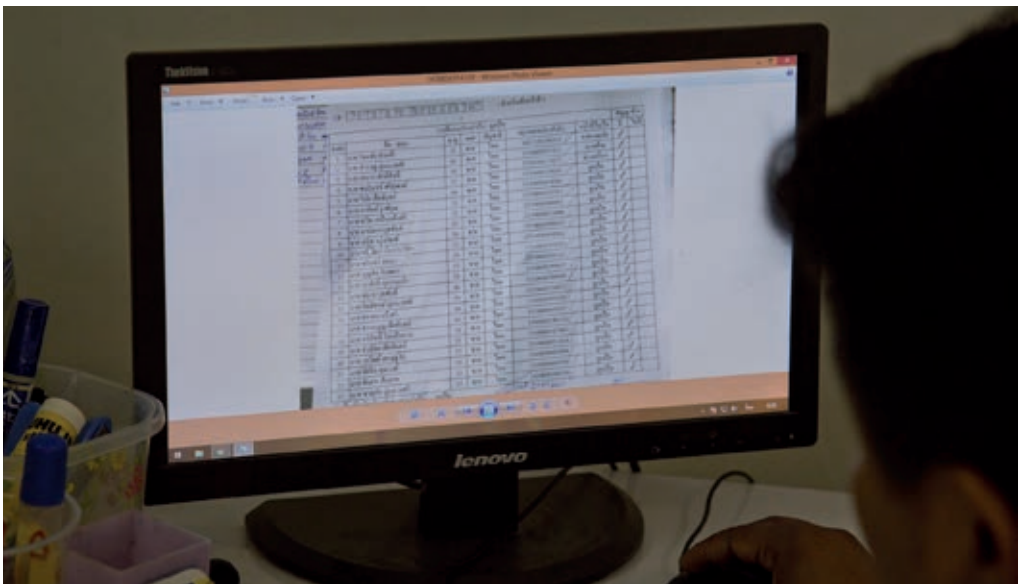
- Identification checks have been carried out at all PIPO inspections, however the speed and rigor of these checks can vary hugely. At overloaded PIPO centres where staff are attempting to inspect upwards of 50 vessels a day, these checks can amount to a quick glance at workers' ID cards but with no close inspection to verify the ID information against the crew manifest.

Recommendation: It is important that all PIPO centres follow the same strict protocols when carrying out labour checks. Only the DLPW representative as part of the multidisciplinary team should be the one to carry out the procedure.

Recommendation: DLPW representatives should read out the names from the crew list, verify the unique identity number and photo (along with distinguishing features) on the worker's identification card or passport against that on the physical document. This process will soon be digitised with the introduction of biometric finger print readers.

- EJF has observed how PIPO officials must manually cross-reference the crew lists from a vessel 'port out' form with the subsequent list for the 'port in'. This process is **highly** inefficient and is **extremely likely** to result in human error, missed names, and potential cases of labour exploitation being missed.

Recommendation: Crew manifests should be digitized and inputted into 'FishingInfo2' as soon as possible to make sure that relevant agencies are provided with up-to-date information on crew changes. Some crew lists observed by EJF still listed crew that had moved onto other vessels or companies several months ago. Digitization will also allow automated alerts if there are additional or missing crew on the 'port in' form.



PIPO official manually checks the photographed 'port out' form against a paper version of the 'port in' form (off camera). This is likely to result in mistakes, especially for vessels with large crews. © EJF

- During many of the vessel inspections observed by EJF, the foreign crew were asked to kneel on the ground while the Thai crew remained standing at the back. This could make the inspection process intimidating and make it less likely that they will feel comfortable speaking out if they have been abused. At some inspections the crew were separated by nationality with the Burmese, and Cambodian crews sat in separate lines.

Recommendation: Thai authorities must use a victim-centred approach to ensure that crew security and welfare is guaranteed and prioritised at all stages of the inspection process.

Migrant crew should not be forced to kneel during inspections as this can add to perceptions of intimidation and where possible should be provided with chairs to sit on.

PIPO inspection in Pra Sae where the crew are provided with chairs so that they feel more comfortable during the inspection. © EJF

It should be noted that even if crew members are in possession of official identification documentation they **may** still be a victim of abuse or trafficking. In-depth interviews using certified translators should **always** be used alongside labour checks to identify cases of abuse or trafficking.

2.1. Translation provision

- Six of the eight PIPO centres along the Andaman Sea coast visited in January 2017 said that they now had regular, and independent translation services either from the DLPW or a third party such as a local NGO. All four PIPO centres visited in July 2017 had at least one DLPW Khmer translator but only **Chonburi** had both a Burmese and a Khmer translator. While it is encouraging to see the proliferation of translation services, further recruitment is needed.

Recommendation: Translator recruitment should be accelerated to ensure that all PIPO centres have at least one translator for the two dominant migrant worker populations – Burmese and Khmer. While PIPO centres are waiting for DLPW translators – wherever possible – local NGOs (eg: IOM), and charities should be used to ensure as many PIPO inspections have some form of independent translation available.

Chantaburi PIPO Inspection: Khmer translation (chequered shirt) was available for interviews with DLPW representatives (far right). All interviews must be conducted away from other crew and in particular the captain, ensuring privacy and encouraging interviewees to feel safe to speak. © EJF

2.2. Interviews

Throughout 2016 all crew interviews observed by EJF were sporadic, short, and carried out in close proximity to the vessel captain and foreman. Questions would be asked to the entire crew rather than to one individual or a sample of three to five crew. It should be noted that based on observations in 2017, interview standards have improved. At three of the PIPO centres visited in January 2017 and at all PIPO centres visited in July 2017 EJF observed in-depth, individual or group interviews with crew members using translators.

- Interview procedures have improved greatly since February 2016. However, there are several key considerations that DLPW officials must acknowledge and apply consistently in the future.

Recommendation: Asking questions to an entire assembled crew about their experiences onboard is already very unlikely to uncover cases of abuse. Furthermore, the chances of crewmembers speaking out about abuse or labour exploitation if the potential perpetrator is present are even more remote. Crew should be separated from the senior crew prior to being privately asked questions.

Recommendation: A single interviewee may be anxious about speaking out about potential infractions as s/he can easily be singled out by the captain and may face retribution. A sample of three to four crew members should be taken so that there is less concern as to being singled out as the informant.

Recommendation: Before an interview takes place, DLPW officials should explain fully the purpose of the interview, what will happen to them if they do speak out about their experiences, and what action will be taken. This should reassure the interviewee and make it more likely that they will speak frankly during interviews.

Recommendation: Only DLPW officials should be present during interviews to minimise the chance that workers feel intimidated by the process. Inspection teams should acknowledge that workers – especially migrant workers – may fear authority figures. In the event that they have been trafficked or entered Thailand illegally, they may be fearful of punishment if this is discovered. DLPW officials should be aware of unrelated agencies or individuals and should be assertive in telling them to leave the interview area.

Interview during a PIPO inspection: DLPW officials took the important step in separating the crew for this interview, however, uniformed representatives from the Marine Police (far right) and a clerk from the pier company (second in from the right) were also present. © EJF

Recommendation: DLPW translators and inspection officials should be provided with appropriate training in the identification of victims, application of 'soft skills' and a victim centred approach to make crew members feel more comfortable and safe during interviews and inspections. For more information on this please consult EJF's 'Conducting Interviews with Migrant Workers' guide which is available in English and Thai.

- At some PIPO centres DLPW officials have stated that because the majority of their vessels' fishing trips last only one day or night and/or because they know the fishing crews on-board intimately, labour checks can be quicker.

Recommendation: Although this is true to a certain extent, DLPW officials should understand that relationships amongst fishing boat crews and with captains can change rapidly. Officials should remain vigilant and utilise their close relationships with fishing boat crews so that so that potential victims feel more inclined to alert them about abuses.

- Many PIPO centres stated that in the event of a potential issue being identified during interviews, follow up with the vessel captain or owner would immediate. DLPW officials would then carry out a follow-up survey or interview either within 15, 30 days, or on the 'port in' day for that vessel. In the event no progress had been made, a criminal case would be filed with local police.

Recommendation: Immediate follow up could mean that workers are less likely to speak out as they may fear punishment from their employer after the inspection. This is especially the case for 'port outs' where workers may then face several weeks or months at-sea with little chance of rescue. DLPW officials should explain to the worker that if a potential infraction is identified an investigation will occur and the issue will be raised with the vessel owner after their subsequent 'port in'. This should minimise the chances that the vessel crew would face retribution for 'whistle blowing'. Every attempt should also be made to keep interview results anonymous and private. If the 'port out' identifies a serious issue or any evidence of the captain threatening or using violence, the vessel should not be allowed to exit the port and an investigation should be launched with protection provided for workers.

2.3. Department of Labour Protection & Welfare Surveys

During interviews, EJF has observed DLPW inspectors using various questionnaires and surveys to gather information. Some centres have adopted their own survey forms whilst others use forms such as the "Indications of the use of child labour and forced labour" – 'แบบรายการขอบ่งชี้การใช้แรงงานเด็ก และแรงงานบังค' - survey (ตร๑ form). Based on EJF's observations, the following recommendations can be made:

- Centres have reported asking survey questions to the entire assembled crew whilst others would take a small sample of three to five crewmembers. Answers have either been taken collectively (the crew raise their hands and take a majority answer) or individually with inspecting officers pointing at random crewmembers to answer each question. Other centres only asked questions to crewmembers who spoke Thai meaning that foreign crews would be left out of the inspection process.

Recommendation: Collective answers to sensitive questions asking about labour conditions are unlikely to identify abuses. Some PIPO centres reported that if the majority of the sample answered one way they would mark the survey accordingly, potentially ignoring minority cases.

Recommendation: Workers may also feel uncomfortable speaking out amongst their peers, or the vessel captain and so will answer along with the majority for fear of retribution from their employer.

Recommendation: Labour abuses and working conditions onboard fishing boats are complex issues and are difficult to accurately read from a 'yes, no' answer. Abuse can take many forms so questionnaires should be designed to factor this in.

Recommendation: Many surveys in use by DLPW officials are robust tools that should be standardised across all PIPO centres. A universal survey should be digitised and distributed amongst DLPW representatives at PIPO centres as soon as possible.

3. Seabook registration

In **Phang Nga** EJF witnessed the 'seabook' registration process. This is a new initiative launched by the DLPW and DoF to issue all migrant workers with seabooks which will contain biometric data, their photo, and become a record of their employment while in Thailand. Thai fishers are being issued with a similar document which is known as a 'seaman book' – this process is being carried out by the Marine Department. The registration process was completed by the end of March 2017.

Workers are brought to their respective PIPO centre by their employer/broker. The crew are then separated from their employer/broker and one by one called forward for an interview by DLPW representatives along with a translator. A DLPW questionnaire (often the ตร๑ form) is used to ask them questions about how they arrived in Thailand, their time on-board fishing boats, living/working conditions, and employment conditions. In **Phang Nga**, this did not take place in private (see photo below). After the interview they are photographed, and any distinguishing scars or injuries are also photographed and noted so that there is a historical record. Their fingerprints are then taken in preparation for the future roll out of biometric finger print sensors to be used during PIPO and at-sea inspections.

Seabook registration process in Phang Nga. The crowded environment with multiple military officials present creates an intimidating atmosphere for carrying out a sensitive interview with a potentially abused worker. © EJF

It is important to note that these recommendations are not exhaustive and are based on a limited number of observations.

Recommendation: The use of translators and understanding about separation of the workers from the senior crew was encouraging. However, in order to be truly effective, interviews should be held in a private setting. Only officials from the DLPW should be present as to prevent the process from seeming intimidating.

Recommendation: As with PIPO interviews, the purpose of the interview, seabook registration process, and possible actions if abuses are identified should be discussed before the process begins so that crewmembers feel more comfortable.

Recommendation: Scars, injuries, or other distinguishing features may be a personal or sensitive issue for some workers. Photography of these should take place in a private location to make the worker feel more comfortable.

Anything that has the potential to make crew members feel more vulnerable or intimidated such as the overbearing presence of military officials, a large group of interviewers or listeners during interviews, or open photography of sensitive scars or injuries can greatly decrease the chances of workers trusting authority figures and sharing their abuse or trafficking experiences.

4. Catch verification

As part of the monitoring, surveillance, and control mechanisms put in place by the Thai Government, catch verification teams from the provincial DoF offices are in place in each province. Each team has four staff members regardless of how many vessels or ports are in the province. EJF only observed catch verification procedures at three vessel inspections in May 2016 but has since received information on catch verification procedures at PIPO centres since. The DoF requires that 10% of 'Port Ins' have their catch inspected. Staff, EJF has spoke to, say that this is currently unachievable.

- DoF catch verification teams are understaffed and overworked. Catch verification can take several hours to an entire day for the largest vessels. This means that DoF teams may only be able to inspect one vessel per day.

Recommendation: DoF staff should be redistributed or more staff recruited to the busiest or largest ports in order to help improve inspection capacity.

- Catch verification documents and logbooks are in paper form, which reduces the effectiveness of the inspection team, and means that data input and follow up is slow.

Recommendation: Catch verification documents and logbooks should be digitised and inputted into 'FishingInfo2' alongside a vessel's VMS track. This would reduce the workload on DoF inspection teams and improve vessel inspection rates as verification could become more automated. For more information please see the appendix.

5. At-sea inspections

EJF has observed four at-sea patrols in **Phuket**, **Songkhla**, and **Sattahip** with the RTN in since 2016 and one at-sea patrol in **Phuket** with the Department of Marine and Coastal Resources (DMCR) in January 2017. On each trip two fishing vessels were inspected. For more information on at-sea inspections please refer to the appendix. From these five trips the following recommendations can be made.

- Thai-MECC enforcement vessels do not have reliable access to VMS data or fishing vessel information before conducting an inspection. They are able to check the system through mobile phone networks but this is unreliable at sea.

Recommendation: Before an inspection, the Thai-MECC regional office should be able to send the enforcement vessel information about the fishing vessel including; 'port out' documents, crew lists, and VMS tracking information. This information should then be cross-referenced with the documentation held of on the fishing vessel to minimise the risk of counterfeit documents, altered crew lists.

Recommendation: Thai-MECC patrol vessels should have access to the VMS system. This is a recommendation that has been echoed by Navy and DMCR officials on all at-sea inspections observed by EJF since February 2016. This could work as either a less data-intensive version of the full system or as an offline version where patrol vessels can download vessel tracks to devices before setting out to sea.

- Inspections need to be thorough and systematic. Sometimes the fish holds are not checked or only some of the holds are checked. Net mesh size and other specific details of fishing gears are also not checked systematically.

Recommendation: Inspecting officers must carry out consistent gear and hold inspections and check catch quantities are verified with logbook data as well as the VMS track. Fish quantities should match those recorded in the logbook and match the approximate fishing effort recorded on VMS. Gears should be checked against the fishing license and ship registration and specific details of gears such as mesh size or number of hooks should also be checked in accordance with the regulations.

Phuket at-sea inspection: Hold inspections like this should be a universal procedure for at-sea inspections. © EJF

- Labour inspections are insufficient. Inspections consist of checking the crews' ID cards against the 'port out' documentation held by the vessel captain. On one inspection, only five out of 26 ID cards were checked.

Recommendation: Officers should conduct a full labour inspection to verify worker IDs, crew lists, and working permits with crew present on the vessel. This process should also involve conducting in-depth interviews with crew (in their native language) to establish living and working conditions onboard.

- Labour inspections also vary hugely in their approach with some Navy officers adopting an overbearing and intimidating position whilst others appearing more amicable and engaging towards workers.

Recommendation: Inspections should attempt to follow a victim-centred approach as much as possible or employ 'soft skills' to make crew members feel comfortable. For example during the DMCR inspections, the fishing vessel senior crew were taken onboard the patrol boat so that the crew members felt more comfortable and could speak more freely.

Sattahip at-sea inspection: Two aspects of the same vessel inspection show two different approaches to engaging with fisher workers. © EJF

- Inspecting officers often experience translation issues communicating with predominantly foreign crews. Interviews are short, and held in close proximity with the vessel captain or foreman.

Recommendation: Inspections should involve independent translators (not a member of the Thai crew such as the vessel captain, or foreman) for at-sea inspections to facilitate communication. It is understood that multi-disciplinary teams are used for some at-sea inspections but at the moment these are sporadic.

- On the at-sea inspection conducted by the DMCR, officials inspected the species of fish that were caught and a sample of different species was also taken to be inspected back at the Marine Research Centre. DMCR officials explained that if 30% of catch composition is made up of reef fish species or those that live near the shore then the vessel would be suspected of illegal fishing and there would be an investigation.

Recommendation: Catch checking as carried out on this at-sea patrol should be part of standard operating procedures for at-sea inspections and catch checking procedures in general. Training on what species should be classified as 'suspicious' could be provided by provincial DMCR offices at PIPO centres and Thai-MECC Area Command Centres.

DMCR officials inspect the catch for fish species that might indicate illegal fishing. A sample is also taken for further tests. © EJF

6. Vessel Monitoring System

After observations of the Thai VMS system both at the Royal Thai Embassy in London and at the FMC, and CCCIF in Bangkok over the past two year EJF provides the following recommendations that are aimed at improving the VMS system and should facilitate the identification and analysis of suspicious vessel behaviour.

EJF is encouraged by the DoF's progress in increasing transmission frequency for the most destructive fishing gears. As these can involve significant costs for operators, steps should be taken over time to secure bulk-purchase discounts to lower costs. For more information on VMS, please refer to the appendix.

- Vessels under 30GT are exempt from having VMS installed. The total commercial fleet as defined by the RTG is comprised of 11,380 vessels measuring from 10GT and above (as of May 2017). VMS is currently compulsory only for vessels over 30GT – an approximate total of 6,300 vessels. This means that approximately 45% of the Thai commercial fleet is currently unmonitored. There are preliminary plans to extend VMS requirements to vessels over 20GT and eventually to vessels over 10GT however progress has been slow.

Recommendation: Plans to extend VMS registration to smaller vessels should be prioritised with the aim of starting installations for vessels over 10GT by the beginning of **2018**. The more common gear types such as trawlers should be prioritised to help control current levels of fishing.

- EJF understands that certain fishing gears including anchovy purse seiners are now required to transmit VMS signals every 15 minutes once they leave port. At present this switch is not automatic and relies on ongoing communication between the vessel operator and his respective VMS provider in order to manually switch transmission frequency.

Recommendation: The transmission frequency switch must be made automatic in order to prevent unmonitored fishing activity as well as to reduce the chance for human errors which could lead to undue financial penalties borne by the vessel operator. An automatic switch could activate when the FMC detects the vessel leaving and arriving back into port.

- EJF is supportive of increased VMS transmission frequency. However, such a transmission increase from one hour to every 15 minutes will increase operational costs significantly. VMS air-time costs between a vessel (currently the only gear affected are anchovy purse seiners) leaving and arriving back into port are now four times more expensive.

Recommendation: Every effort should be made to limit the additional cost burden onto fishing boat operators. 1) Instead of transmitting a signal every 15 minutes, the four signals per hour should be grouped into one transmission that can be sent hourly therefore minimising the additional cost. 2) Other less destructive vessel gears could be switched automatically to the higher frequency mode when the vessel speed is between 2 – 6 knots (fishing speed) and/or the vessel is near or inside sensitive or restricted areas, MPAs, or foreign EEZs.

It is important to note that these recommendations are not exhaustive and are based on a limited number of observations.

- MTUs have been known to be easily removed from vessels. This could allow IUU operators to transfer their MTUs to other vessels and then continue fishing without being monitored by the Thai authorities. As of April 2017, it was reported that all MTUs had been fitted with tamper-proof seal and locking devices (see below) and on EJF's latest trip to ports on the east coast of the Gulf of Thailand all vessels were indeed fitted with these devices.

Recommendation: It is imperative that seals and locking devices are checked regularly during both PIPO and at-sea inspections to make sure MTUs have not been tampered with.

Two examples of MTU showing the new steel cable locking mechanism. © EJF

- Starting on the 9th August 2017, all new installations or replacements of MTUs will need to be in line with the new 'VMS Standard' which includes requirements for independent power supply of up to 30 days. For more information on the new VMS Standard, please see the appendix.

Recommendation: Independent power supply is an incredibly important development which will significantly strengthen uninterrupted monitoring. However, it is important that the VMS system and batteries are regularly inspected to ensure the installed parts are in line with regulations.

A new BlueTraker unit that is designed to be installed in the bridge. This unit includes port, fishing, and SOS alert functions.

- EJF understands that part of the new VMS Standard is a new 'In port' function that will reduce signal transmission time from the current one hour frequency to between four and eight hours – The exact time can vary according to provincial DoF requirements.

Recommendation: 'In port' signal transmission frequency should be standardised across the entire Thai fishing fleet to four hours. This will eliminate inconsistencies and issues that could arise if vessels move or reregister elsewhere.

Recommendation: If the MTU detects that the vessel begins to move while in 'port' mode, it should automatically switch back to the regular hourly broadcast schedule to prevent loss of data. A similar system is already in place for the UK's VMS+ system.[2]

- On-going communication and collaboration issues between the FMC and the regional PIPO and Thai-MECC centres are proving a major hindrance in addressing IUU fishing. VOI information is not being passed on effectively which is having a detrimental effect on enforcement efforts.

Recommendation: Agencies should have direct lines of communication so that VOI information can be relayed between them effectively. This interoperability should be applied to risk-based vessel monitoring and PIPO inspection regimes as discussed earlier in this briefing.

Recommendation: Vessel data should be seamlessly integrated into 'FishingInfo2' and accessible by all agencies. The database needs to easily edited and updatable in real-time to allow the most effective use of data for VMS analysis as well as PIPO inspections.

7. VMS software recommendations:

- Add a new speed category to show speeds consistent with fishing. For example: Speeds between 2-6 knots should show as a new colour distinct from green to help identify possible fishing activity. VMS transmission frequency could be automatically increased from every hour to every 15 minutes while the vessel is at these speeds.
- Add a 'shaded' colour to differentiate vessels that have observers on-board or are fitted with ERS/EM.
- Add in more search filters for fishing gear/speed/risk category and make search fields non case sensitive to make it easier to find vessels.
- Add more customisable layers such as inshore areas that can vary between 3km and 3NM depending on the province.
- Implement a warning system so that if a vessel is approaching its 'Port in' date the FMC and vessel owner are alerted.
- Implement a geo-fence alert system which will notify the FMC if a vessel enters Marine Protected Areas during closed seasons.
- Use geo-fencing to automatically switch VMS transmission frequency from every hour to every 15 minutes when vessels are near or inside sensitive or restricted areas, MPAs, or foreign EEZs. This should apply for all fishing gears.
- Use geo-fenced polygons set around vessels to automatically detect potential transhipment activity if another vessel approaches.
- When on the tracking page, have the ability to click on the vessel track and see corresponding data in the table. This should work with the new 'three hour' tracking function as well to quickly gather data for specific points in time.
- The 'Tracking' and 'Watch' pages should be integrated and display the same information.
- On the 'Tracking' and 'Watch' pages, vessel information should include a note that explains why a vessel has a certain risk status and when a vessel changed risk status.
- Have the ability to change map style to full satellite photo rather than hybrid style.

2 MMO (November 2013) Vessel Monitoring System (VMS+) Guidance, Marine Management Organisation, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315662/vmsplus.pdf

Appendix

PIPO centres visited by EJF staff:

PIPO centres highlighted in green indicate those visited more than once.

PIPO Centre	Thai-MECC Area	Date Visited
Samut Sakhon	1	05/02/16
Songkhla	2	16/02/16
Phuket	3	17/02/16
Samut Prakan	1	12/05/16
Chonburi	1	12/05/16
Samut Songkram	1	14/05/16
Phetchaburi	1	14/05/16
Pranburi	1	25/07/16
Prajuab	1	25/07/16
Bangsapan Noi	1	25/07/16
Chumpon	1	26/07/16
Langsuan	1	26/07/16
Surat Thani	2	27/07/16
Sichon	2	27/07/16
Nakhon Si Thammarat	2	28/07/16
Pattani	2	29/07/16
Songkhla	2	29/07/16
Khlong Yai	1	06/08/16
Trat	1	06/08/16
Chantaburi	1	07/08/16
Prasae	1	07/08/16
Rayong	1	07/08/16
Ranong	3	24/01/17
Kuraburi	3	25/01/17
Phang Nga	3	25/01/17
Krabi	3	25/01/17
Kantang	3	26/01/17
Pak Bara	3	26/01/17
Satun	3	26/01/17
Phuket	3	27/01/17
Chantaburi	1	24/07/17
Prasae	1	25/07/17
Rayong	1	25/07/17
Chonburi	1	26/07/17

VMS Standard 2:

From the 9th August 2017 all new VMS installations or replacements will need to be in accordance with the new 'VMS Standard'. Some of the key requirements as per the standard are detailed below:

- Restrictions on data tampering, data transmission, and transmission frequency
- New standards for MTU installation location, fixings, and seals as well as tamper-proof locking mechanisms
- If the MTU is opened or tampered with, the system will send a signal to the FMC to say so
- Independent power supply that will allow VMS transmissions for at least 30 days
- Additional functions including an SOS button that can alert the authorities if a vessel is in distress
- A 'fishing' function that will be activated either by pressing a corresponding button or whenever the vessel is at a speed between 2-6 knots
- An 'in port' function that would signal that the vessel was moored up at port. Whilst in port, the MTU automatically reduces transmission frequency to either every four to eight hours. This will pass on significant cost savings in monthly air time payments to fishing boat operators.
- Indicator light to signal to the vessel captain that the MTU is functioning correctly or not.

Key departmental agencies:

- **Department of Fisheries (DoF):** The DoF coordinates the Fisheries Monitoring Centre (FMC) in Bangkok with two VMS operators and two analysts at any one time. The FMC is open 24 hours a day. If a vessel is seen to be operating suspiciously, the vessel owner is notified and details are sent to Thai-MECC in the form of a daily report.

There are 13 VMS operators (all Thai, private companies) who provide the bandwidth and data service for the Thai VMS system. These operators receive the VMS data from fishing vessels and then send this onto the VMS centre in Bangkok.

Vessel owners have the option to buy the actual MTU from five different companies referred to as 'suppliers'. MTU price is on average 20,000 baht. Vessel owners then pay a monthly fee for 'air-time' that averages 1,000 baht per MTU per month.

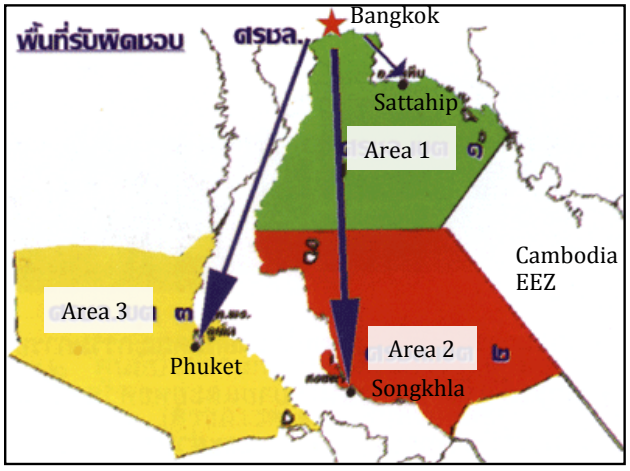
- **Command Centre for Combating Illegal Fishing (CCCIF):** Joint Navy and government agency set up 11 days after the EU warned Thailand that it was at risk of becoming an uncooperative country in its fight against IUU fishing. The CCCIF brings together representatives from various government agencies including Customs, Department of Marine and Coastal Resources, Department of Fisheries, Immigration, Department of Labour Protection & Welfare, and Marine Police.
- **Thai-MECC (Maritime Enforcement Coordinating Centre):** Royal Thai Navy division responsible for enforcement and interceptions at-sea. Thai-MECC has its headquarters in Bangkok, based currently at the CCCIF's command centre.

Thai-MECC is responsible not only for enforcing IUU prevention but also patrols the Thai EEZ for drug and contraband smugglers, illegal immigration, search and rescue, and national security protection.

It has three regional offices that cover:

- The Upper Gulf of Thailand (Area 1)
- The Lower Gulf of Thailand (Area 2)
- The Andaman Sea (Area 3)

Map shows boundaries for Areas 1, 2, and 3 along with the locations of command centres.[3]



3 Royal Thai Navy (2016) Thai-MECC Jurisdictions: www.civil.navy.mi.th/sornchon/sonchon001.html

Each Thai-MECC Area Command has 20 vessels and one aircraft under their jurisdiction that can be used for maritime patrols and inspections. These vessels come from six different agencies including the RTN, Customs Department, Department of Fisheries, Department of Marine and Coastal Resources, Marine Department, and Marine Police.

Thai-MECC vessels typically have a minimum patrol quota of five days a month. This means that if every vessel under Thai-MECC inspects its full monthly quota they should be able to carry out a minimum of 1,500 inspections per month across the three Areas.

Thai-MECC vessels also respond to urgent requests for inspections including cases of VMS issues, missing 'port out' documentation, crew discrepancies on the manifest, and reports from other 'informant' fishing vessels of potentially illegal activities.

- **PIPO Centres:** There are now a total of 32 centres (an increase from 28 in early 2016) in 22 coastal provinces split into 12 in Area 1, 12 in Area 2, and 8 in Area 3.

Every vessel wanting to leave or arrive into port must submit a request to the PIPO centre a minimum of four hours before departure or arrival. This is usually carried out by the vessel owner who brings with him the relevant information about the fishing vessel including the vessel's documents, crew lists, and fishing information (for port ins). The information from these requests is then fed into a central web-database called 'Fishinginfo2'. This is accessible by the DoF's VMS staff, Thai-MECC, and other PIPO offices.

A purse seiner arrives into Rayong port for its 'port in' inspection. © EJF