

# Thailand's progress in combatting IUU, forced labour & human trafficking

EJF observations and recommendations volume 10, 2023



## About EJF

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

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

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

## Executive summary

Since February 2016, EJF has carried out multiple in-depth observations of the Royal Thai Government's (RTG) initiatives aimed at tackling IUU fishing and human trafficking in the Thai fishing industry. EJF has observed all stages of the monitoring, control, and surveillance (MCS) systems in place with visits to all 30 'Port In Port Out' (PIPO) centres, all three Thai Maritime Enforcement Coordinating Centre (THAI-MECC) Area Commands, as well as witnessing multiple at-sea patrols conducted by the Royal Thai Navy (RTN), Marine Police, Department of Fisheries (DoF) and Department of Marine and Coastal Resources (DMCR).

This version is the 10th edition of this technical report. It represents the culmination of eight years worth of experience working directly with the Thai authorities as well as conducting independent field assessments of Thailand's MCS mechanisms.

## Introduction

### An overview of Thai fisheries<sup>1</sup>

As of June 2023, there were 58,674 registered fishing vessels, with 9,898 (17% of the total) commercial vessels and 48,776 (83%) artisanal fishing vessels. The proportion between commercial and artisanal fishing vessels<sup>2</sup> has shifted from 34% commercial vs 66% artisanal vessels since April 2019.<sup>3</sup> This shift in vessel ratios is the result of both a steady reduction in the size of the commercial fleet as well as the implementation of new fleet management policies that expanded registration requirements for artisanal fishing vessels.<sup>4</sup> Wild capture fisheries contributed 1.38 million tonnes of seafood in 2022, declining by 48% since 2003.<sup>5</sup> However, at the same time, total seafood value has increased by 2.8% since 2003 to 73.3 billion baht as of 2022. This increase in value can be attributed to upward trends in the prices of various marine species over the past decade. Notable examples include a substantial 117% increase in the price of longtail tuna, a 75% increase in the price of short mackerel, and a 33% increase in the price of silver pomfret from 1995 to 2015.<sup>6</sup>

Fishing vessels land their catch at 1,157 registered fishing piers. The top five ports for catch landings in 2022 were Chumphon (11% of total catch), Prachuap Khiri Khan (10.4%), Nakhon Si Thammarat (10%), Phang Nga (8.2%), and Pattani (8.1%).<sup>7</sup> 236,426 registered workers are employed in the fishing industry, comprising 122,942 Thai nationals (52%) and 113,484 foreign workers (48%).<sup>8</sup>

Thailand's wild capture landings in 2022 were supplemented by seafood imports totalling 2.12 million tonnes, with the bulk of these being fresh and frozen tuna (32.3%), fresh and frozen fish (37.2%), fresh and frozen squid (8.4%), and fish fillets (5.1%). Notable import sources include Association of Southeast Asian Nations (ASEAN) countries (31.17%), China (9.14%), Taiwan (6.83%), Japan (6.18%), Micronesia (5.33%), and South America (5.33%).

In 2021, Thailand's domestic consumption of seafood reached a substantial 2,495,070 tons, averaging 37.46 kg per person annually. This represents a steady increase of 37.7% since 2016 when average per capita consumption was 27.2 kg per year.<sup>9</sup>

Thailand is the 13<sup>th</sup> largest seafood exporter in the world as of 2021. 1,557,201 tonnes of seafood valued at US\$5.331 billion were exported in 2021. However, this has declined from 1,907,548 tonnes valued at US\$8 billion in 2012<sup>10/11</sup> - a drop in value of 32%.<sup>12</sup> Primary export products include canned tuna (28.79%), shrimp (25.54%), other prepared fishery products (5%), and pet food (4%). Thailand's seafood exports are distributed across a diverse range of countries, with the United States (22.46%), Japan (18.79%), China (8.82%), the European Union (5.62%), and Australia (5.07%) being prominent destinations.<sup>13</sup>



## Addressing past gaps in Thai fisheries governance



At-sea trans-shipment was a common practice in Thai fisheries pre-2015 reforms. Its prohibition boosted transparency and oversight in Thai seafood supply chains.

The 32% drop in Thai seafood export values between 2012 and 2021 had several causes<sup>14</sup>: A reduction in marine capture output brought on by declining fish populations as a result of overfishing and illegal fishing, increases in fuel costs and the tightening of restrictions on access to other nations' exclusive economic zones for Thai fishing vessels, and international trade and market instruments which placed Thai seafood at a higher-risk level of being implicated in either IUU fishing and/or forced labour (FL) & human trafficking (HT).<sup>15/16/17/18</sup>

Before 2015, the Thai fishing industry operated with outdated, weak and insufficient regulations, leading to severe environmental degradation and systematic human and labour rights abuses. Fish populations collapsed dramatically, with the measure of how much fish is caught per hour (catch per unit effort, or CPUE) falling by 88% between 1966 and 2017, as a direct result of IUU fishing practices. This put Thailand's marine ecosystems at risk of collapse, while threatening the livelihoods of hundreds of thousands of small-scale and commercial fishers. In addition, Thai fishing vessels gained international notoriety for being the scenes of appalling crimes, including brutal physical abuse, FL and even murders of vulnerable migrant workers.<sup>19/20/21</sup>

Exposés by non-governmental organisations, the New York Times<sup>22</sup>, Associated Press<sup>23</sup>, the Guardian<sup>24</sup> and others resulted in widespread international condemnation of these abuses. This resulted in massive damage to Thailand's international reputation and the reputation of its seafood.

A complete lack of transparency and weak penalties for unscrupulous vessel operators fuelled these horrific crimes, spurring subsequent action by both the US Department of State (through a downgrade on the annual Trafficking in Persons (TIP) report to Tier 3 in 2014)<sup>25</sup> and the European Commission (through the issuance of a yellow card warning in 2015).<sup>26</sup> The subsequent removal of the Generalised System of Preferences (GSP) benefits - a trade preference program by the United States Trade Representative - in 2020 also contributed to export declines.<sup>27</sup> The impacts of Thailand's seafood being perceived as high risk on the international market still resonate to this day.<sup>28</sup>

Thailand has taken substantive steps towards addressing the capacity gaps and transparency issues that lead to these instruments being used against Thailand. A new Royal Ordinance on Fisheries B.E. 2558 (2015) was enacted that modernised Thai fishing laws, a nationwide network of 30 PIPO centres and 21 FIPs were established, Vessel Monitoring Systems (VMS) were installed on all commercial fishing vessels over 30 gross tonnes (covering 61.3% of the fleet as of 2023), and a raft of labour regulations and inspection protocols were introduced to screen fishers for indicators of FL and HT. Transparency mechanisms such as the online publication of the entire commercial fishing licence list also established Thailand as a regional and international leader in transparency in fisheries advocacy.<sup>29</sup>



A group of fishers are interviewed at the dedicated interview shelter at Songkhla port. Critical infrastructure investments like this are important for institutionalising transparency and tackling both IUU fishing and associated labour abuses.

## Proposals from the National Fisheries Association of Thailand (NFAT)

Since the removal of the yellow card in January 2019 a number of legislative amendments and proposals made to Thai fisheries regulations have restricted or risk restricting the transparent scrutiny of Thai fishing activities and labour conditions onboard vessels. Several of these seek to weaken the current Fisheries Act, B.E. 2558 (2015) in critical areas. Notably, these proposed amendments are largely driven by lobbying efforts from the National Fisheries Association of Thailand (NFAT).<sup>30/31</sup>

They include:

- Removing restrictions on at-sea trans-shipment of seafood catch and at-sea crew transfers.
- Permitting child labour on fishing vessels as part of an apprenticeship programme.
- Weakening punitive measures designed to deter IUU fishing.
- Extending the permitted number of fishing days per trip.
- Extending the time period for vessel operators to revise crew lists after leaving port.
- Abolishing the electronic payment system for fishers.
- Reverting to day-rate fisher salaries.
- Eliminating the requirement for vessel operators to record fishing coordinates in vessel logbooks.
- Allowing the renewal of fishing licences for 'locked' commercial fishing vessels.

These proposals mark a critical turning point for Thailand's fisheries, especially considering the substantial progress, time, and resources dedicated to industry reform over the past eight years. Thailand has also gained recognition for its international commitments and public pledges to eliminate IUU fishing from Thai fishing supply chains, which these new developments directly contradict.

The Royal Thai Government's achievements thus far in building a sustainable, legal, and ethical Thai fishing sector are commendable. However, any rollback of these reforms at this juncture poses risks to both Thailand and its fishing industry, particularly as the global community pushes for increased transparency and accountability in the seafood industry.

## Implications for international trade if proposals proceed

To roll back on Thailand's previous commitments to seafood traceability would have a devastating impact on the industry, isolating the country and setting Thailand's fishing industry back decades, at a time when the rest of the world is looking to the future. The policy revocations suggested by the commercial sector are not only short-sighted in terms of the environmental impacts that they would have on fisheries resources but would also have a major human toll. The regulatory rollbacks would only serve to benefit a small proportion (20%) of the total fishing industry by number of vessels, while placing artisanal fishers and coastal communities at a significant disadvantage, threatening livelihoods and food security for thousands.

The top 10 recipient countries for Thai seafood represent 75.9% of total exports by value as of 2021. It should be noted that although the European Union accounts for 5.6% of seafood exports, this has fallen by **55.6%** since 2014, the year before Thailand received its ‘yellow card’ warning from the European Commission, when EU trade contributed just over 12.6% to total export value.<sup>32</sup> However, the baht value per tonne of seafood exported to the EU still ranks considerably higher than the value per tonne sent to comparable countries such as China, Australia, and Canada.

Ranking	Country	Value (Million Baht)	% of Total Value	Baht/Tonne
1	United States	38,774.28	22.46%	190,118.48
2	Japan	32,444.16	18.79%	195,828.23
3	China	15,235.01	8.82%	99,196.72
4	European Union	9,708.85	5.62%	181,375.49
5	Australia	8,749.62	5.07%	157,540.89
6	Canada	6,466.66	3.75%	171,793.83
7	Egypt	6,339.87	3.67%	87,821.41
8	South Korea	6,090.06	3.53%	231,673.74
9	Malaysia	3,774.46	2.19%	42,012.84
10	Taiwan	3,579.41	2.07%	153,812.98
	<b>Subtotal (top 10)</b>	131,162.39	75.98%	-
	<b>Grand total</b>	171,499.46	100%	-

Table 1: The top 10 recipient countries for Thai seafood as of 2021.

Thailand had its yellow card warning from the European Commission removed in 2019 as a result of substantive reforms and investment by the RTG and other stakeholders. However, countries can and have been “re-carded” under the EU’s IUU Regulation if they renege on their commitments to tackle IUU fishing.<sup>33/34</sup> It is EJJF’s view that Thailand should do everything possible to prevent such a re-carding, especially given the rapidly shifting paradigm shift towards much greater fisheries transparency and seafood traceability requirements emerging from a host of other prominent trading partners with Thailand.<sup>35</sup>

Current proposals by advocates of the Thai commercial fishing sector could threaten seafood trade valued at US\$ 3.2 billion from just six countries plus the EU bloc (with newly or soon to be introduced transparency and traceability requirements). Collectively these countries represented just under 60% of Thailand’s seafood trade in 2021.<sup>36</sup> This includes the United States (22.4%), Japan (18.7%), the EU (5.6%), Australia (5%), Canada (3.7%), South Korea (3.5%), and New Zealand (0.8%).

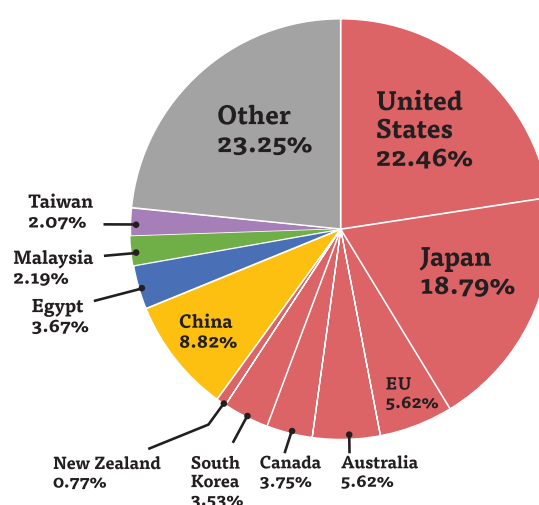


Figure 1: The top 10 importing countries for Thai seafood as of 2021. Collectively these countries cover 76% of Thai seafood exports. Red-highlighted countries are those which currently have, or are developing, seafood import controls.

This is even before import regulations focused on barring market access for products associated with FL, such as the US Customs and Border Protection Agency’s Withhold Release Orders<sup>37</sup> and the European Union’s near-finalised Forced Labour Regulation<sup>38</sup>, are taken into account. A full analysis of the trade implications of these proposals is available upon request.



## Main areas to address

This briefing outlines urgent, ongoing issues identified by EJJ investigators from 2022 onwards. These issues build on EJJ's existing observations and analysis of Thailand's monitoring, control and surveillance (MCS) systems since 2016. The briefing presents recommendations to address these gaps, notably in the areas of:

- **Concerning legislative changes:** Recent proposals, legislative reforms and draft regulations by proponents of the commercial fishing industry, as well as RTG ministries, jeopardise Thailand's progress in effectively monitoring, identifying and prosecuting incidences of FL or HT. These include provisions to allow 16-year-old apprentices on commercial fishing vessels and the reintroduction of at-sea trans-shipment and crew transfer. Drafts of these amendments have been made without input from key stakeholders apart from the commercial fishing sector. EJJ recommends that such amendments and drafts are halted until such time that a fully transparent participatory approach is introduced.
- **Beneficial ownership gaps:** EJJ's investigations in 2023 have uncovered notable changes in Thai fishing vessel beneficial ownership patterns. Increasingly the true beneficial owners are using nominees to disassociate them from large fleets of vessels, thereby diminishing accountability and oversight. This practice of obscuring beneficial ownership not only facilitates illegal fishing but also conceals economic concentration, allowing individuals to evade taxation.
- **Health and safety of labour on-board vessels:** Despite a reduction in man overboard incidents (MOCs) and an updated SOP for immediate search and rescue, issues persist in MOC investigation protocols. Other on-board accident risks highlight the need for comprehensive health and safety training amongst fishers, alongside safety improvements like warning signs. Compensation concerns for injuries and fatalities often require legal aid, particularly for uninsured fishers.
- **Inconsistent inspection procedures including provision of translators and implementation of a victim-centred approach during interviews:**<sup>i</sup> Although all PIPO centres EJJ has visited since 2017 have had at least one certified translator present, interviews continue to be carried out using inconsistent methods. In addition, PIPO centres continue not to use checklists (Sor Jor Ror 1/๒๖๖.1) and other resources methodically.
- **Training of trainers:** Without appropriate and consistent training and institutionalisation of skills learnt through mechanisms such as IUU Hunter or FITs, THAI-MECC and other agencies risk the failure of dissemination of knowledge to future teams – thus threatening the sustainability of Thailand's monitoring, control and surveillance mechanisms.
- **False incentives:** Officials continue to associate the identification of IUU fishing infractions and potential victims of abuse or HT 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 network performing successfully.

The issues and recommendations identified by EJJ since 2016 are grouped into the areas of 1. Monitoring, control, and surveillance (MCS), 2. Bottom trawl governance, 3. PIPO centres, 4. Transparency in fisheries, 5. Legislative changes on labour, 6. Forced labour and human trafficking cases, 7. Labour inspections at PIPO centres, 8. Health and safety of fishers. These recommendations are based on Thailand's domestic fishing operations in Areas 3-10 based on the Fisheries Checkpoint Classification (see Appendix). New recommendations as of this revised edition of this briefing are highlighted in **red**.

EJJ has produced a separate training guide titled 'Conducting Interviews with Migrant Workers' that is available on request (in both English and Thai). This guide draws on EJJ's observations during PIPO inspections and investigations.

EJJ has produced a separate set of recommendations (available upon request) to address catch checking procedures and traceability systems both for the domestic fleet and for landings by Thai distant water fishing vessels as well as foreign-flagged vessels. EJJ staff are available to provide further detail as required by the RTG. It is important to note that these recommendations are not exhaustive.

## Gaps in Thailand's fisheries management systems

### 1. Monitoring, control, and surveillance (MCS)

The robust and efficient implementation of MCS mechanisms is critical for ensuring compliance with fisheries management regulations as well as securing the protection of Thailand's marine habitats, defending fisher labour rights, and ensuring the long-term survivability of Thailand's fisheries industry. A strong participatory approach towards the implementation of MCS mechanisms is also important to ensure widespread adoption and compliance. However, MCS mechanisms can only be as

<sup>i</sup> 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 EJJ guidelines on conducting interviews with migrant workers.

effective as the regulatory frameworks that support them. It is therefore vital that Thailand works to enshrine and actively build upon its current fisheries legislation rather than start from scratch with a new law.

### 1.1 Reinstatement of at-sea trans-shipment

One of the proposals consistently advocated for by the NFAT is the removal of restrictions on at-sea trans-shipment of seafood catch. This practice has been banned by Thai authorities since 2016 because it can facilitate the mixing of IUU-caught fish with legally-caught fish, severely undermining traceability in catches and, more broadly, efforts in fisheries management and enforcement. Reinstating such a practice would impede regulatory agencies' abilities to monitor seafood supply chains, screen for IUU fishing indicators, and oversee crew living and working conditions.

EJF has identified at-sea trans-shipment as a significant contributor to both IUU fishing and labour exploitation at sea.<sup>ii</sup> Our research findings from distant water fisheries revealed that nearly 30% of vessels engaged in at-sea trans-shipment were involved in IUU fishing, compared to 18% for vessels that did not trans-ship. Similarly, for human rights abuses, 79% of vessels engaged in at-sea trans-shipment reportedly engaged in abuses, compared to 63% for vessels that did not trans-ship at sea.<sup>39</sup> Furthermore, this reinstatement would be coupled with another proposal to increase the current cap on fishing days for vessels operating within Thailand's exclusive economic zone (EEZ) from 30 days to 45 days and eventually 60 days. The combination of extended time at sea and the reinstatement of these opaque practices would facilitate both IUU fishing and labour exploitation at sea. The longer fishing vessels stay at sea, the more likely they are to engage in IUU fishing and/or labour abuses.<sup>40</sup>

**Recommendation:** EJF strongly urges the Royal Thai Government to reject proposals to reinstate at-sea trans-shipment for domestic fishing vessels. Such practices significantly increase the risk of IUU fishing and labour abuses going undetected, undermining the progress made in fisheries management and supply chain traceability to date.

**Recommendation:** The RTG should ensure that the Thai distant water fishing (DWF) fleet is only authorised to engage in at-sea trans-shipments if vessels are equipped with CCTV cameras and human observers on board.

**Recommendation:** The RTG and related agencies should continue monitoring and reporting on the impacts of at-sea trans-shipment on IUU fishing and labour exploitation, and use this information to inform policy decisions and strengthen regulatory measures.



An IUU Hunter team inspects a clam dredging vessel in Samut Songkhram acting upon near real-time intelligence provided by informants. Nimble and independent enforcement teams like IUU Hunter can work to enhance existing control mechanisms such as the PIPO network.

ii For further detail please see EJF (2015) Thailand's seafood slaves: Human trafficking, slavery and murder in Kantang's fishing industry, <https://www.ejfoundation.org/reports/thailands-seafood-slaves-human-trafficking-slavery-and-murder-in-kantangs-fishing-industry>.

## 1.2 IUU Hunter & Flying Inspection Teams (FITs)

Since 2018, a series of specialised law enforcement teams have been instituted to complement the ongoing PIPO operations and extend their scope through the provision of guidance and training for procedural enhancements. These specialised teams include Flying Inspection Teams (FITs), established in February 2018 under the purview of the Command Centre for Combating Illegal Fishing (CCCIF), and subsequently sustained under the jurisdiction of Thai-MECC. FITs conduct nationwide and bi-annual assessments of PIPO centres through formally announced, pre-arranged visits. FITs provide scores for each PIPO centre in how they conducted fisheries and labour-related checks on vessels. These scores allow Thai-MECC to analyse trends in PIPO centre performance over time.

In parallel, the IUU Hunter team, which operates under the authority of the DoF, was inaugurated in March 2018, following the directive of Deputy Prime Minister Chatchai Sarikulya.

These specialised teams are pivotal components of Thailand's multifaceted strategy to enhance MSC procedures related to fisheries, contributing to strengthened compliance and the prevention of IUU fishing activities. Their roles encompass not only inspections and surveillance but also the imparting of crucial training and guidance to ensure the effectiveness of fisheries governance and conservation efforts.

IUU Hunter consisted of specialised investigators and primarily engaged in intelligence gathering and conducting targeted investigations into vessels of interest. The team conducted unannounced port visits to identify capacity gaps and potential violations while also collaborating with PIPO centres to probe further cases. Between 2020-2021, the IUU Hunter programme was disbanded. However, the unit was recently reinstated under the supervision of Police General Surachate Hakparn in 2022.

**Recommendation:** EJJ firmly believes that specialised units like IUU Hunter remain crucial and complementary for monitoring compliance and enforcing fisheries and labour regulations. EJJ suggests that the RTG maintain the IUU Hunter team and provide it with appropriate authorisation and resource capacity to conduct its activities.

**Recommendation:** EJJ strongly encourages specialist teams like IUU Hunter and the FITs to re-incorporate unannounced inspections as part of their regular activities. This approach will provide the teams with a more accurate understanding of day-to-day operations at PIPO centres and ensure consistent high operational standards. Unannounced inspections are indispensable for assessing genuine progress.

FITs should incorporate unannounced inspections alongside the regular announced training components. EJJ believes that unannounced inspections are critical to determining an accurate PIPO score and if improvements are truly being made or not.

**Recommendation:** It is essential that for enforcement missions, there is consistent and thorough documentation of identified infractions and subsequent investigations. This documentation should include in-depth analysis of issue identification, resolution processes, and lessons learned. Without such data collection, the collective knowledge of the team may diminish.

**Recommendation:** To ensure the ongoing effectiveness of IUU Hunter and similar enforcement mechanisms, it is vital to establish formalised training programs. These programs will enable future team leaders to advance in their roles and become adept at adopting an investigative approach during vessel inspections.

**Recommendation:** IUU Hunter can strengthen the program's sustainability and longevity by integrating local CSOs into the training components of each mission. In doing so, local CSOs would gain from participating in enforcement activities and information exchange, while FITs would gain access to invaluable local insights and expertise.

**Recommendation:** Collaborations between local CSOs and PIPO centres, including participation in port-side inspections, could enhance various aspects of centre operations. Local CSOs could offer translation services to understaffed PIPO centres and address trust issues inherent to these centres. Furthermore, they can inform fishers about their rights, thereby helping to prevent labour abuses.



### 1.3 At-sea inspections

Since 2016, EJF has participated in 21 at-sea patrols aboard vessels operated by various Thai agencies, including the RTN, RTP, DMCR, MD, and the DoF. These agencies are equipped for patrolling under the jurisdiction of THAI-MECC. These patrols have been conducted in multiple regions, including Phuket, Songkhla, Pattani, Sattahip, Samut Songkhram, and Phetchaburi. Over the years, EJF has had the opportunity to assess a wide range of at-sea inspection practices and methodologies used by different agencies in various regions. It is worth noting that these recommendations primarily pertain to at-sea operations conducted under typical working conditions.

EJF has learnt that during one at-sea inspection conducted by DoF in 2022, officials discovered that fishers were using counterfeit seaman books. Remarkably, these abnormalities were not detected during the vessel's prior PIPO inspection(s). This emphasises the need for stringent inspection standards in assuring the identification and correction of labour-related violations in the fisheries industry.<sup>41</sup>

**Recommendation:** Such a discovery demonstrates the ongoing need for at-sea patrols to work in parallel with the PIPO port-side inspection system. It also shows how all at-sea patrol agencies must deploy similarly stringent protocols when inspecting vessels at sea, namely checking vessel documents, fisher documents, vessel holds, VMS and other high-risk areas of the vessel.

**Recommendation:** To enhance the efficiency of patrols, THAI-MECC should analyse the planned routes of all participating agencies, taking into account known areas of IUU fishing to prevent overlapping patrol routes.

#### How effective enforcement action works in tandem with the Agreement on Port State Measures (PSMA):



The Sun Flower 7 in Bangkok port in early 2023. As a result of an investigation by the Thai authorities the vessel was eventually denied entry into port.

In March 2023, the SUN FLOWER 7, a South Korea-flagged carrier, was denied permission to offload its 4,000-tonne tuna hold, estimated at US\$7.2 million, in Bangkok, owing to suspected unlawful retrieval of fish aggregation devices (FADs) within Kiribati's Exclusive Economic Zone.<sup>44</sup> A combined investigation by Starboard Marine Intelligence and EJF indicated extensive non-compliance with FAD restrictions throughout the Western and Central Pacific Oceans. A subsequent inspection and investigation by the Royal Thai Police and DoF led to the vessel's eventual port entry denial.

Thailand's adoption of the Food and Agriculture Organization's Agreement on Port State Measures (PSMA) demonstrates a commitment to combat IUU fishing, which is consistent with continuing fisheries reform. The SUN FLOWER 7 case demonstrates how the PSMA can be used to identify and bar entry to potentially high-risk seafood or products that are untraceable. The PSMA also provides the Thai authorities with the authority to refuse port entrances and remove vessels implicated in unlawful activity. The SUN FLOWER 7 was eventually fined USD \$150,000 by the Korean Ministry of Fisheries for "very serious" infractions, prompting EJF to seek comparable sanctions by all flag nations to prevent IUU practises in their fleets.<sup>45</sup>

- THAI-MECC enforcement vessels currently lack reliable access to VMS data, the Common Risk Assessment database, or fishing vessel information before conducting inspections. This means they may not be aware of the reasons for a vessel's risk classification during inspections. While they can check certain aspects through mobile phone networks, this method is unreliable at sea.

**Recommendation:** Prior to an inspection, the THAI-MECC regional office should be capable of transmitting fishing vessel information, including 'port out' records, crew lists, and VMS tracking data to the enforcement vessel. Subsequently, this data should be cross-referenced with the documentation present on the fishing vessel to reduce the risk of counterfeit documents or altered crew lists.

**Recommendation:** THAI-MECC patrol vessels should have access to the VMS system, a recommendation that Navy and DMCR officials have consistently supported during all observed at-sea inspections by EJJ since February 2016. This access can take the form of either a less data-intensive version of the complete system or an offline version that allows patrol vessels to download vessel tracks to their devices before heading out to sea.

- Inspections must be comprehensive and systematic. Sometimes, fish holds go uninspected or only some of the holds receive attention.

### Institutionalisation of law enforcement specialists

Since 2018, EJJ has actively participated in nine at-sea patrols, collaborating with entities such as the RTP's "Child, woman protection, anti-human trafficking and fishery centre", the Marine Police, and the DoF. These patrols involved six missions on an undercover vessel known as "Poseidon", and three missions on a vessel operated by a private contractor.

The Poseidon was introduced in 2017 with the innovation of repurposing a weathered fishing vessel into an undercover law enforcement patrol vessel. The deliberately unattractive exterior, marked by corrosion and aged paint, ironically became an asset in combating IUU fishing, as it prevented targeted fishing vessels from becoming suspicious of the approaching vessel. Poseidon was crewed by Marine Police officers and DoF personnel. It was equipped with radar and an auxiliary speedboat allowing the Poseidon to intercept unauthorised fishing vessels, primarily from Vietnam. EJJ's involvement in these patrols included conducting interviews with the detained fishers from these arrested vessels. EJJ discovered instances of child labour, emphasizing the urgent need to address labour violations across the region's fisheries.

These collaborative efforts have yielded commendable enforcement outcomes, including the apprehension of illegally operating foreign fishing vessels and reinforcing Thailand's commitment to combating IUU fishing practices. Moreover, these initiatives have fostered an environment conducive to increased technical support, robust information exchange, and synergistic collaboration between EJJ and Thai law enforcement authorities. This collaborative progress is instrumental in the region's concerted effort to ensure the legality and sustainability of fisheries.<sup>46</sup>



A rigid inflatable boat (RIB) chases an unflagged fishing vessel from Vietnam fishing illegally within Thailand's Exclusive Economic Zone (EEZ).

**Recommendation:** Inspecting officers should conduct consistent hold inspections to compare catch quantities with logbook data and the VMS track.

- During the DoF patrol, officials examined the fishing gear on each vessel to ensure it complied with regulations. This is a critical step to ensure ongoing adherence to fisheries regulations. However, these checks are not consistent across at-sea patrols conducted by different agencies.

**Recommendation:** Verifying catches should be a standard operating procedure (SOP) for all at-sea inspection agencies. Fishing gear should be inspected against fishing licences and ship registrations, and specific gear details, such as mesh size or the number of hooks, should also be checked in accordance with regulations.

- On the DMCR at-sea patrol, officials inspected the species of fish caught, and a sample of different species was taken for further examination at the Marine Research Centre. DMCR officials explained that if 30% of the catch consists of reef fish species or those residing near the shore, the vessel would be suspected of illegal fishing, leading to an investigation.

**Recommendation:** Training on gear specifications and the classification of ‘suspicious’ species should be provided by relevant agencies at PIPO centres and THAI-MECC Area Command Centres.

- Labour inspections are currently inadequate and do not adhere to standardised procedures. Furthermore, the depth of examination during at-sea inspections varies significantly in comparison to inspections conducted at PIPO centres.

**Recommendation:** Inspecting officers should perform thorough labour inspections to verify the authenticity of worker identity documents, crew lists, and payment records in the presence of the crew on the vessel. This process should also include conducting brief interviews with crew members in their native language to assess their living and working conditions on board.

- The approach to labour inspections can differ, with some officials adopting a domineering and intimidating stance, while others appear more approachable and communicative with workers.

**Recommendation:** Inspections should aim to adopt a victim-centred approach as much as possible or utilise “soft skills” to ensure crew members feel at ease. For instance, during DMCR and DoF inspections, EJJ has observed that senior crew members from the fishing vessel were brought aboard the patrol boat to make the crew members feel more comfortable and encourage them to speak more openly.

- Communicating with predominantly foreign crews often poses translation challenges during inspections. Interviews are typically brief and held in close proximity to the vessel captain or foreman.

**Recommendation:** Inspections should involve independent translators rather than relying on a member of the Thai crew, such as the vessel captain or foreman. It is recognized that multidisciplinary teams are used for some at-sea inspections, but this practice is sporadic.



## 1.4 VMS effectiveness



This fishing vessel was identified as conducting potential illegal fishing within the Inshore Exclusion Zone (IEZ) in June 2021 - note the shore in the distance and the trawling cables visible on the right-hand side of the photo. The commercial vessel (weighing 29.59 GT and so not required to be fitted with VMS) was photographed fishing 1.67 NM from shore - within the 3NM IEZ.

All fishing vessels above 30GT are required to be fitted with VMS. As of June 2023, this covers 6,125 vessels representing 61.3% of the total commercial fleet.<sup>42</sup> This leaves 3,862 vessels (38.7% of the fleet) not monitored by VMS - highlighting a significant gap in Thai MCS coverage. Although limited VMS trials were conducted in 2020 for vessels under 30GT they were quickly suspended due to lack of funding and the COVID-19 pandemic.

In mid-2022, proposals for the installation of Automatic Identification Systems (AIS) were raised by the Excise Department aimed at all fishing vessels participating in the green oil scheme, totaling around 4,865 vessels.<sup>43</sup> This initiative held the promise of significantly advancing transparency in Thai fisheries by extending monitoring and compliance oversight to smaller vessels (below 30GT) involved in the scheme. However, as of August 2023, the plan has been temporarily halted due to budgetary constraints and regulatory challenges.

**Recommendation:** EJF recommends that the RTG resumes VMS trials for vessels under 30 GT with the aim of collecting reliable and consistent data on the utility of such systems for vessel operators, as well as the MCS benefits of having these vessels included in the existing Fisheries Monitoring Centre (FMC) database.

**Recommendation:** As a cheaper alternative to VMS, both for vessel owners as well as the FMC and other relevant authorities, the RTG might mandate the installation of AIS transponders on all commercial fishing vessels under 30GT. EJF recommends that proposals by the Excise Department should be revisited as soon as possible.

**Recommendation:** The RTG should ensure that any forthcoming satellite-based vessel tracking system (AIS) for all Thai commercial fishing vessels will disclose vital public data points attached to the vessel. We would emphasise the need to include at least the MD issued unique vessel identifier and vessel name.

## 2. Bottom trawl governance



Pair trawler net openings can stretch almost 100m, far wider than the average openings of other trawlers (5-60m).

Bottom trawling is increasingly recognised as one of the most problematic types of fishing practice due to its disproportionate impact on marine resources.<sup>47</sup> Trawler vessels deploy nets along or near the seafloor, resulting in the indiscriminate capture of various species, specifically juveniles of economically important fish like mackerel and squid. Catching juveniles before they reach maturity reduces the opportunity for the individual fish to reproduce and replenish the population. This detrimental practice also jeopardises the livelihoods of both commercial and artisanal fishers.<sup>48</sup>

EJF interviews with 22 trawler vessel captains across both the Gulf of Thailand and Andaman Sea have revealed significant changes in trawler fleet operations over the last 30 years. These changes include longer fishing trips, increasing from approximately 10-15 days 10-20 years ago to 18-20 days at present. Captains also reported significant decreases in catches, dropping from 30 to 40 tonnes 20 years ago to 10 or fewer tonnes now (depending on the vessel's size). More importantly, they noted a substantial increase in the proportion of “trash fish,” which now constitutes half of their catches.<sup>49</sup>

“The situation of fish stocks is in crisis, especially for mackerel. Before 2015, I could catch up to 100 tonnes of fish, but now I only manage to catch 30 tonnes.”

– Pair trawler captain interviewed in Chonburi (2023).

These catch reportings correspond with official Catch Per Unit Effort (CPUE) data between 1966 - 2017, showing an 88% decline in catches.<sup>50</sup> Declines in CPUE over the years have coincided with a substantial increase in the number of trawler vessels, surging from just 99 registered vessels in 1961 to a peak of 13,111 registered vessels in 1989. Subsequently, the trawler count has since stabilised before gradually decreasing to 3,187 vessels registered as of 2022.<sup>51</sup>

It should be noted that CPUE in Thailand is currently assessed across the broad categories of demersal species, pelagic species, squid, shrimp, crab, clams, trash fish and others. The lack of widespread adoption of single-species categories makes it difficult to arrive at robust population assessments.<sup>52</sup>

**Recommendation:** The DoF should trial and implement single-species CPUE assessments for important economic species such as squid and short mackerel across all trawling gear and other destructive gear as a proxy for population abundance. Similar CPUE assessments as those conducted for otter board trawlers should be conducted for beam trawlers and pair trawlers as a priority.

**Recommendation:** The DoF should ensure public and equitable access to fisheries data, including catch statistics, catch composition, and fish population assessments, especially for economically important species. This could help expand research opportunities and address data gaps in fisheries management.

## Almost half of the fish caught by trawlers is ‘trash fish’

The dragging operations of trawlers can damage seafood catches, reducing its quality and subsequent price. This often results in large proportions of trawler catches being classified as trash fish.<sup>iii</sup> Consistent fishing of the same fish populations without sufficient time in between trawls for populations to recover can also result in “fishing down of the food web” whereby larger, economically important species are replaced by an abundance of smaller specimens or juveniles and less varied species.<sup>56</sup> In 2022, 50.2% of the 504,761 tonnes of fish caught by trawlers were classified as trash fish. Thailand’s commercial fleet, in the same year, landed a total of 319,621 tonnes of trash fish, with trawlers responsible for 79% of it.<sup>57</sup>

Studies in 2003, 2013, and 2014 by the DoF and SEAFDEC found that juveniles of valuable species like mackerel, anchovies, and squid made up 64-78% of trash fish.<sup>58/59</sup> A 2017 study by the DoF reported 81% of trash fish catches were juveniles. This raises concerns about the impact on marine resources, as these juveniles are caught before they have had the chance to reproduce.<sup>60</sup>

Trash fish sells at significantly lower prices per kilogram compared to adult specimens of the most commonly found species in trash fish.<sup>61</sup> In September 2023, this averaged 9.95 baht/kg<sup>62</sup> whereas short mackerel can reach 100 baht/kg and squid up to 280 baht/kg (as of 2022). This fraction of revenue from trash fish raises serious questions about the economic viability of the focus on trash fish as well as the practice of trawling in Thailand’s fisheries.



A heap of trash fish at a port in the Upper Gulf of Thailand, showing the poor condition, small size and variety of species in the mix.

iii In many trawl fisheries, catch can become bruised and crushed by the nature of the dragging operation. Often this heavily degraded fish and other marine biota - a mixture of low economic value species - in the back of the net is not suitable for human consumption and is classified as “trash fish.”

“Twenty years ago, fishers didn’t retain any trash fish catches because there were abundant high-value fish. Today, trash fish catches are all we have.”

– Single trawler captain interviewed in Ranong (2023).

Compared to other trawler gear types, pair trawler catches consist of a higher percentage of trash fish, at 50%, which surpasses the rates for otter board trawlers (42%) and beam trawlers (5%). Furthermore, in terms of the overall catch, pair trawler catches have consistently risen since 2003, growing from 264,814 tonnes to 366,724 tonnes in 2019. Pair trawlers accounted for 56% of the total catch for the year, despite conducting fewer than 20% of trawler fleet fishing trips.<sup>53</sup>

These trends persisted even after a 2015 decree by the DoF aimed to enhance selectivity and reduce indiscriminate collection of trash fish by enlarging the cod-end (the capturing part) of the net to ensure a net mesh size of at least 4 cm.<sup>54/55</sup> The fact that both the proportion of catch categorised as trash fish and total pair trawler catches have risen suggests that this measure has not been effective. Field investigations conducted by EJF in 2022 also revealed that pair trawlers continue to use net mesh sizes smaller than 4 cm.





DoF officials measure the net length during this PIPO inspection. (Satun, May 2023).

- Recommendation:** Implement the recommendations on addressing identified issues in Thailand's trawling industry as set out in EJF's Scourge of the Seas report. These include but are not exclusive to:
- Phase out of pair trawling fishing gears which are devastating Thai marine ecosystems and disproportionately contributing to the declines in economically important fish populations. Such a phase out should be conducted according to a carefully planned, staggered approach that focuses attention on the largest pair trawling vessels first.
  - Undertake further fish population assessments across Thailand's fisheries to fully understand how the fishing effort of banned vessels could be reallocated fairly amongst the remaining fishing fleet.
  - Ensure that affected vessel operators and workers are provided with alternative fishery-related employment or training. This should include various options for fishers such as financial incentives and assistance for those who want to change to non-destructive fishing gear/practices, as well as support for those who are willing to change livelihoods completely.
  - Introduce voluntary scrapping or buy back scheme for vessel operators for those who wish to leave the sector regardless of vessel size or engine power.
  - Ensure that a sincere participatory approach is employed for any consultation to include affected fishers, local communities, small-scale fishers and civil society organisations.
  - Re-evaluate current minimum net mesh sizes due to the high proportion of juvenile catches in trawl nets. Enlarge the net mesh of the body portion of pair trawler nets to help limit the catch of juveniles.
  - The DoF should trial and implement gear modifications such as Juvenile and Trash Excluder Device (JTED) to make pair trawler catches more selective and consequently minimise the pair trawling fleet's impact on juveniles of economically important species.

### 3. PIPO centres

EJF has conducted over 210 observations of Thailand's 30 PIPO centres and 21 FITs since their inception in 2014. EJF has also conducted its own investigations, interviews with fishers, port workers, and other stakeholders to garner additional intelligence of capacity gaps at these locations and of the inspection procedures that take place.

In 2023, EJF visited 22 PIPO centres and 8 FITs alongside the Thai-MECC's FIT. A full list of the PIPO centres visited by EJF is available upon request.



A PIPO inspection takes place (Prachaup Khiri Khan, April 2023).

### 3.1 Risk based inspections

Since September 2018, PIPO centres have implemented a risk-based approach referred to as the Common Risk Assessment (CRA) to determine the priority of vessel inspections. The CRA involves assessing 12 different metrics related to vessels to classify them as high risk, watchlist, or normal. High-risk vessels are supposed to be inspected every time they arrive or depart from the port, watchlist vessels 30% of the time, and normal risk vessels 10% of the time, with adjustments made based on available PIPO resources and the duration of fishing trips.

EJF has observed that, at certain PIPO centres, inspections of normal risk vessels are sometimes not carried out. This is typically due to resource constraints or the considerable distances involved in reaching remote piers or vessels. The situation is particularly challenging in PIPO centres located in the southern provinces of Thailand, where security concerns can result in missed vessel inspections.

The infrequency of inspections for normal risk vessels results in fewer labour checks and reduced opportunities for workers on these vessels to voice their concerns. Additionally, less frequent inspections could lead officials to have an inaccurate understanding of the working and living conditions of the workers on board these vessels.

**Recommendation:** Given the potential for significant changes in working and living conditions on vessels over time, it is imperative for officials to stay informed with the most current information regarding conditions on board.

**Recommendation:** The DoF should introduce training sessions for the Heads of Checkpoints to ensure the continued adherence to the CRA framework. These sessions should incorporate best practices observed in selected 'SMART' PIPO centres, such as Satun, Trat, and Songkhla. Furthermore, former Heads of PIPO centres should be invited to share their experiences and transfer their knowledge during these training sessions.

**Recommendation:** Despite the less frequent inspections of normal risk vessels, it is essential that these inspections occur randomly to prevent vessel owners or operators from predicting when inspections will take place and thus ensuring that potential violations remain concealed.

As of the time of writing, the CRA is still deficient in crucial labour-related indicators necessary for it to comprehensively address both fisheries and labour concerns.

**Recommendation:** The DoF should collaborate with the DLPW to expand the labour indicators within the CRA to align with international labour standards. This should encompass factors such as failure to document working hours, the workload associated with high-intensity fishing gear, the history of fishers lost at sea, records of document retention cases, and other documented labour disputes. This broader set of indicators would provide a more comprehensive insight into labour conditions on-board fishing vessels.

## Beneficial ownership

In early 2023, local CSOs and EJF referred a labour violation case to a local DLPW office (the names of officials and locations are anonymised due to safety concerns). The DLPW office agreed that the migrant fishers should be referred to the National Referral Mechanism (NRM)'s screening process. After the potential victims had completed their reflection period (allowing the victim to recover and escape the influence of the perpetrators of the offences), the RTP's "Anti-Trafficking in Persons Division" (ATPD) conducted an official NRM victim identification interview and identified several of the fishers as victims of forced labour.

The victim testimonies unveiled a range of violations, including physical abuse, intimidation, threats, identity document retention, wage withholding, excessive overtime, adverse working/living conditions, alongside salary payments made exclusively in cash. Notably, these transgressions extended beyond the initially rescued victims to encompass migrant crews from sister vessels from the same fleet, totalling over a hundred individuals. During case consultations, the ATPD received EJF's beneficial ownership analysis of the implicated fleet, revealing labour violations on at least two out of over 30 vessels under the same beneficial owner.

The case of 2022, reported for labour violations by a local CSO to EJF, underwent inspection by DLPW. However, the inspection failed to meet prescribed standards, marked by irregularities such as limited interviews conducted within view of the owner, and captain. The inadequacy of the inspection allowed the continued exploitation of vulnerable migrant fishers within the fleet, as evidenced by the recurring 2023 case. Moreover, the investigation into the 2023 case unveiled a shift in beneficial ownership practices, with attempts to distance the true owner through nominees, emphasising the persistent need for stringent measures to address labour exploitation and deceptive ownership practices in the fishing industry.

## 3.2 Digital systems

In 2023, the MD launched a web application for authorising fisher work permits and managing labour inspections known as 'E-285 Plus'.<sup>63</sup> This application works alongside the existing digitised PIPO management system known as 'e-PIPO' (introduced in 2017) which sought to consolidate the existing paper-based recording system. E-285 Plus performs several key functions including recording vessel registration, fishing licences, information about employees, new hires and modifications or cancellations of existing employee data, printing electronic employment contracts for work in the marine fisheries sector, requesting work permits for jobs on fishing vessels under Article 285, notifying the authorities about the departure and arrival of vessels, processing termination of employment and generating debt statements



Screenshot of the new E-285 Plus application. All of the necessary related information for a vessel can be accessed in real-time via a mobile application.



**Recommendation:** Both the existing e-PIPO system and newly introduced MD E-285 Plus systems must be interoperable to maintain and preserve a permanent record of any modifications made to vessel details, crew documentation, and crew lists. This record should include details of the user who made the change, the date and time of the alteration, the specific information that was modified, and the location of the change. This practice will enforce accountability among officials for any adjustments and safeguard against the permanent erasure of critical information. The 'Thai Flag' system within the DoF already serves as an illustrative example of such a ledger system.

### 3.3 Under-resourced and inefficient processes

EJF and government agencies have acknowledged that the challenges faced by overextended and underfunded PIPO centres significantly impede the network's effectiveness. In October 2020, the DoF attempted to address this issue by restructuring the PIPO network to enhance the efficient allocation of resources.

Despite these changes, some PIPO centres continue to report resource shortages. During visits to various centres in 2022 and 2023, several PIPO officials highlighted a deficiency of translators for labour interviews. This becomes particularly problematic when there are multiple nationalities of labourers on the vessels as centres typically have only one language translator available.

Additionally, the DoF has made efforts to expand its inspector workforce through the hiring of individual contractors. However, these contractors lack the necessary authority to make prosecutions. If a potential violation is found, these contractors must refer the case to an authorised PIPO official for further investigation. This raises questions about the level of training for these new contractors, screening of contractors for possible conflicts of interest with the fishing industry, as well as the frequency and effectiveness of potential case referrals.

**Recommendation:** The DoF should clearly define the roles and responsibilities of individual contractors if they are to join PIPO inspection teams. In addition, all contractors should receive appropriate training in identifying possible indicators of IUU fishing and/or labour abuses. Finally, contractors must be screened for possible conflicts of interest or criminal records.

**Recommendation:** As part of the annual review of the Port Security Control Centre (PSCC) restructuring transition, THAI-MECC and DoF should conduct a renewed assessment of FIP needs across the PIPO network to determine if new FIPs are required. EJF is ready to provide analysis and recommendations on which PIPO centres should be prioritised.

### 3.4 Procedures and checklists

Each PIPO centre is mandated to implement a standardised checklist (Sor Jor Ror 1/ศจร.1) and newly updated SOP for vessel inspections which has been effective since April 2023. These checklists are aimed to delineate the responsibilities and protocols for every member of the multidisciplinary team. Nonetheless, there have been instances where EJF has not witnessed PIPO officials utilising this form.

**Recommendation:** Strict adherence to the universal checklist is vital, and it should be consistently implemented across all PIPO centres, with all members of the multidisciplinary team signing off on their respective sections. This will guarantee uniform procedures and establish accountability for subsequent investigations.

**Recommendation:** Digitising this checklist is essential, enabling electronic copies of every completed PIPO inspection to be integrated into the ePIPO system and the 'FishingInfo2' database. This step will not only promote transparency but also enhance accountability in the inspection and investigation processes.



Inspection team briefings are a useful procedure to facilitate inter-agency cooperation and identification of potential issues (Phang Nga, April 2023).

EJF has noted that most inspections typically involve a pre-inspection briefing to allow officials to discuss tactics and potential lines of inquiry. However, in some instances, these briefings occur in close proximity to the vessel, especially near the senior crew.

**Recommendation:** EJF applauds the introduction of this practice and recommends that such briefings occur both before and after each vessel inspection. These briefings should be held away from the vessel owner or captain to ensure that officials can discuss any suspicions or concerns discovered during the inspection without feeling influenced or pressured.

**Recommendation:** To enhance the investigative skills of PIPO officials, EJF suggests that they be tasked with identifying at least one issue relevant to their jurisdiction onboard the vessel. This practice serves as a valuable training exercise to improve their questioning abilities. Towards the end of the inspection, the team should hold a debriefing session to discuss potential suspicions they have identified and determine the appropriate course of action.

Random catch checking when a vessel arrives in port is a critical procedure mandated by the PIPO's SOP. DoF officials conduct this inspection to verify that the catch onboard corresponds to the amount recorded in the vessel logbook. EJF has observed random catch checking procedures being carried out without this verification taking place.

**Recommendation:** DoF officials must consistently cross-reference the weight of the catch in the hold with the information provided in the vessel's logbook during random catch checking procedures.

#### 4. Transparency in fisheries

Opaque fishing practices and a lack of transparency in fisheries, combined with complex seafood supply chains and underdeveloped international fisheries management systems, provide the enabling factors for IUU fishing and human rights abuses to thrive at sea.

To address these factors EJF is advocating for Thailand to adopt a comprehensive set of transparency mechanisms and regulations that would facilitate improved monitoring, control and surveillance of Thailand's fisheries. Transparent and accountable supply chains enable regulatory agencies, seafood buyers, and consumers to monitor supply chains for potential violations and deter IUU fishing and slavery at sea.

## 4.1 Fleet management

Beneficial ownership is a key factor that can enable illegal fishing practices by shielding the true owner's identity through the use of shell companies. These hidden owners or ultimate beneficial owners (UBOs) continue to reap the benefits of IUU fishing whilst remaining hidden.<sup>64</sup>

The widespread use of “flags of convenience” (FoCs) by Thai-owned and formerly Thai-flagged (but still Thai beneficially owned) fishing vessels further compounds the lack of transparency in the fishing industry. FoCs make it challenging for enforcement agencies to identify and penalise the UBOs of IUU fishing practices, effectively providing them with an easy escape route. As of the time of writing, Thailand does not operate an open registration system. However, there is no particular regulation that prevents or deters the use of FoCs under Thai law.

### Vessel operators with five or more fishing vessels own 53% of Thailand's commercial fleet.

Based on available MD whitelist information from 2021, EJF has identified that approximately 53% of the commercial fleet is under the ownership of individuals or entities who possess a minimum of 5 vessels. Meanwhile, single-vessel owners account for roughly 17.5% of the entire fleet. There are 35 vessel operators with 20 or more vessels, accounting for 11.1% of the total fleet. On average, each of these “20 or more owners” possesses approximately 29 vessels, underscoring the high level of consolidation in vessel ownership structures.

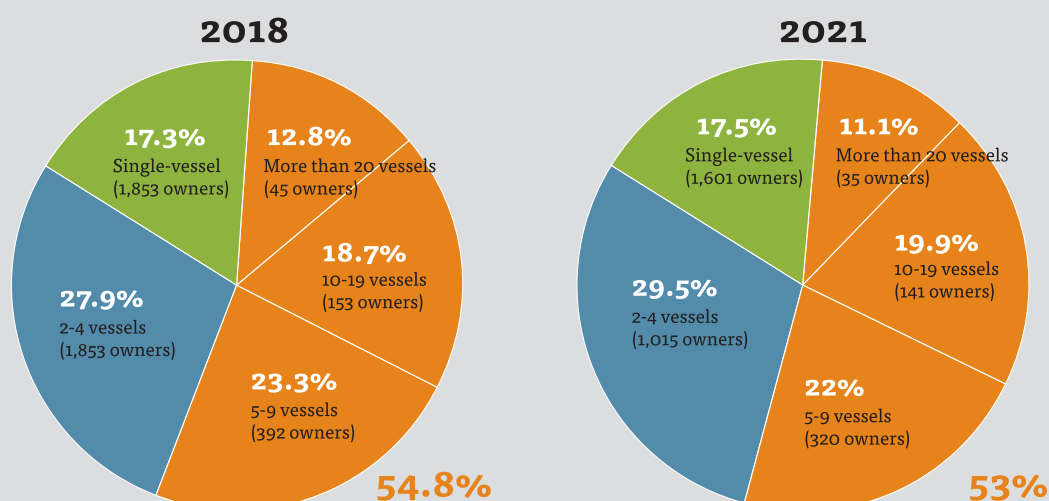


Figure 2: Distribution of Thailand's commercial fleet in 2018 and 2021

Number of ves-sels owned	2018 proportion (%)	2021 proportion (%)	% increase/decrease
1 vessel	17.3	17.5	1.2%
2 to 4	27.9	29.5	5.7%
5 to 9	23.3	22	-5.6%
10 to 19	18.7	19.9	6.4%
More than 20	12.8	11.1	-13.3%
More than 5	54.8	53	-3.6%

Table 2: Vessels proportion of each owners category in 2018 and 2021

Between 2018 and 2021, the number of “20 or more” owners decreased from 45 individuals, families or companies to just 35 entities, while their ownership proportion has decreased from 12.9% to 11.1% (a decline of 14%). Increases in the proportion of owners who own one vessel, 2-4 vessels, and 10-19 vessels also suggest that a substantial number of vessels have been dispersed amongst a wider pool of owners. It also implies that these influential owners may employ nominee ownership arrangements to obscure their true identities.



Although Thailand took a notable step in 2018 by making beneficial ownership data available on the MD's website through the publication of the vessel 'whitelist'<sup>65</sup>, this practice has been discontinued due to concerns that such data inclusion is in breach of the Personal Data Protection Act BE 2562 (PDPA). However, the PDPA does not extend to public authorities handling state security issues, including IUU activities, and so such data inclusion should be regarded as exempted under the PDPA.

**Recommendation:** The RTG should make information about the beneficial ownership of vessels, both whitelist and watchlist, publicly accessible and transparent. This information should include various parameters such as current and former vessel names, the vessel owner's name, and a photograph of the vessel. Access to beneficial ownership information will enable regulatory and enforcement agencies to detect and track illegal fishing vessels and operations.

**Recommendation:** The RTG should take further steps towards a truly transparent fishing sector by establishing a comprehensive mechanism to identify the true beneficial owners of Thai-flagged as well as formerly-Thai-flagged fishing vessels and ensure accountability for IUU fishing. Considering that Myanmar, Indonesia, and the Philippines already have legal provisions mandating transparency in revealing ultimate beneficial owners,<sup>66</sup> it is imperative that Thailand enhances its governance over fishing fleets to align with these standards.

**Recommendation:** The MD should require comprehensive ownership details and records of profit allocation for all registered vessels and incorporate this requirement into fleet registration applications.

**Recommendation:** The MD should perform thorough background checks on individuals or companies establishing new corporate entities or taking control of existing ones. Any proposed changes in ownership structures should be promptly reported to the flag State.

## 4.2 Implementation of the Global Charter for Fisheries Transparency



The Global Charter offers cost-effective and realistically achievable solutions that boost transparency and accountability in fisheries whilst tackling both IUU fishing and associated labour abuses.

In 2022, EJF partnered with international NGOs like Oceana and Global Fishing Watch to establish the Global Coalition for Fisheries Transparency. This coalition is dedicated to enhancing transparency and accountability in fisheries on a global scale by implementing the Global Charter for Fisheries Transparency (GCFT). The GCFT is built on ten practical and feasible policy principles for improving transparency in international fisheries. These principles provide a framework for flag, coastal, and port States to foster collaboration at the national and regional levels, address capacity gaps, and ultimately strengthen fisheries governance worldwide.

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

The following are the 10 policy principles of the GCFT, along with EJJ's observations and analysis for Thailand's progress on achieving each. For a full assessment and recommendations on how Thailand can further implement the Charter please refer to EJJ's briefing titled; "Thailand's Path to Leadership in Fisheries Governance (2023)."

Principles	Status
<b>Principle 1: Require unique identification for all fishing vessels</b> Thailand mandates unique identification numbers (UVIs) for commercial fishing vessels over 10 GT. <sup>67</sup> Identity verification and inspection efforts involve cooperation between enforcement agencies and the DoF with temporary registration suspensions for unlocated vessels.	Fully Implemented
<b>Principle 2: Publish lists of licences, authorizations, and sanctions</b> Thailand partially complies by publishing a "whitelist" of licensed Thai commercial fishing vessels, along with a watchlist of high-risk and barred vessels. <sup>68</sup> Beneficial ownership data was removed from the database due to privacy concerns under the PDPA. An IUU vessel list, or "watchlist", is shared with Regional Fisheries Management Organizations (RFMOs) and other nations.	Partially Implemented
<b>Principle 3: Make public the beneficial ownership of vessels</b> Thailand initially published beneficial ownership information in 2018 but discontinued it due to PDPA concerns.	Partially Implemented
<b>Principle 4: Stop the use of flags of convenience by fishing vessels</b> As of the time of writing Thailand does not operate an open registration system. However, there is no particular regulation that prevents or deters the use of FoCs under Thai law.	Fully Implemented
<b>Principle 5: Make vessel position data public</b> Thailand requires VMS for vessels above 30 GT, leaving 38.7% unmonitored as of 2023. <sup>69</sup> Limited VMS trials for smaller vessels were suspended in 2020 due to funding and the COVID-19 pandemic. It should be noted that VMS access is strictly controlled and not accessible to the public.	Partially Implemented
<b>Principle 6: Ban or closely monitor at-sea trans-shipment</b> Thailand banned at-sea trans-shipment in 2016 due to its long-term association with facilitating illegal practices at sea. However, recent proposals by advocates for the commercial fishing sector could see this practice re-introduced along with longer allowable fishing trips and crew transfers at sea.	Fully Implemented (But under threat)
<b>Principle 7: Mandate seafood traceability from boat to plate</b> Thailand has a national traceability system covering domestic marine catch from Thai-flagged vessels and imported seafood products through two integrated electronic systems.	Partially Implemented
<b>Principle 8: Ratify international agreements that set standards for fishing vessels and trade</b> Thailand ratified the PSMA in 2016, the ILO's Forced Labour Protocol (P29) in 2018 and Work in Fishing Convention (C188) in 2019. However, the vulnerability and risk of exposure to exploitation, abuse, and FL of migrant workers in Thailand remains. Restrictive regulations, such as Sections 88 and 101 of the Labor Relations Act, B.E. 2518 (1975), continue to fall short in providing the necessary protections and rights for workers at sea.	Partially Implemented
<b>Principle 9: Ensure public and equitable access to fisheries data and participation in fisheries management and decision-making</b> Thailand has made progress in publishing fisheries data but needs improvement in areas such as budgets related to subsidy provision, MCS capacity, seafood traceability, and scientific assessments. Efforts to make decision making processes inclusive are also poorly developed and largely insufficient.	Partially Implemented
<b>Principle 10: Collect data on the conditions of fishing vessel crews and publish it in aggregate form</b> Thailand introduced the E285+ fishing vessel management system in 2023 and made its seafarer crew list publicly accessible. The data is linked with individual seafarers' employment records. However, a comprehensive public database for IUU prosecutions and/or human rights cases connected to fisheries is lacking.	Partially Implemented

**Recommendation:** The RTG should expedite the adoption of the GCFT, leveraging the substantial progress achieved so far and Thailand's influential regional position in Southeast Asia concerning combating of IUU fishing and the promotion of fisheries transparency. EJF recommends placing particular emphasis on the implementation of the following principles:

Principle 2: While Thailand has made progress through the publication of a 'whitelist' and watchlist, these should be supplemented by the inclusion of vital information such as the names of the beneficial owners. Thailand should also publish a database of vessels sanctioned for IUU fishing and/or human rights infractions.

Principle 6: EJF strongly urges the RTG to uphold its at-sea trans-shipment ban for all domestically flagged fishing vessels. Distant water fishing vessels should only be authorised to engage in at-sea trans-shipments if they are equipped with CCTV cameras and have human observers on board.

Principle 9: The availability of current data regarding the state of Thailand's fisheries resources is crucial for researchers, NGOs, seafood buyers, and other pertinent stakeholders to identify potential industry-related issues. EJF has identified several data gaps since 2021 that require filling such as fish population assessments for economically important species, budgets related to subsidy provision, and MCS capacity.

EJF and the Coalition for Fisheries Transparency firmly believe that promoting transparency in fishing practices throughout the region can yield immediate, substantial, and cost-effective benefits for ocean conservation and the sustainable use of marine resources. Robust regional cooperation can, for instance, prevent the establishment of so-called 'ports of convenience' that enable IUU fishing operators to continue exploiting marine resources at the expense of regional marine security and sustainable fisheries.

**Recommendation:** Thailand should leverage its regional leadership in combating IUU fishing to drive broader regional endeavours aimed at standardising fisheries regulations and enhancing transparency mechanisms in alignment with the GCFT.<sup>70</sup>

**Recommendation:** The RTG should support and collaborate with the Regional Plan of Action to Promote Responsible Fishing Practices, including Combating IUU Fishing in the Region (RPOA-IUU).<sup>71</sup> This voluntary initiative, chaired by Indonesia, is focused on implementing various priority areas of work, including the promotion of responsible fishing practices, the reinforcement of fisheries data collection, and the implementation of regional market measures to identify and trace fish catches, thereby preventing IUU-caught products from entering the market.

### 4.3 Green oil subsidies

One of the major subsidy programs provided to the fishing industry is the so-called "green oil" scheme whereby specially dyed diesel fuel is provided to fishing vessel operators at a subsidised rate of approximately 23.5 baht per litre. This represents a cost reduction of around 21.5% compared to standard land-based diesel, as of October 2023. 618.58 million litres with a subsidised value of 3.98 billion THB were used in 2021.<sup>72</sup> The total value of this subsidy has steadily increased since 2016, rising by 21% by 2021 despite usage declining by 3.3%.<sup>73</sup>

Category	Type of subsidy	USD value (2018 figure)	Million Baht value (2018 exchange rate)	% of total
Beneficial	Fisheries management	USD 66,405,473	THB 2,145.8	5.8%
Beneficial	Fishery R&D	USD 1,840,744	THB 59.5	0.2%
Beneficial	MPAs	USD 5,551,336	THB 179.4	0.5%
Capacity-enhancing	Boat construction & renovation	USD 4,562,539	THB 147.4	0.4%
Capacity-enhancing	Fisheries development projects	USD 756,991	THB 24.5	0.1%
Capacity-enhancing	Fishing port development	USD 160,610,127	THB 5,189.8	14.0%



Category	Type of subsidy	USD value (2018 figure)	Million Baht value (2018 exchange rate)	% of total
Capacity-enhancing	Market & Storage infrastructure	USD 34,536,271	THB 1,116.0	3.0%
Capacity-enhancing	Tax exemption	USD 324,532,515	THB 10,486.7	28.2%
Capacity-enhancing	Fishing access	USD 292,468,418	THB 9,450.6	25.5%
Capacity-enhancing	Fuel subsidies	USD 251,385,952	THB 8,123.1	21.9%
Ambiguous	Fisher assistanc	USD 907,874	THB 29.3	0.1%
Ambiguous	Vessel buyback	USD 3,260,958	THB 105.4	0.3%
Ambiguous	Rural fisher commu- nities	USD 2,229,412	THB 72.0	0.2%
<b>Total</b>		<b>USD 1,149,048,610</b>	<b>THB 37,130</b>	

Table 3: Thailand's 2018 subsidies as reported by the authorities or modelled by Sumaila et al.<sup>74</sup> Capacity-enhancing subsidies make up 93.1% of Thailand's total subsidy allocation whilst beneficial subsidies only make up 6.4%.

Fuel subsidies made up 22% of Thailand's total fisheries subsidy provision as of 2018 according to a study by Sumaila et al.<sup>75</sup> Tax exemptions made up 28% whilst fishing access subsidies made up 25%. Only 6% of Thailand's total US\$ 1.15 billion subsidy budget in 2018 went to 'beneficial' subsidies such as fisheries management. Given these proportions, it is imperative to enhance transparency and provide accessible information on how these funds are allocated. While Thailand has made notable progress in disclosing fisheries data to improve transparency within the sector, there remains a lack of transparency regarding this specific subsidy.

Beyond its significant budgetary impact, green oil subsidies inherently favour owners of larger, more seaworthy vessels. This is because vessel operators are only allowed to bunker green oil outside of 12 nautical miles from shore. This encourages vessel operators and companies to acquire larger fishing vessels which have a more detrimental impact on marine ecosystems. In addition, green oil subsidies help prop up unprofitable fishing vessels such as bottom trawlers which increasingly target very low value seafood products such as trash fish. Consequently, green oil can be classified as a "harmful" fishing subsidy, as defined by a group of scientists in 46 countries who are calling on the World Trade Organisation for a ban on such subsidies.<sup>76</sup>

**Recommendation:** The RTG should begin publishing detailed information about budget allocations, particularly regarding the widely used green oil scheme.

**Recommendation:** The RTG should contemplate imposing restrictions on the use of capacity-enhancing subsidies, such as the green oil fuel subsidy, provided to numerous trawler vessels. These subsidies contribute minimally to sustainable fisheries development and are causing commercial vessels to become overly reliant on them, especially as profits dwindle from the capture of low-value trash fish.

## Labour issues in Thailand's fishing fleet

### 5. Legislative changes

Despite the significant legislative reforms introduced in the Thai fishing industry, recent regulatory reversals have emerged, posing a threat to the pace of progress. The commercial fisheries sector, led by the NFAT, has consistently advocated for the removal or relaxation of specific clauses on labour regulations,<sup>77</sup> with minimal involvement from CSOs, labour unions, and representatives of migrant workers or artisanal fisheries associations.

EJF is of the opinion that current policy rollback proposals by the commercial sector could hinder the capacity of MCS agencies to oversee and ensure compliance with fisheries and labour regulations. Most importantly, these actions could place migrant fishers at greater risk of falling victim to exploitative or opaque labour practices.

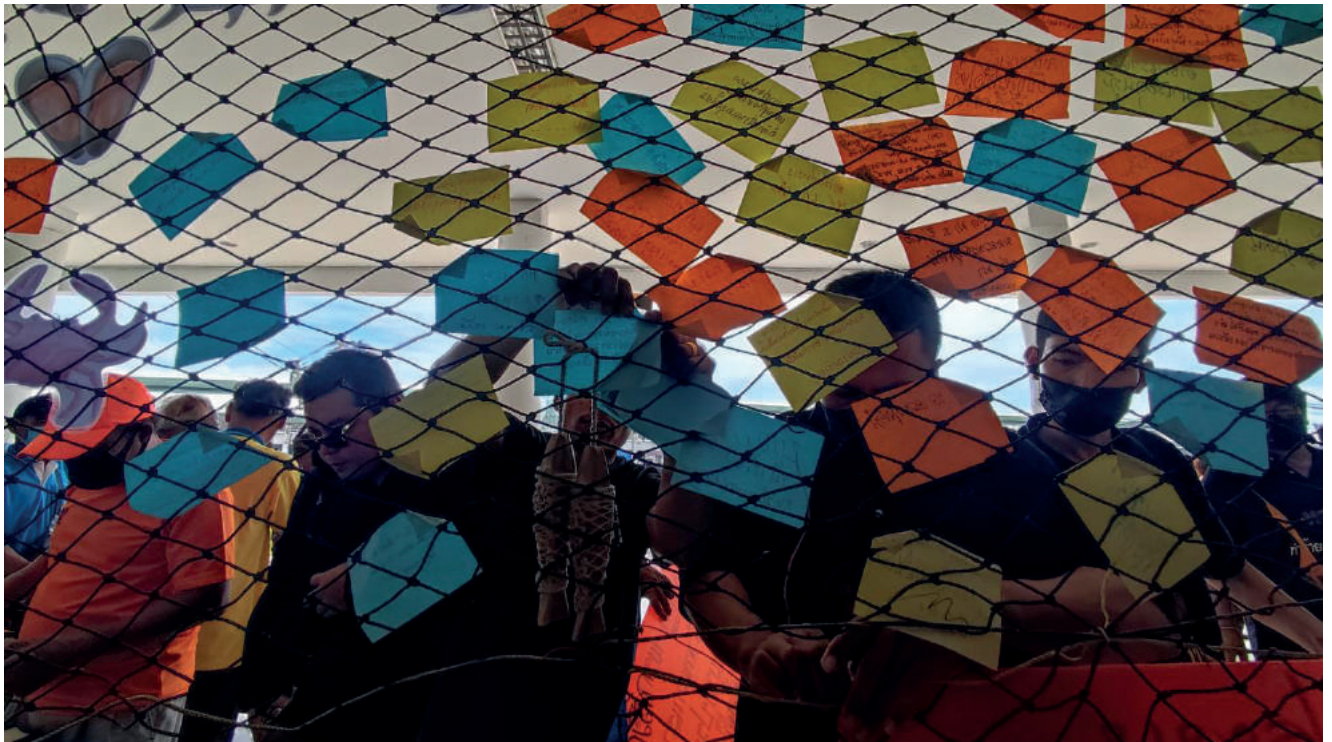
Ultimately, the ratification of two key ILO Conventions, C87 - 'Freedom of Association and Protection of the Right to Organise' and C98 - 'Right to Organise and Collective Bargaining', offers the most substantive opportunity for the RTG to address the structural vulnerability of migrant workers by granting them freedom of association and the right to collective bargaining. In preceding years, the RTG and the MoL have announced plans for the ratification of C98, while C87 was not mentioned. However, as of the time of writing such proposals are yet to resurface.

**Recommendation:**

EJF recommends that the RTG takes substantive steps towards the timely and simultaneous ratification of ILO Conventions C87 and C98. Additionally, we strongly encourage the MoL to make revisions to the Labour Relations Act (LRA) that would enable collective bargaining and freedom of association for migrant workers. These provisions are crucial for empowering migrant workers and would markedly enhance their capabilities to report incidents of labour exploitation or abuse.

**Recommendation:**

Any such moves towards the ratification of ILO Conventions and/or revisions to the LRA should be undertaken using a participatory approach that involves all relevant stakeholders including the commercial fishing sector, seafood producers, trade unions, civil society organisations, migrant workers and crews, and academic institutions.



Commercial fishers write down their thoughts on legislative changes they want to see in Thailand's future fisheries management strategy at a convention hosted by NFAT. Such events demonstrate the mobilisation efforts for the commercial sector. However, no such efforts are made to bolster the support or ideas of migrant fishers working in the sector.

## 5.1 Permitting child labour

In March 2022, a new Ministerial Regulation concerning Labour Protection in Sea Fishery Work B.E.2565 (2022) was introduced by MoL, allowing apprenticeships for children<sup>78</sup> aged 16 to 18 on fishing vessels under certain conditions. This is despite working on fishing vessels being widely recognised as a dangerous profession<sup>79</sup>. According to this rule, commercial vessels may hire a single apprentice, provided that they are a relative of the vessel owner or captain, and that they only work during daylight hours while holding a training certificate. This change has been advocated for by the NFAT since 2019.

Thai NGOs as well as EJF immediately expressed concerns about this new provision, calling for its removal due to ongoing reports of substandard living and working conditions on Thai fishing vessels, along with high numbers of fishers lost at sea every year - 109 fishers lost in 2020 and 122 in 2021<sup>80</sup>. Additionally, this regulation contradicts Thailand's stance on child protection and violates ILO Convention No. 182 on the Worst Forms of Child Labour<sup>81</sup>, which Thailand ratified in 2021. The Thai National Committee for the Eradication of the Worst Forms of Child Labour also classified fisheries as the 'worst form of work for children' in 2022<sup>82</sup>.

Regarding protective measures, the regulation still lacks essential mechanisms for safeguarding and monitoring said apprenticeships. PIPO centres are also already grappling with the implementation of consistent and robust protocols to identify FL or HT victims among regular workers.

An ill-developed Regulation could put these child apprentices at risk of engaging in unsafe labour practices, further jeopardising Thailand's reputation as an international seafood market leader. Most international seafood industry Codes of Conduct prohibit workers under 18-year-old from their supply chains. Therefore, seafood buyers in crucial markets such as the European Union and the United States may be reluctant to purchase products from Thailand if they are potentially associated with ineffectively monitored apprenticeships and potential child labour.

**Recommendation:** The Ministerial Regulation requires urgent revisions, especially in terms of monitoring systems and the specific working conditions for young workers on vessels. Its implementation should be suspended until amendments are made. Appropriate and well-designed supporting regulations are essential to prevent unnoticed abuses on fishing vessels, which would be a significant setback in Thailand's efforts to combat FL and HT.

**Recommendation:** The MoL should establish a transparent set of monitoring, complaint, and grievance mechanisms for the apprenticeship scheme before proceeding with the Regulation. All relevant stakeholders, especially CSOs, labour union representatives, and international labour experts should be invited to participate and provide inputs to ensure the mechanisms are fit for purpose.

The MoL's approach to introducing this Regulation contradicts the provisions included in C188. Accordingly, consultations must take place before allowing young workers aged at least 16 to work on fishing vessels to account for associated risks<sup>83</sup>. However, the MoL has not conducted such a risk assessment study and has only hosted a single half-day consultation session with worker representatives and CSOs. This raises concerns that the process may be heavily skewed in favour of the commercial fishing sector.

**Recommendation:** The MoL and relevant agencies should endorse and implement a truly participatory and collaborative approach for forthcoming legal revisions regarding labour regulations, living and working conditions within the fishing industry. Enhancing the safeguarding of workers and the prevention of FL and HT in Thailand's fisheries sector can be more easily achieved through the involvement of all stakeholders through a substantively inclusive process.

## 5.2 Reintroduction of at-sea crew transfer

Another problematic proposal being advocated for by the commercial fishing sector is the removal of restrictions on at-sea crew transfers. This practice, conducted far from shore without official oversight, enables unmonitored crew rotations between vessels, increasing the risks of labour exploitation going undetected and preventing affected crew from seeking help<sup>84</sup>.

Previously, crew transfers were used in Thai fishing fleets to rotate undocumented migrant workers amongst vessels, effectively imprisoning them on board in what were internationally condemned as "sea prisons."<sup>85</sup> Recognising these risks, the DoF banned both practices of at-sea trans-shipment of catch and crew in 2015.

**Recommendation:** EJF firmly recommends that the DoF maintain a ban on at-sea crew transfers for all Thai fishing vessels. DoF and enforcement agencies should instead seek to strengthen their mechanisms to ensure compliance with existing regulations.

Reintroducing at-sea crew transfer would undermine the transparency of Thailand's fishing industry, impede enforcement agencies' ability to inspect the living and working conditions of crew members and raise the likelihood of labour exploitation and undocumented movement between vessels.

## 6. Forced labour and human trafficking cases

In 2022, the RTG reported 47 'potential' cases of HT in its Trafficking in Persons Report submission, compared with 22 cases in 2021. Only one case was identified from the fishing sector<sup>86</sup>. This lack of case identification and prosecution is concerning, particularly in light of findings from an ILO endline research report, which indicated that nearly 14% of 219 interviewed fishers in 2019 had experienced some form of FL/HT<sup>87</sup>.



In 2023, EJF worked with a number of local CSOs who engage directly with fishers to provide remedial support and care when needed. A number of these CSOs identified cases of FL and labour exploitation which had not previously been flagged by PIPO centres even during multiple vessel inspections over several years. This is in stark contrast to official figures provided by PIPO centres which indicate that not a single case of FT or HT has been identified by PIPO inspections since their initial inception back in 2015.

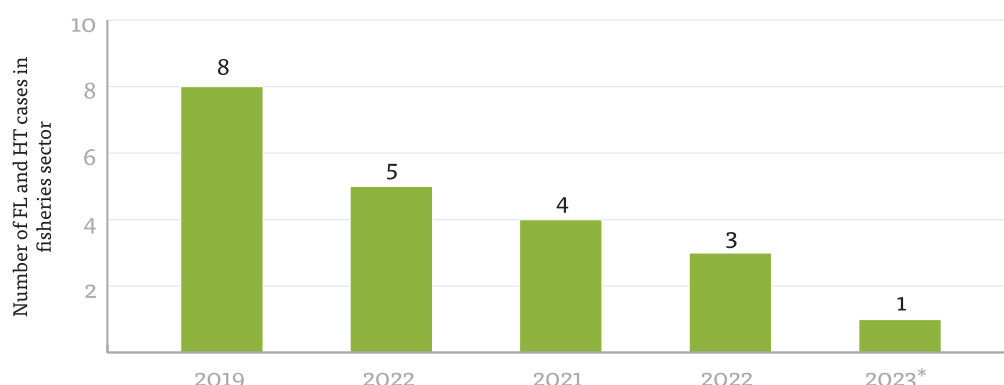


Figure 3: Number of prosecuted FL and HT cases in Thailand's fisheries sector 2019-2023, reported by the Department of Trafficking in Persons Litigation. (Note: cases in 2023 are at the prosecutorial stage.)<sup>88</sup>

A number of high-profile corruption cases linked to cases of FL or HT were identified in 2022:

1. One case involved a DoF official who worked at the FIP in Kanchanaburi using official DoF vehicles with DoF markings to smuggle three migrant workers from Myanmar to Thailand. Based on case testimonies, this was not the first time that this had happened. DoF discharged the officer from his position without further investigation<sup>89</sup>.
2. Another case involved 11 government officials including six immigration officers who were detained and accused of accepting bribes in order to permit the arrival of five foreign fishing trawlers into Thai waters in December 2021. The vessels were alleged to have been involved in both IUU fishing as well as the smuggling of migrant workers between Thailand and Malaysia<sup>90</sup>.
3. A former PIPO official who was charged for unlicensed recruitment activities and counterfeiting of fisher seaman books (which falls under Article 8 of the Employment Arrangement and Jobseeker Protection Act, B.E. 2528 (1985) for illegal recruitment and the Criminal Code B.E. 2499 (1956) Article 265: Forgery of an official document). In March 2022, a DoF at-sea patrol ship discovered that two pairs of pair trawlers were using fraudulent seaman books. All four vessels had passed PIPO inspections less than a week before the at-sea inspection, demonstrating again how PIPO vessel inspections are failing to uncover potential labour issues on vessels<sup>91</sup>.

## Forced labour identification failures in Chumphon

In 2022 EJF worked with the Human Rights Development Foundation (HRDF) on a case in Chumphon province whereby a Burmese fisher had been identified as a possible victim of FL. According to HRDF, the initial victim identification after case referral was rushed and conducted by a multidisciplinary team without proper preparation. The victim was also forced to sleep in the back of a pickup truck owned by the local PIPO centre without any supervision from a MSDHS official.

When it came to the victim screening interview the following day, the translator was unable to communicate effectively with the potential victim due to different dialects. This culmination of factors eventually resulted in evidence of only minor labour violations being collected, whereas more serious violations were suspected.

Once EJF and HRDF were provided full access to the worker, an additional three interviews were conducted in which indicators of FL were identified. Accordingly, both organisations agreed that a second victim screening procedure should be conducted. At this point a senior police officer from the RTP's Anti-Trafficking Persons Division (ATPD) forewarned EJF and HRDF that over the past four years no second victim screenings had been accepted by the courts and recommended that the case be dropped.

After insisting that the second victim screening should proceed a second multidisciplinary team eventually conducted an interview with the worker. During the second victim screening, the multidisciplinary team shared with EJF that they may be penalised if the results from the first and second victim screening were different. This is one of the reasons why multidisciplinary teams have no motivation to change their results. This resulted in no indicators of FL or HT being identified during the second screening, despite HRDF and EJF's own findings.

## The risk of re-victimisation: From WADANI to DOXfleet

In 2020, EJF uncovered labour abuses on the WADANI 2, a previously Thai-flagged trawler that had relocated to Somalia in 2019. Crew members reported extended work hours, wage and document retention, poor living conditions, and suspected IUU fishing activities, including the capture of protected species. EJF, with the support of the RTG and the International Organization for Migration (IOM), facilitated the repatriation of 15 workers (4 Thais and 11 Indonesians) in 2020. Subsequently, the repatriated WADANI 1 crew (its sister vessel of WADANI 2) filed a labour case in Thailand, leading to a Central Labour Court ruling in July 2022 that the fleet operator owed them unpaid wages and other fees totalling 9.03 million THB<sup>92</sup>.

However, as of October 2023, the WADANI 1 crew was yet to receive compensation, and despite efforts by HRDF and EJF, unresolved issues persist. Legal charges against an unlicensed broker and vessel operator related to overseas recruitment were dismissed, revealing gaps in addressing overseas fisher recruitment issues. The absence of compensation has left the crews vulnerable to re-victimisation, with some considering returning to distant water fishing<sup>93</sup>. EJF uncovered that former WADANI crew members were contemplating jobs on the FV DOX in December 2022, a vessel potentially involved in IUU fishing in Somalia, raising concerns about labour violations and human trafficking. The case underscores the importance of robust protection measures for HT victims, emphasising the crucial role of victim testimonies in combating HT and deterring future criminal activities.



An alleged photo of the FV DOX in Djibouti port. Photo was originally uploaded in December 2022.

## 7. Labour inspections at PIPO centres

While significant advancements have been made in establishing a structured approach to inspections, the lack of consistent implementation of labour laws and regulations in fisheries by labour inspectors at PIPO centres remains one of the most significant challenges affecting the identification and investigation rates for FL and HT.

For the entirety of 2022, not a single victim of FL or HT was identified through the PIPO mechanism. In addition, FIT PIPO performance scores for January 2022 showed an overall deterioration in performance, especially concerning the efforts of DLPW and DoF officials. This is of particular concern as PIPO centre tasks and responsibilities have recently been expanded to include both domestic and foreign-flagged vessel inspections.

EJF continues to receive reports that even minor labour violations discovered during PIPO inspections are not being reported to THAI-MECC in Bangkok or recorded in a centralised system. This makes it exceedingly difficult to monitor the labour situation.

**Recommendation:** THAI-MECC and DLPW should promptly collaborate to ensure that all labour violations identified during PIPO inspections are meticulously recorded in a centralised electronic database, accessible to all relevant agencies.



▲ The boat owner/manager (purple shirt) stands very close to this PIPO inspection (Prachuap Khiri Khan, April 2023).

◀ Face scanning technology was implemented during this inspection (Chumphon, April 2023).

## 7.1 Implementing a victim-centred approach

It is a positive development that the majority of PIPO centres have embraced a victim-centred approach during inspections, prioritising the well-being and comfort of the crew.

**Recommendation:** All PIPO centres should continue to uniformly adopt a rigorous victim-centred approach to ensure that crew members feel secure and at ease during vessel inspections. For instance, providing chairs for the crew to sit on during inspections.

**Recommendation:** DLPW officials and translators should wear civilian clothing to establish a disassociation from law enforcement, thereby increasing the likelihood that workers will speak openly.

EJF has developed a separate training guide titled ‘Conducting Interviews with Migrant Workers’ in both English and Thai, offering further information and guidance on implementing a victim-centred approach. This guide is available upon request.



## 7.2 Interviews and translators

Interviews conducted during PIPO inspections are a crucial component of the inspection process, as they offer workers a rare opportunity to voice their concerns and discuss potential labour exploitation or abuse with officials. Therefore, it is imperative that interview procedures are carried out meticulously and adhere to universal standards. It's worth noting that interview procedures have improved considerably since February 2016. However, they remain the inspection component that requires the most attention.

In 2023, EJJ observed that translators may at times take control of crew interviews, even posing questions before the DLPW official has asked them. Translators may also ask leading questions that draw out a particular response. Such behaviour hinders the collection of sincere evidence and information from workers.

**Recommendation:** DLPW officials should lead interviews at all times and should follow the question order of official screening tools. DLPW officials should be aware of translators asking their own, unprompted questions.

**Recommendation:** Officials and interpreters should also receive training in victim identification, soft skills, and a victim-centred approach to ensure the crew feel comfortable and safe during the interviews. For more information on this, please consult EJJ's 'Conducting Interviews with Migrant Workers' guide which is available in English and Thai.

**Recommendation:** Interviewers should ask open-ended questions and avoid asking leading or closed "yes or no" questions. This will facilitate the collection of more detailed and actionable testimonies.

EJJ has not witnessed group or collective questioning of crew members since early 2017. This is because such practices are not recommended during PIPO inspections. They are very unlikely to uncover cases of abuse, as crew members may fear being singled out as informants and facing potential retribution from their employers. It is, therefore, essential to conduct interviews separately.

All interviews observed since July 2017 have been conducted separately from the rest of the inspection. Still, their thoroughness and quality continue to vary in other aspects.

EJJ and other organisations, such as the ILO, suggest that a sample of crew members should be taken for interviews rather than individual interviews. In the past, EJJ observed several PIPO inspections where only one individual was selected for an interview. This practice is **highly unlikely** to make workers feel comfortable enough to speak about their experiences.

**Recommendation:** Instead of interviewing a single individual, a proportional sample of three to four crew members should be interviewed to reduce concerns about being singled out as informants. Prior to the interviews, DLPW officials should explain the purpose of the interviews and the protections available to reassure the crew sample and encourage them to speak openly.

**Recommendation:** DLPW officials and translators should make efforts to separate interviewees from the rest of the crew, especially the vessel captain, foreman, or other senior crew, who may intimidate workers into silence. Spaces such as pickup trucks or retrofitted cabins can provide private and comfortable locations for interviews and should become standard practice.

**Recommendation:** During interviews, only DLPW officials should be present to minimise the risk of intimidating workers, especially migrant workers who may fear authority figures due to their legal status.



A crew interview takes place during a PIPO inspection. This interview can be considered good practice because it: 1) Uses a sheltered and private location (Pickup truck), 2) Takes a sample of three workers, and 3) Interviews the workers one at a time.

While translator provision has improved since 2019, some smaller inspection teams still lack adequate translator capacity for certain migrant worker languages, which could lead to incomplete inspections for high-risk vessels.

**Recommendation:** Each PIPO centre should have sufficient translator capacity, and they should be able to request temporary support from provincial DLPW offices, local NGOs. As a last resort they should be given the technology to conduct video/voice calls for translation purposes.

**Recommendation:** If PIPO inspections cannot conduct interviews due to a lack of translation services, this should be flagged on the ePIPO system so that PIPO teams are reminded to conduct follow-up interviews when translators are available, but not more than 30 days after.

In certain PIPO centres, DLPW officials have indicated that due to the short duration of many fishing trips, often lasting just one day or night, or because they are well-acquainted with the fishing crews on board, that labour checks can be expedited, occasionally without the need for interviews.

**Recommendation:** Although this is true to some extent, relationships among fishing boat crews and their captains can change rapidly. Officials should remain vigilant, always conduct interviews, and utilise their close relationships with fishing boat crews so that potential victims feel more inclined to alert them about abuses.

Many PIPO centres have stated that in the event of a potential issue being identified during interviews, follow-up with the vessel captain or owner would be 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 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'.

### 7.3 Preserving the electronic payment system

All workers aboard fishing vessels are mandated to receive their payment at least once a month through electronic bank accounts instead of conventional cash transactions. EJF strongly advocates for the continuation of this system, considering it a substantial improvement over historically informal and untraceable cash-based practices.

Nonetheless, EJF has observed numerous vessel inspections following the implementation of this system, revealing several pressing issues that demand immediate attention, including:

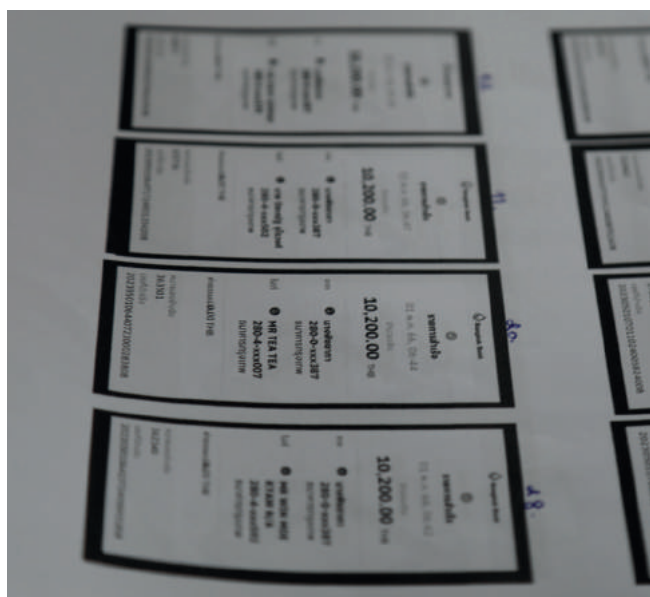
- Workers and vessel owners voiced concerns about the limited availability of ATMs in the vicinity of their ports, which restricts their access to funds and sometimes necessitates vessel captains or owners accessing workers' funds ostensibly on their behalf.
- Instances where vessel owners or captains have been found to possess workers' bank account books and ATM cards at their homes or offices. These practices could potentially grant vessel operators complete control over workers' funds, thereby undermining the intended purpose of the system.

**Recommendation:** The RTG, THAI-MECC, and DLPW should accelerate the testing and eventual implementation of utilising readily accessible counter services at convenience stores or Thai Post offices as supplementary options to ATMs.<sup>94</sup>

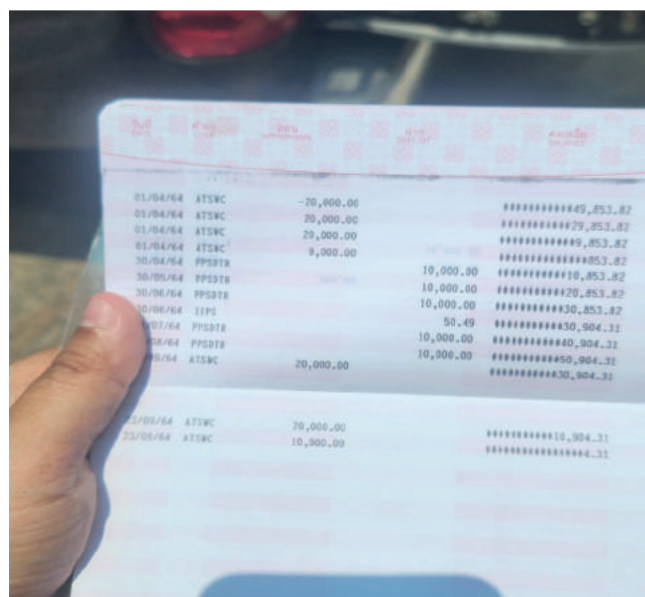
**Recommendation:** EJF strongly calls upon the DLPW to modify the 'Announcement of the Department of Labor Protection and Welfare regarding the Creation of Employment Contracts for Marine Fisheries Employees' to establish a requirement that workers' bank account books and ATM cards be securely stored onboard the vessel and not held at the residences or offices of vessel owners, captains, or brokers.

**Recommendation:** In cases where workers have indeed surrendered their bank books and ATM cards to the vessel owner or operator, it is essential that DLPW officials pose relevant inquiries to ascertain whether workers are aware of the whereabouts of their documents and if they have unrestricted access to them.

**Recommendation:** At the very least, DLPW inspectors must verify that regular monthly payments are being deposited into workers' bank books and/or that valid payment receipts serve as evidence. This evidence of payment should be cross-verified through interviews with the crew.



Left: Bank transfer receipts for fisher salary payments. The majority of transaction QR codes have been removed from the receipts, preventing the authorities from verifying the validity of the transaction (Krabi, May 2023).



Right: A photo of a bank book shows that it was last updated in 2021 (Prachuap Khiri Khan, April 2023).



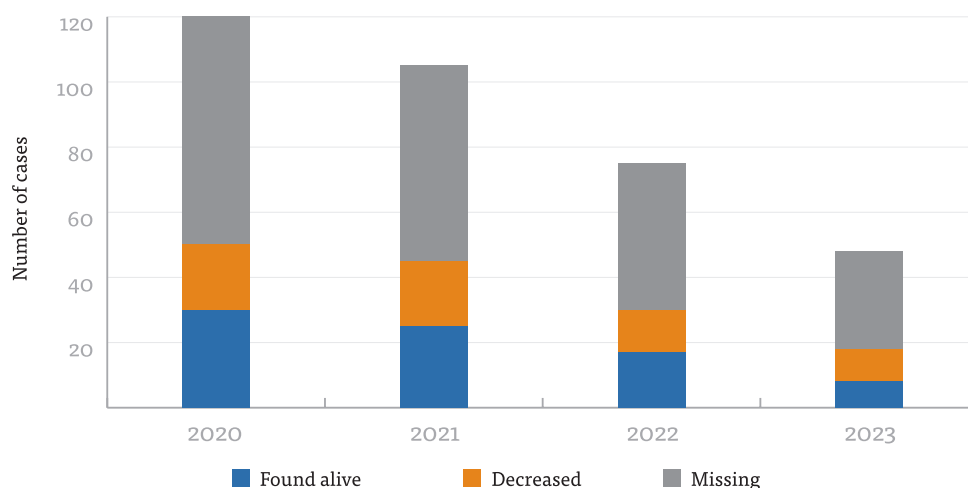
## 8. Health and safety of fishers

### 8.1 Fishers lost at sea

Since 2018 EJF has monitored the number of cases of fishers lost at sea (man overboard cases - MOC) from Thai fishing vessels. EJF and Thai CSOs first raised the issue of MOCs to the DoF and Thai-MECC in 2019. EJF presented a set of detailed recommendations as to how to improve both the initial search and rescue elements in future cases as well as the investigation protocols employed by the DoF, THAI-MECC and other agencies. One of the principle recommendations was for relevant agencies to draft a SOP for MOC investigations.

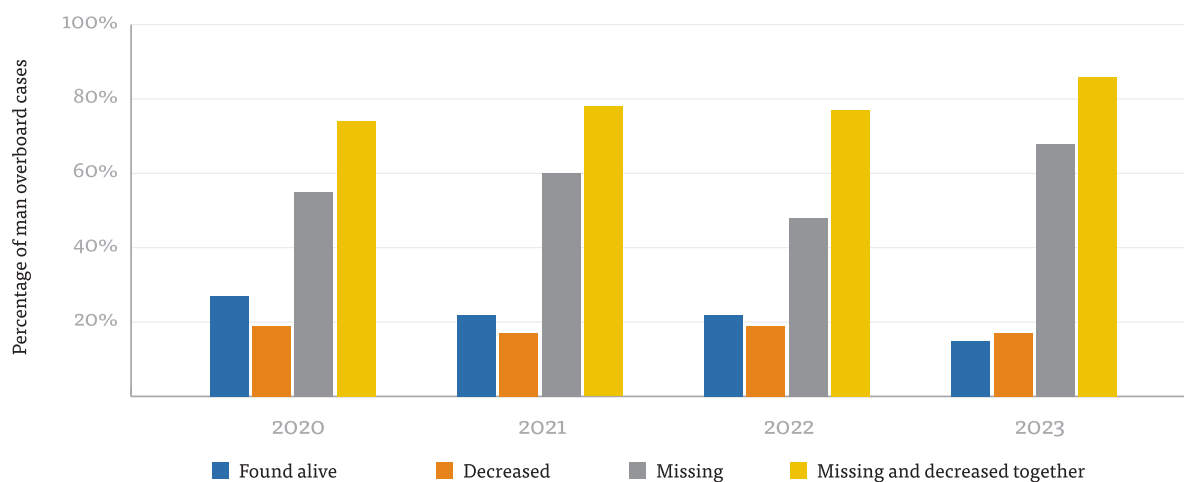
Since 2020 when there were 121 recorded cases<sup>95</sup>, the number of cases has fallen by 35% (as of 2022).<sup>96</sup> Despite this decline in cases, the number of missing fishers is still high compared to the number of fishers confirmed as dead or alive. Figure 5 shows that missing fishers represent more than 50% of all MOCs. If deceased cases are included then these represent 70% of all MOCs.

Figure 4: Numbers of recorded Man Overboard Cases 2020-2023 according to the DoF's figures



\* 2023 data as of August 2023

Figure 5: Percentage of man overboard cases 2020-2023 according to the DoF's figures



\* 2023 data as of August 2023

Section 3 (Guidelines for commercial fishing vessels port-in and port-out control) of the newly introduced PIPO Control Center SOP (April 2023) includes new guidelines for MOCs<sup>97</sup>. However, this guideline mainly addresses the initial steps that should be taken in such incidents but does not specify new investigation procedures.

Without clear, universally applied procedures for investigating MOCs, it is extremely difficult to determine the true cause of such incidents as well as any potential perpetrators. Different PIPO centres across provincial lines may also deploy different mechanisms and procedures for investigating such cases. This could result in discrepancies and inconsistencies in procedures and could allow for cases of labour abuse, manslaughter or murder to remain undetected. Unscrupulous vessel operators could also exploit lax or compromised enforcement practices in certain provinces in such situations, thus being able to avoid thorough investigations or any legal ramifications.

**Recommendation:** THAI-MECC and DOF should introduce a universal investigation SOP as soon as possible. This SOP must be compatible with the DOF's recently introduced guidelines and include step-by-step procedures for members of the PIPO multidisciplinary team.

Any investigation should follow the guidelines set out in the IMO's Casualty Investigation Code<sup>98</sup>. These procedures are consulted with the RTN and other relevant agencies, with operational detail added as required. They should then be finalised and shared with all PIPO centres and relevant agencies. A supplementary annex that lists all recommended actions is available from EJF upon request.

In addition, THAI-MECC and DOF should invite key NGO and CSO stakeholders to provide their inputs for the drafting of this universal investigation SOP as part of a participatory approach.



A fisher demonstrates the precarious technique for going to the toilet whilst at sea. A lack of appropriate fixed toilet facilities on Thai fishing vessels may be one of the leading factors for the high rate of MOCs. (Ranong, August 2022).

**Recommendation:** Newly introduced guidelines for responding to MOCs should be implemented strictly and universally across the PIPO network. It is vital that MD officials at all PIPOs inform vessel owners and captains about the new guidelines. Vessels that do not adhere to the new guidelines should be barred from leaving port again until the issue has been resolved.

**Recommendation:** All fishers should receive basic safety training before they are allowed to start work on-board any fishing vessel. They must be able to use all on-board safety equipment including first aid kit, life jackets, life preservers, safety gloves, safety goggles and fire extinguishers.

The DoF, MD, and DLPW should work together to revise the existing fisher basic safety training curriculum to include a mandatory module on survival techniques when facing man overboard situation – both for helping fellow fishers and saving oneself on falling into the water. This revision should be made in line with international standards.

The MD should arrange for this safety training to be conducted for all fishers every six months and an MD official should be present to observe the training every time it is conducted to ensure that all training provided across Thailand's 22 coastal provinces is completed according to consistent standards.

**Recommendation:** The MD should integrate the most recent update of fishers' basic safety training into the E-285 Plus system whereby PIPO officials would receive automated alerts if fishers are due for their six month refresher course. Random spot checks of fisher safety training should be conducted during PIPO inspections to evaluate training needs.

**Recommendation:**

The DoF, MD, and DLPW should work together to produce informative posters that detail required actions when fishers are faced with MOCs. These materials should be produced in the native language of fishers and installed where fishers can easily access them e.g. at fishing ports or within vessel rest quarters (if possible).

Where relevant this should also include information about compensation claims, the Workmen's Compensation Fund, and Social Security Fund obligations.

EJF has observed inconsistencies in inter-agency cooperation related to MOCs, especially between DOF and DLPW agencies at PIPO centres. Such gaps are preventing the effective documentation and investigation of such cases.

**Recommendation:**

A dedicated interagency committee or investigation body - hereby referred to as the **Thai Maritime Safety Agency (TMSA)** - should be formed with representatives from THAI-MECC, the RTP and relevant CSOs working in coastal provinces. The Thai authorities should refer to the European Maritime Safety Agency for information on establishing such investigative bodies<sup>99</sup>.

## 8.2 Accidents and other health and safety concerns

### Lack of awareness and information to prevent accidents:

Working on fishing vessels is risky and dangerous. In 2019 it was ranked the second most dangerous job in the world, just behind logging<sup>100</sup>. Beside MOCs, there are several high risk and accident prone areas on Thai fishing vessels which can result in injury or even death. These can originate from fishers being made to work in confined spaces, operating machinery without suitable protection or through exposure to uninsulated electrical components. The incident could lead to losing body parts or fatalities. However, these minor to major incidents are not recorded. The collected information from the incidents could be useful to develop health and safety procedures at the workplace.

The newly updated SOP requires vessel operators to fit hazard warning signs associated with working in confined spaces, electrical dangers and moving machinery around the vessel. This demonstrates a positive step forward in terms of health and safety awareness for the industry. However, EJF still receives reports regarding fishers losing hands or fingers while operating vessel machinery. Further measures need to be taken to reduce the risk of injury on fishing vessels.



Newly updated PIPO SOPs require the fixture of hazard warning stickers around fishing vessels. Note that the moving machinery sticker is not provided in Burmese - the most common group of migrant fishers employed on Thai fishing vessels (Phang Nga, April 2023).

### Lifejackets on fishing vessels:

During the majority of PIPO inspections observed by EJF, workers are seen wearing life jackets. EJF acknowledges that this practice may have superficial motives, but it serves multiple important purposes, including: 1) quickly confirming that all crew members have access to life jackets, 2) ensuring that crew members know the location of life jackets on board the vessel, 3) verifying that the life jackets are in a wearable condition, and 4) confirming that the crew members know how to put them on.



**Recommendation:** This practice should be adopted during all PIPO inspections as it is a quick and effective method of ensuring that all crew on-board have access to life jackets. EJF stresses the importance of ensuring all fishers wear life jackets while fishing. They should know where the vessel's lifejackets are at all times, be trained when and how to use them and have easy access to them even when not fishing in case of an emergency.

**Remedial action and getting compensation:**

In 2022 and 2023 EJF has heard multiple reports and been requested to provide assistance in a number of fisher injury remediation cases. Fishers and their families have told EJF of not receiving appropriate compensation from their employers for their injuries.

EJF has also heard reports of fishers' next of kin not being contacted or not receiving compensation from the Workmen's Compensation Fund when the death was work-related. For cases that are not work-related, current regulations allow for employers to either enrol in the Social Security Fund or purchase equivalent insurance from private companies. However, most fishers who EJF has spoken to said that they have neither Social Security Fund nor private insurance.

**Recommendation:** In the event of work-related deaths, DLPW officials should ensure that the fishers' next of kin are notified and follow up with vessel operators to ensure that compensation payments have been made and have been received within an appropriate amount of time. For non-work-related cases, all fishers should be required to register with the Social Security Fund.

**Recommendation:** Social Security Officials should provide more accessible information in the form of leaflets and posters to both employers and employees.



A migrant fisher lost his index finger while he was operating machinery on a vessel. The employer did not provide any compensation for his injury (Chumphon, July 2023).

## Supporting documents



For background information about the agencies involved in implementing Thailand's MCS systems, a map of Thailand's PISO centres, etc please scan the QR code.

## Abbreviations

AIS-SART	AIS Search and Rescue Transponder	LB	Logbook
CB radio	Citizen Band radio	LD	Landing declaration
CCCIF	Command Centre for Combating Illegal Fishing	MCS	Monitoring, Control, Surveillance
CRA	Common Risk Assessment	MD	Marine Department
DoE	Department of Employment	MSDHS	Ministry of Social Development and Human Security
DoF	Department of Fisheries	MTU	Mobile Transceiver Unit
DLPW	Department of Labour Protection & Welfare	NGO	Non Government Organisation
DMCR	Department of Marine & Coastal Resources	PIPO	Port In Port Out
EPIRB	Emergency position-indicating radio beacon	RTG	Royal Thai Government
FIP	Forward Inspection Point	RTN	Royal Thai Navy
FIT	Flying Inspection Team	SAT	Special Arrest Teams
FMC	Fisheries Monitoring Centre	SOP	Standard operating procedures
GT	Gross Tonnage	THAI-MECC	Thai Maritime Enforcement Coordinating Centre
ILO	International Labour Organisation	VHF	Very High Frequency radio
IMO	International Maritime Organisation	VMS	Vessel Monitoring System
IUU	Illegal, unreported and unregulated (fishing)		

# Endnotes

- 1 Department of Fisheries (DoF) (2022) Thailand Fisheries Overview, [https://www4.fisheries.go.th/dof\\_en/view\\_message/215](https://www4.fisheries.go.th/dof_en/view_message/215).
- 2 DoF (2023) Statistics Report According to Section 9 of the Fisheries Act 2015 (As of June 2023), [https://www4.fisheries.go.th/local/file\\_document/20230912152143\\_new.pdf](https://www4.fisheries.go.th/local/file_document/20230912152143_new.pdf)
- 3 DoF (2019) Thai Fishing Vessels Statistics (as of April 2019), [https://www4.fisheries.go.th/local/file\\_document/20200714153821\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20200714153821_1_file.pdf).
- 4 Manager News (27th December 2019) Artisanal fisheries responded to the fishing vessel management policy, with almost 20,000 vessels willingly registering, [http://203.155.220.117:8080/BMAWWW/upload/module\\_cms/title\\_cms/file\\_b65d3a056f3f0887aacde4953c84001.pdf](http://203.155.220.117:8080/BMAWWW/upload/module_cms/title_cms/file_b65d3a056f3f0887aacde4953c84001.pdf).
- 5 DoF (2023) Fisheries Statistics of Thailand 2022, [https://www4.fisheries.go.th/local/file\\_document/20230913110030\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20230913110030_1_file.pdf).
- 6 Tiptiwa Sampantamit, et al (2019) Evolution of Fish and Shellfish Supplies Originating from Wild Fisheries in Thailand Between 1995 and 2015, <https://core.ac.uk/download/pdf/287939477.pdf>.
- 7 DoF (2023) Quantity and Value of Marine Aquatic Animals Landed by Provinces 2022, [https://www4.fisheries.go.th/local/file\\_document/20230616134051\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20230616134051_1_file.pdf).
- 8 DoF (2022) Thailand Fisheries Overview, [www4.fisheries.go.th/dof\\_en/view\\_message/215](https://www4.fisheries.go.th/dof_en/view_message/215).
- 9 Food and Agriculture Organisation (FAO) (2019) Fishery and Aquaculture Country Profiles: The Kingdom of Thailand, <https://www.fao.org/figis/pdf/fishery/facp/THA/en?title=FAO%20Fisheries%20%26%20Aquaculture%20-%20Fishery%20and%20Aquaculture%20Country%20Profiles%20->.
- 10 Choongan, C. (2018) Thailand's Fisheries Situation, cited in Sumolmal Suwannapoom (2020) County Fisheries Trade: Thailand, <http://www.seafdec.org/country-fisheries-trade-thailand/>.
- 11 FAO (2020) Thailand GLOBEFISH Market Profile - 2020, [www.fao.org/3/cc5688en/cc5688en.pdf](http://www.fao.org/3/cc5688en/cc5688en.pdf).
- 12 FAO (2021) FishStat: Fisheries and Aquaculture, [www.fao.org/fishery/statistics-query/en/trade\\_partners/trade\\_partners\\_value](http://www.fao.org/fishery/statistics-query/en/trade_partners/trade_partners_value).
- 13 Ibid.
- 14 Ibid.
- 15 EJF (2015) Pirates and slaves: How overfishing in Thailand fuels human trafficking and the plundering of our oceans, <https://ejfoundation.org/reports/pirates-and-slaves-how-overfishing-in-thailand-fuels-human-trafficking-and-the-plundering-of-our-oceans>.
- 16 EJF (2016) Thailand's seafood slaves: Human trafficking, slavery and murder in Kantang's fishing industry, <https://ejfoundation.org/resources/downloads/EJF-Thailand-Seafood-Slaves-low-res.pdf>.
- 17 Associated Press (14th December 2015) Are slaves peeling your shrimp? Here's what you need to know, <https://apnews.com/83e426b99e0f45ff95a37aa71c14fa01/are-slaves-peeling-my-shrimp-heres-what-you-need-know>.
- 18 Urbina, I. (27th July 2015) "Sea Slaves" : The Human Misery That Feeds Pets and Livestock, <https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html>.
- 19 EJF (2015) Pirates and slaves: How overfishing in Thailand fuels human trafficking and the plundering of our oceans, <https://ejfoundation.org/reports/pirates-and-slaves-how-overfishing-in-thailand-fuels-human-trafficking-and-the-plundering-of-our-ocean>
- 20 Human Rights Watch (2018) Hidden Chains: Rights abuses and forced labor in Thailand's fishing industry, <https://www.hrw.org/report/2018/01/23/hidden-chains/rights-abuses-and-forced-labor-thailands-fishing-industry>.
- 21 Greenpeace (2018) Turn the Tide: Human rights abuses and illegal fishing in Thailand's overseas fishing industry, <https://www.greenpeace.org/static/planet4-aotearoa-stateless/2018/05/turnthetide.pdf>.
- 22 Urbina, I. (27th July 2015) "Sea Slaves" : The Human Misery That Feeds Pets and Livestock, <https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html>.
- 23 Associated Press (14th December 2015) Are slaves peeling your shrimp? Here's what you need to know, , <https://apnews.com/83e426b99e0f45ff95a37aa71c14fa01/are-slaves-peeling-my-shrimp-heres-what-you-need-know>.
- 24 Lawrence, F. (4th March 2014) Thai seafood industry censured over Burmese migrant's trafficking ordeal, <https://www.theguardian.com/global-development/2014/mar/04/thai-seafood-industry-burmese-migrant-trafficking-ordeal>.
- 25 SeafoodSource (June 2014) US State Department downgrades Thailand to Tier 3, <https://shar.es/agXFvH>.
- 26 European Commission (April 2015) EU acts on illegal fishing: Yellow card issued to Thailand while South Korea & Philippines are cleared, [https://ec.europa.eu/commission/presscorner/detail/nl/IP\\_15\\_4806](https://ec.europa.eu/commission/presscorner/detail/nl/IP_15_4806).
- 27 Bangkok Post (November 2020) GSP suspension gauged to cost \$19 million in losses, <https://www.bangkokpost.com/business/general/2012923>.
- 28 FAO (2021) FishStat: Fisheries and Aquaculture, [www.fao.org/fishery/statistics-query/en/trade\\_partners/trade\\_partners\\_value](http://www.fao.org/fishery/statistics-query/en/trade_partners/trade_partners_value).
- 29 EJF (September 2018) Public access to data for ethical, legal, sustainable fisheries, <https://ejfoundation.org/news-media/public-access-to-information-for-ethical-legal-sustainable-fisheries-thailand-leads-by-example>.
- 30 Greennews (2023) Prime Minister Srettha's Meeting with NFAT, <https://greennews.agency/?p=35419>.
- 31 Matchon News (2022) Fisheries Act draft is made, [www.matichon.co.th/politics/news\\_3162965](http://www.matichon.co.th/politics/news_3162965).
- 32 U.S. Department of Agriculture (2019) Thailand and EU Seafood Yellow Card Will Lead U.S. Exports to Rise, [apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFile?Name=fileName=Thailand%20and%20EU%20Seafood%20Yellow%20Card%20Will%20Lead%20U.S.%20Exports%20to%20Rise\\_Bangkok\\_Thailand\\_3\\_11-2019](https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFile?Name=fileName=Thailand%20and%20EU%20Seafood%20Yellow%20Card%20Will%20Lead%20U.S.%20Exports%20to%20Rise_Bangkok_Thailand_3_11-2019).
- 33 EJF (2021) Ghana given second 'yellow card' warning from EU over illegal fishing, <https://ejfoundation.org/news-media/ghana-given-second-yellow-card-warning-from-eu-over-illegal-fishing>
- 34 SeafoodSource (2019) EU reissues yellow card to Panama, <https://www.seafoodsource.com/news/environment-sustainability/eu-reissues-yellow-card-to-panama>.
- 35 EU IUU Fishing Coalition (2020) Press release: Illegal seafood - new Japanese law means world's three biggest markets say no, <https://www.iuuwatch.eu/2020/12/press-release-illegal-seafood-new-japanese-law-means-worlds-three-biggest-markets-say-no>
- 36 FAO (2021) FishStat: Fisheries and Aquaculture, [www.fao.org/fishery/statistics-query/en/trade\\_partners/trade\\_partners\\_value](http://www.fao.org/fishery/statistics-query/en/trade_partners/trade_partners_value).
- 37 US CBP (2023) Forced Labor, <https://www.cbp.gov/trade/forced-labor>.
- 38 European Parliament (2023) Proposal for a ban on goods made using forced labour, [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2023\)739356](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2023)739356).
- 39 EJF (2023) The Weakest Link: How at-sea trans-shipment fuels illegal fishing and human rights abuses in global fisheries, <https://www.ejfoundation.org/resources/downloads/Weakest-Link-Transshipment-report-jan-2023.pdf>.
- 40 Ibid
- 41 DoF (2022) Forge Seabook, [www4.fisheries.go.th/dof/news\\_local/1281/137170](http://www4.fisheries.go.th/dof/news_local/1281/137170)
- 42 DoF (2023) Statistics Report According to Section 9 of the Fisheries Act 2015 (As of June 2023), [https://www4.fisheries.go.th/local/file\\_document/20230912152143\\_new.pdf](https://www4.fisheries.go.th/local/file_document/20230912152143_new.pdf).
- 43 Excise Department (2022) Excise Department Announcement on criteria, procedures, and condition for tax-free green oil scheme, <https://www.excise.go.th/cs/groups/public/documents/document/dwnt/ndy1/-edisp/uatucm465176.pdf>
- 44 EJF (2023) New Data Reveal Links Between Korean Vessels and Illegal Fishing in the Pacific. <https://www.ejfoundation.org/news-media/new-data-reveal-links-between-korean-vessels-and-illegal-fishing-in-the-pacific>.
- 45 SeafoodSource (11th May 2023) South Korea, Thailand take action against Sun Flower 7, but 10 other vessels accused of IUU fishing, <https://www.seafoodsource.com/news/environment-sustainability/south-korea-thailand-take-action-against-sun-flower-7-but-10-other-vessels-accused-of-iuu-fishing>.
- 46 EJF (2019) Caught in the Net: Illegal Fishing and Child Labour in Vietnam's Fishing Fleet, <https://www.ejfoundation.org/reports/caught-in-the-net-illegal-fishing-and-child-labour-in-vietnams-fishing-fleet>.
- 47 Steadman, D. et al (2021) New perspectives on an old fishing practice: Scale, context and impacts of bottom trawling, [https:// oursharedseas.com/wp-content/uploads/2021/12/LOW-RES-REPORT-%E2%80%98New-perspectives-on-an-old-fishing-practice.pdf](https://oursharedseas.com/wp-content/uploads/2021/12/LOW-RES-REPORT-%E2%80%98New-perspectives-on-an-old-fishing-practice.pdf).
- 48 For full analysis on Thailand's bottom trawling please see EJF (2023) Scourge of the Seas: Analysing the impact of bottom trawling on Thailand's marine ecosystems, <https://ejfoundation.org/resources/downloads/Scourge-of-the-seas-report-2023.pdf>.
- 49 EJF field research and interview with trawler vessel captains in August - September 2023.
- 50 DoF (1960s-1980s) CPUE statistics gathered from Department of Fisheries stock assessment and research vessels.
- 51 Sinanun, P., T. (2016) Compilation of Thailand Research Works Under "Strategies for Trawl Fisheries Bycatch Management Project, [https://www4.fisheries.go.th/local/file\\_document/20200807140030\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20200807140030_1_file.pdf).
- 52 EJF (2023) Scourge of the Seas: Analysing the impact of bottom trawling on Thailand's marine ecosystems, <https://www.ejfoundation.org/resources/downloads/Scourge-of-the-seas-report-2023.pdf>.
- 53 DoF (2018) The study for assessment of catch and fishing effort of trawl fisheries by data from port in - port out, fishing logbook and composition, [https://www4.fisheries.go.th/local/file\\_document/20200415133110\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20200415133110_1_file.pdf).
- 54 Sinanun, P., T. (2016) Compilation of Thailand Research Works Under "Strategies for Trawl Fisheries Bycatch Management Project, [https://www4.fisheries.go.th/local/file\\_document/20200807140030\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20200807140030_1_file.pdf).
- 55 DoF (2015) Department of Fisheries Announcement, <http://www.oic.go.th/FILEWEB/CABINFOCENTER5/DRAWER092/GENERAL/DATA0000/00000229.PDF>.
- 56 Pauly, D., & Morgan, G. R. (Eds.) (1987) Length-based methods in fisheries research (Vol. 13). WorldFish.
- 57 DoF (2023) Marine Capture Production of Commercial Fisheries 2022, [https://www4.fisheries.go.th/local/file\\_document/20230426131050\\_new.pdf](https://www4.fisheries.go.th/local/file_document/20230426131050_new.pdf).
- 58 DoF (2017) Utilization of Fish Resource Caught by Pair Trawl in the Upper Gulf of Thailand (data 2003-2006), <https://www.fisheries.go.th/marine/research/files/full/F92560.pdf>.
- 59 SEAFDEC (2017) Trawl catch composition and quantity in Prachuap Khiri Khan and Chumphon Province, Thailand, [http:// repository.seafdec.or.th/bitstream/handle/20.500.12067/1158/](http://repository.seafdec.or.th/bitstream/handle/20.500.12067/1158/).



60 DoF (2017) Utilization of Fish Resource Caught by Pair Trawl in the Upper Gulf of Thailand (data 2003-2006), <https://www.fisheries.go.th/marine/research/files/full/F92560.pdf>.

61 Sinanun, P., T. (2016) Compilation of Thailand Research Works Under “Strategies for Trawl Fisheries Bycatch Management Project, [https://www4.fisheries.go.th/local/file\\_document/20200807140030\\_1\\_file.pdf](https://www4.fisheries.go.th/local/file_document/20200807140030_1_file.pdf).

62 Thai Fishmeal Producers Association (2023) Average Market Price for Trash Fish - September 2023, <http://www.thaifishmeal.com/images/Report%20-%20-%202566%201-9.xls>.

63 Marine Department (2023) e-285 Plus, <https://test-fpip0.md.go.th/tutorial-seaman>.

64 Pew Charitable Trust (17th October 2023) Ownership of Fishing Companies, Vessels Needs Greater Transparency and Accountability: Better regulation can reduce illegal activities at sea, [https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/10/ownership-of-fishing-companies-vessels-need-greater-transparency-and-accountability?amp=1&fbclid=IwARoRD3ZQuNSjU6QfDZU8qqcrhX\\_kyBVh8X7RPOvUldKn4i4hs2LOe7ToQ4](https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2023/10/ownership-of-fishing-companies-vessels-need-greater-transparency-and-accountability?amp=1&fbclid=IwARoRD3ZQuNSjU6QfDZU8qqcrhX_kyBVh8X7RPOvUldKn4i4hs2LOe7ToQ4).

65 Marine Department (2023) Fishing vessel fleet (White list), [https://thisis.md.go.th/whitelist\\_ship](https://thisis.md.go.th/whitelist_ship).

66 Tax Justice Network (2022) Financial Secrecy Index 2022, <https://fsi.taxjustice.net/>.

67 Marine Department (2020) Regulations concerning the criteria and procedures regarding Thai boat registration and boat licenses, B.E. 2563 (2020), <https://md.go.th/oldsite/images/upload/news/16849-001.pdf?99>.

68 Marine Department (2023) Fishing vessel fleet (White list), [https://thisis.md.go.th/whitelist\\_ship](https://thisis.md.go.th/whitelist_ship).

69 DoF (2023) Statistics Report According to Section 9 of the Fisheries Act 2015 (As of June 2023), [https://www4.fisheries.go.th/local/file\\_document/20230912152143\\_new.pdf](https://www4.fisheries.go.th/local/file_document/20230912152143_new.pdf).

70 Fisheries Transparency, (2023), Coalition of Fisheries transparency, <https://fisheriestransparency.net/wp-content/uploads/2023/03/ONEPAGER-FINAL.pdf>.

71 RPOA (2023) Information about the RPOA-IUU, <https://www.rpoi.uu.org/>.

72 Matchon News (2022) Geen Oil inspection. [www.matchon.co.th/news-monitor/news\\_3535037](http://www.matchon.co.th/news-monitor/news_3535037)

73 EJF (2023) Scourge of the Seas: Analysing the impact of bottom trawling on Thailand's marine ecosystems, <https://www.ejfoundation.org/resources/downloads/Scourge-of-the-seas-report-2023.pdf>.

74 Sumaila, et al (2019) Updated estimates and analysis of global fisheries subsidies, <https://www.sciencedirect.com/science/article/pii/S0308597X19303677>

75 Ibid

76 Reading University (2020) WTO must ban harmful fisheries subsidies, [centaur.reading.ac.uk/104895/1/Science\\_WTO%20must%20ban%20harmful%20fisheries%20subsidies.pdf](http://centaur.reading.ac.uk/104895/1/Science_WTO%20must%20ban%20harmful%20fisheries%20subsidies.pdf).

77 EJF (2019) Joint open letter on the preservation of fisheries regulations, [www.ejfoundation.org/resources/downloads/Joint-statement\\_Preservation-of-fisheries-regulations\\_English-2.pdf](http://www.ejfoundation.org/resources/downloads/Joint-statement_Preservation-of-fisheries-regulations_English-2.pdf).

78 ILO (2018) Resolution to amend the 18th ICLS Resolution concerning statistics of child labour, [https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/stat/documents/meetingdocument/wcms\\_648624.pdf](https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/stat/documents/meetingdocument/wcms_648624.pdf).

79 Ministry of Labour (8th January 2019) Labour Permanent Secretary consultation with NFAT proves successful results. Fourteen NFAT suggestions received, <https://www3.MOL.go.th/content/78279/1546950055>.

80 Police TV (2022) Fishers lost at-sea, <https://policetv.tv/archives/24207>.

81 The convention defines hazardous child labour as work that may be conducted in legitimate sectors, but is likely to harm the health, safety or morals of children

82 The National Committee for the Eradication of the Worst Forms of Child Labour Announcement on The Types of Worst Forms of Child Labour (15 February 2012), [http://www.shawpat.or.th/index.php?option=com\\_phocadownload&view=category&id=4:-m---m-s&Itemid=77](http://www.shawpat.or.th/index.php?option=com_phocadownload&view=category&id=4:-m---m-s&Itemid=77).

83 ILO (2007) C188 - Work in Fishing Convention, 2007 (No. 188), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C188](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188).

84 International Organisation for Migration (2011) Trafficking of Fishermen in Thailand, [www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Trafficking-of-Fishermen-Thailand.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Trafficking-of-Fishermen-Thailand.pdf).

85 EJF (2015) Pirates and Slaves: How overfishing in Thailand fuels human trafficking and the plundering of our oceans, <https://www.ejfoundation.org/reports/pirates-and-slaves-how-overfishing-in-thailand-fuels-human-trafficking-and-the-plundering-of-our-oceans>.

86 US Department of State: Office to Monitor and Combat Trafficking in Persons (2022) 2022 Trafficking in Persons Report: Thailand, <https://www.state.gov/reports/2022-trafficking-in-persons-report/thailand/#:~:text=Authorities%20facilitated%20the%20return%20of,their%20reintegration%20to%20prevent%20re%2D>.

87 ILO (2020) Endline research findings on fishers and seafood workers in Thailand, [https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/publication/wcms\\_738042.pdf](https://www.ilo.org/wcmsp5/groups/public/-/asia/-/ro-bangkok/documents/publication/wcms_738042.pdf).

88 Department of the Trafficking in Persons Litigation (2023) Statistics on Trafficking Cases, <https://caht.ago.go.th/statistics/>, <https://caht.ago.go.th/>.

89 DoF (2022) Using DoF vehicles to smuggle migrant workers, [https://www4.fisheries.go.th/dof/activity\\_item/5215](https://www4.fisheries.go.th/dof/activity_item/5215)

90 Thai Rath News (2022) Fishing boats with counterfeit nationality. [www.thairath.co.th/news/local/south/2278621](http://www.thairath.co.th/news/local/south/2278621)

91 DoF (2022) Forge Seaman Book, [www4.fisheries.go.th/local/index.php/main/view\\_activities/1210/136432](http://www4.fisheries.go.th/local/index.php/main/view_activities/1210/136432)

92 HRDF (2022) Press Release Central Labour Court ordering payment of almost 10 million baht, [www.hrdfoundation.org/?p=2883&lang=en](http://www.hrdfoundation.org/?p=2883&lang=en)

93 Bali Process (2019) Bali Process Policy Guide on Protecting Victims of Trafficking, [https://news.baliprocess.net/UserFiles/baliprocess/File/Bali%20Process%20Policy%20Guide%20on%20Protecting%20Victims%20of%20Trafficking%20\(1\).pdf](https://news.baliprocess.net/UserFiles/baliprocess/File/Bali%20Process%20Policy%20Guide%20on%20Protecting%20Victims%20of%20Trafficking%20(1).pdf)

94 Bangkok Biz News (2021) New Normal Banking, [www.bangkokbiznews.com/business/953759](http://www.bangkokbiznews.com/business/953759).

95 Police TV (2022) Fishers lost at-sea, <https://www.policetv.tv/archives/24207>.

96 Information gathered from Department of Fisheries

97 DoF (2023) PIPO Manual, [www4.fisheries.go.th/local/file\\_document/20230323104759\\_new.pdf](http://www4.fisheries.go.th/local/file_document/20230323104759_new.pdf).

98 IMO (2008) Adoption of the code of the international standards and recommended practices for a safety investigation into a marine casualty or marine incident (Casualty investigation code)

99 European Maritime Safety Agency (EU Accident Investigation Bodies), <http://www.emsa.europa.eu/contact-points.html>.

100 UN News (21st November 2019) Deadly life at sea: UN partners spotlight depths of danger in fishing industry, <https://news.un.org/en/story/2019/11/1051941>.





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### GLOBAL OFFICES

EUROPE: Germany, Netherlands  
ASIA: Indonesia, Japan, South Korea, Taiwan, Thailand  
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