

EJF Statement in response to National Fisheries Association of Thailand (NFAT)

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Dramatically cutting Thailand's fisheries legislation would roll back years of progress, wiping out valuable fish populations and allowing illegal fishing and human rights abuses to again run rampant on the Thai fleet.

Recent comments by Mongkol Sukcharoenkana, President of the National Fisheries Association of Thailand (NFAT), in this outlet suggested that our analysis of the draft changes to the Fisheries Royal Decree was inaccurate. These claims are false; our assessments are comprehensive and robust under close scrutiny.

Contrary to Mr Sukcharoenkana's claims, the reforms of the past eight years have translated into both improved fishery productivity and increased seafood market prices. According to Thailand's Department of Fisheries figures, average prices have risen by 40% on average and the value of squid has more than doubled since 2014. The productivity of both the Gulf of Thailand and the Andaman Sea is also starting to improve - increasing by 40% in the Andaman Sea and by 80% in the Gulf of Thailand since their lowest-ever point in 2017. Staying the course will mean higher profits, safe workers, and a sustainable long-term fisheries sector in Thailand.

Mr Sukcharoenkana focuses on several areas of our analysis:

Crew lists and at-sea crew transfers: Article 82 & 83/1

Most of the drafts on the table remove the requirement to provide a crew list, in contravention with the ILO's Work in Fishing Convention, ratified by Thailand in 2019. The Move Forward draft goes further by removing the need for migrant workers to hold seaman books, a key identity and work history document. This amendment would conflict with the ILO Maritime Labour Convention which Thailand has also ratified.

NFAT argues for the removal of crew list requirements in fisheries law based on their interpretation of Article 285 of the Navigation in the Thai Waters Act B.E. 2456 (1913), which they claim already mandates vessel owners to provide a crew list. However, EJF contends that, in light of the legislative objective, the working licence stipulated in Article 285 primarily aims to facilitate regulatory oversight of workers' employment. While this regulatory aspect is significant, it should not serve as a replacement for the obligation to provide a crew list, as emphasised in Article 15 of the ILO's Work in Fishing Convention, designed to safeguard the rights of workers on fishing vessels.

For crew transfers, proposals would allow these to take place, not just for safety reasons, but for any reason deemed necessary by vessel operators, opening the door for exploitation. The drafts attempt to address potential labour exploitation concerns by requiring that crew members being transferred to other vessels must not have worked at sea for more than 30 days. However, enforcing or monitoring this requirement will be **almost impossible** due to the difficulties of verifying worker living and working conditions whilst at sea.

These changes are not a case of removing an unnecessary administrative burden. They would cut away key labour safeguards and open the door for exploitation once again. If NFAT is concerned about labour shortages in Thai fisheries, as suggested, then vessel owners must be aware that watering down protections for workers will make it even less likely that migrant workers will come to work on Thai fishing vessels.

The only way to substantively restore worker confidence in Thai fishing as a safe and secure working environment is through improved labour protections, especially ratification of C87 and C98 which would grant collective bargaining and freedom of association rights to migrant workers.

At-sea trans-shipment and watering down of monitoring systems: Article 85/1 & 87

Many of the political party drafts clearly extend the authorisation of at-sea trans-shipment to “fishing vessels that have notified the Port Control Center in accordance with the DG’s announcement.” The word “notified” implies that fishing vessels are not required to receive permission from the authorities before proceeding with the at-sea trans-shipment without due authorisation or monitoring.

At-sea transfers can facilitate the transfer of illegal or undeclared seafood, mixing it with legitimately caught catch. This enables vessel operators involved in illegal activities to access markets whilst remaining undetected. The practice also allows vessels to stay for much longer periods of time at sea, potentially facilitating crew exploitation and abuses. It was for these exact reasons the practice was banned under previous reforms.

NFAT argue that they are not against regulations that combat IUU fishing. However, they have lobbied hard to make it easier for IUU fishing to go undetected. Proposals across over 70% of party drafts would see the reporting frequency and accuracy of critical vessel monitoring and catch logging systems reduced. This would open the door for unscrupulous operators to conduct systematic, undetected illegal fishing and overfishing - at the cost of the fishers who play by the rules.

Proportionate punishments for IUU fishing violations:

Penalties can and should be adjusted to make them fairer. However, moving from a proportional system to a flat rate system as the proposals suggested is not the solution. This disproportionately affects smaller vessel owners. Most draft amendments also seek to remove several serious IUU fishing violations from severe offences, including being caught for IUU fishing in other countries’ waters or in international waters managed by a Regional Fisheries

Management Organisation (RFMO), and concealing or changing a vessel's name/markings (Article 114). These changes raise concerns for the legislation's effectiveness in sufficiently deterring or combatting IUU fishing.

Thailand currently has one of the most modern, well monitored fishing industries in the region. Changing this now would put future trade agreements with the European Union at risk - an agreement from which Thailand would be a net beneficiary - but to focus solely on the EU would miss the bigger picture. Across the board, key seafood markets are increasingly concerned about ensuring their seafood imports are safe, sustainable and ethical. Thailand is currently negotiating similar deals with the EU, UK and other leading markets, and at present has a powerful competitive advantage and strong reputation for sustainability, drawn from years of progressive fisheries reform.

Catches are improving, seafood prices are stronger, small-scale fisheries have more resilient fishing grounds thanks to strict controls on bigger vessels, and Thailand has established itself as a world leader in responsible, well-monitored seafood. I find myself asking the same question as small-scale fishers, coastal communities, NGOs, seafood companies, and the general public - **why give this up now?**

Environmental Justice Foundation (EJF) is an international environmental and human rights non-profit organisation with representation in: Belgium - Brazil - Cameroon - France - Germany - Ghana - Indonesia - Japan - Liberia - Philippines - Senegal - South Korea - Taiwan - Thailand - UK

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