

State of play: Thailand's Fight against IUU Fishing and Trafficking In Persons (TIP) (November 2015)

Thailand's Fisheries and Seafood Industry is a World Player – and important for Thailand's economy

1. Thailand is the third largest exporter of fishery and seafood products in the world, accounting for 8.1% of world total exports. It is the European Union (EU)'s top seafood trade partner with a trade value reaching €890.5 million. With a GDP contribution of €3,288 million, the Thai fisheries sector is vital for the Thai economy and the livelihoods of approximately 2 million people.
2. Thai products are renowned for their **high-quality, food safety and value-added**. But we now need to ensure that Thailand remains a leading supplier of not only quality and safe, but also **environmentally-friendly and socially responsible, fisheries and seafood products to the world**.

EU's IUU Regulation and Green, Yellow and Red Cards

3. **Illegal, Unreported and Unregulated (IUU)** fishing is a global challenge which undermines the livelihood of fishing communities and depletes fish stocks. Combating and eradicating IUU fishing is on top of the EU's domestic and international agenda with the aim to protect marine resources and the environment.
4. On **21st April 2014**, the European Commission notified Thailand of the possibility of being categorised as **"a non-cooperating third country in fighting IUU"**. This was accompanied by **"a yellow card"**.
5. Under the IUU Regulation's green-yellow-red card system the EU is able to give third countries a **"yellow card"** as a warning when it considers that these countries are not doing enough in the fight against IUU fishing. **This early warning mechanism, whilst a formal step in EU terms, does not include any trade restrictions**. A yellow card kick starts a process of cooperation and coordination with the European Commission to try and resolve identified issues. This is then a process of dialogue and reform before the European Commission takes a view on whether the country has made sufficient progress or not.
6. At this stage a yellow card can be turned into a **"red card"** if the country in question has not taken serious action to redress the situation on IUU. **This would mean that the EU would ban all fisheries imports caught by vessels from the red card country**. The more common course of action, however, is that the country concerned has taken the required action by working with the EU, and the EU issues a **"green card"** to acknowledge the progress.
7. It is important to re-emphasise that a **yellow card does not introduce any trade sanctions on European imports of Thai fish or fisheries products** - it merely acts as a warning and an invitation to implement measures to tackle IUU activities and to work together towards a more sustainable fisheries management.

8. Please note that **aquaculture products from Thailand, including shrimps and farmed fish, are not included as part of the IUU regulation.**
9. Many countries have received an EU yellow card but, **by receiving technical assistance and cooperation on IUU**, improved their situation to receive a green card, such as: Belize, Fiji, Panama, Togolese Republic, Vanuatu, Ghana, Korea, Papua New Guinea, and the Philippines. Countries which are currently considered as IUU non-cooperating countries, or on the EU red card list, are Cambodia, Guinea and Sri Lanka.
10. Thailand is fully committed, from the highest political levels down, to fulfil its international obligations **to fight against IUU and associated labour and Trafficking in Persons (TIP) issues in the Thai fisheries industry.** A yellow card from the EU is nothing more than a catalyst to hasten Thailand's ongoing fisheries reform process towards a more sustainable and environmentally friendly industry.
11. Since April 2015 the Thai government has been receiving technical and legal assistance and working closely with the EU authorities. The focus has been on how to modernise and advance structural reforms of our fisheries and fishing sectors, with the intention to combat both IUU fishing and TIP.
12. The most recent progress made by the Thai government as part of this reform process include:

- A new national Fisheries Law -

The Royal Ordinance on Fisheries B.E. 2558 (2015) was approved by the Thai Cabinet on the 3rd November 2015 and came into force on 14th November 2015. This new law replaced the Fisheries Act B.E. 2558 (2015). This new Fisheries law will trigger major changes in how we are able to prevent IUU fishing, preserve aquatic animal resources, protect the welfare of seamen and also prevent all forms of forced labour in the fisheries sector.

With this new law, Thailand is committed:

- *To establish good governance in the management of the fisheries sector and the conservation of aquatic resources, based on the best available scientific evidence and the precautionary principle, internationally accepted standards, and Thailand's international obligations*
- *To combat IUU fishing, as well as prevent overfishing and overcapacity of the fishing fleet, in order to achieve sustainability of fisheries resources for future generations*
- *To ensure effective monitoring, control and surveillance of fishing activities: for example by improving oversight of fishing operations and transshipments at sea*
- *To bolster the traceability system of fisheries products throughout the entire value chain, from fishing vessels to end consumers*
- *To eliminate all forms of forced labour and improve welfare and working conditions of workers in the fisheries sector, both in fishing vessels and in seafood processing factories*
- *To introduce proportional but punitive administrative and criminal sanctions*

**Thailand's
Commitment to
fight IUU and
TIP comes from
the highest
political level
and is being
taken very
seriously**

New Thai Fisheries Policy Framework and Action Plan

13. It is important to stress that the new law not only introduces a **stronger control and inspection system by the Thai authorities** on IUU activities both inside and outside Thai waters but that it also introduces **serious sanctions**. Owners of vessels and factories found to be involved in any illegal activities will face legal sanctions, e.g. prohibition of fishing activity, suspension of fishing licences or detention of the vessels. Punitively high penalty fees of upto THB 30 million (€780,000) or five times the value of the catch obtained, can be applied for serious criminal actions. Thailand is taking its responsibilities seriously.

14. **Sanctions alone are not enough to ensure reform. Thailand is currently investing in its capacity to effectively enforce these sanctions in a 'zero tolerance' policy.**

15. A new policy framework for the fisheries sector was also approved by the Thai Cabinet on 3rd November 2015, namely the **Marine Fisheries Management Plan (FMP) for 2015-2019**.

16. The new FMP aims to **reduce fishing capacity** and ensure that Thailand develops a more sustainable fisheries industry and is better able to protect its marine resources. It also designed to deter and curtail IUU fishing to a level that can be controlled through regular monitoring, control and surveillance (MCS) arrangements.

17. All commercial vessels must record their fishing operations in the fishing logbook and report every port-in and port-out operation to the **Port In-Port Out Control Center**. Commercial vessels above 30 gross tonnage must install a **vessel monitoring system (VMS)** on board. They can be monitored and are not allowed to fish in coastal seas.

18. **The National Plan of Action to Prevent, Deter and Eliminate IUU fishing (NPOA-IUU)** was also approved by the Thai Cabinet on 3rd November 2015. It specifies actions and measures needed to prevent, deter and eliminate IUU fishing both inside and outside Thai waters, drawing on the FAO IPOA-IUU and Thailand's international obligations. These actions and measures aim to fulfil Thailand's responsibilities as a **flag state, coastal state, port state and market state**.

Strengthening and Improving our Traceability Systems

19. As a large seafood processing country Thailand needs to ensure that there is no IUU raw material or marine catch imported and processed in Thailand and re-exported to the world. **A new enhanced traceability system will help us achieve this goal.**

20. Fishing ports and fish markets are required to record data on every fishing vessel berthed at port, as well as prepare a **marine catch purchasing document (MCPD) for a buyer**. The MCPD is also required for every subsequent transaction involving the catch. In addition, the producer or processor of aquatic animals must prepare evidence for traceability purposes.

21. Moreover, importers and exporters of aquatic animals and aquatic animal products must present a catch certificate or similar document to prove that the catch or the products have been obtained **from lawful fishing operations**.

**The fight
against
Trafficking In
Persons (TIP) in
our fisheries
industries**

22. Thailand acknowledges that the social and labour conditions in our fishing industry are a concern that we need to address. The Thai government accepting that to fight against Trafficking requires national solutions, also remains convinced that more commitment is required at a regional and international level to truly solve these problems. Thailand will play its part by showing its international partners that it is able to improve the ethical, social and labour standards in its fishing and seafood industry.
23. **The new Thai Fisheries law aims to improve welfare and working conditions of seamen, and eliminate unlawful labour practices in the fisheries sector according to international standards.**
24. Apart from the measures adopted by the Thai government the Thai private sector has also been pro-active in improving their social and labour practices to comply with internationally accepted standards. We now need to ensure that we have the world class IUU and labour standards scorecard to match our market footprint.