



# IUU Risk Intelligence

Putting Compliance First

## GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

---

### THAILAND - COUNTRY REPORT

GANAPATHIRAJU PRAMOD

IUU RISK INTELLIGENCE

*Policy Report - Volume 1 Number 1*



## SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **Thailand** is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

*Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.*

### Suggested citation:

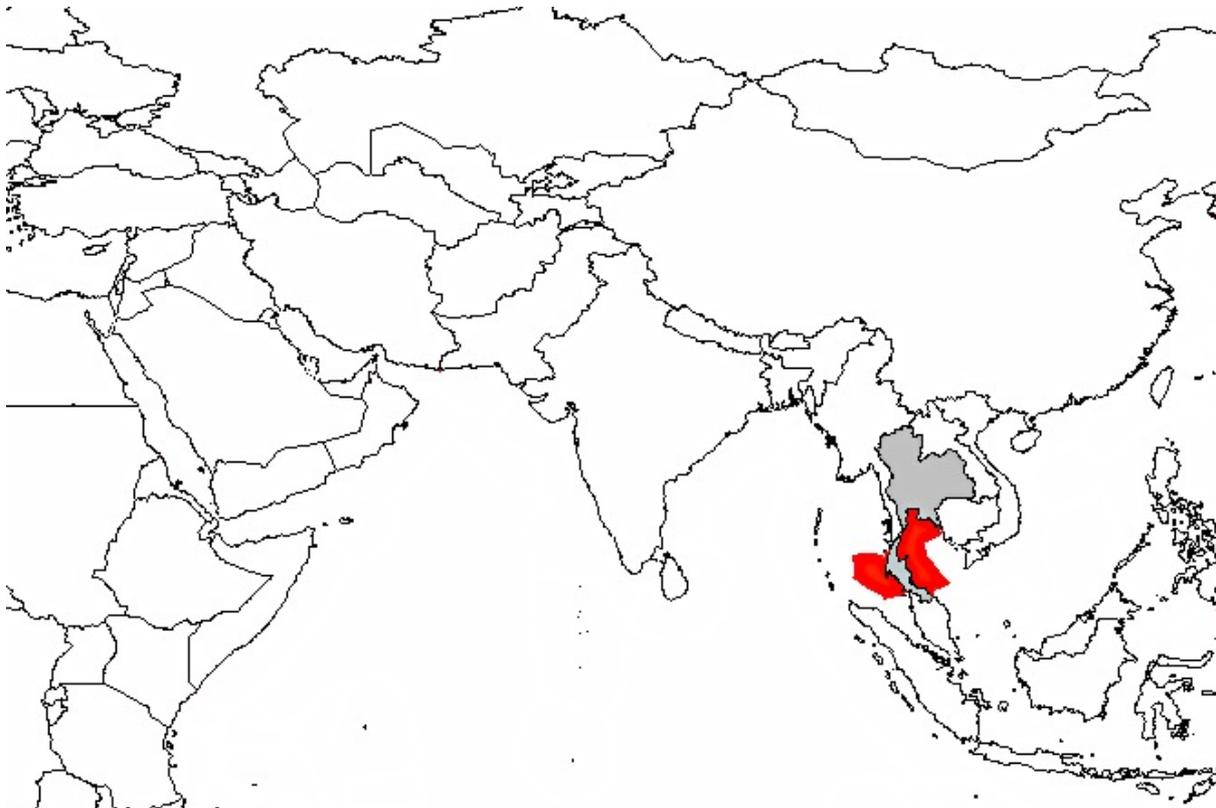
**Pramod, G.** (2018) Thailand – Country Report, 10 pages, In: Policing the Open Seas: Global Assessment of Fisheries Monitoring Control and Surveillance in 84 countries, IUU Risk Intelligence - Policy Report No. 1, Canada, 820 pages.

© **Pramod Ganapathiraju**

All rights are reserved.

<https://iuriskintelligence.com/>

## THAILAND – COUNTRY REPORT



**FAO landings (2013):** 1,503,857 tonnes

**Fisheries contribution to GDP (2010):** 2.7%

**Law of the Sea (Ratification / Accession):** 15<sup>th</sup> May 2011

**Coastline:** 3219 km

**RFMO Membership:** IOTC

**Patrolling Agencies:** Royal Thai Navy

Rank	Priority for maritime security tasks
1.	Human Trafficking
2.	Narcotics Trafficking
3.	Illegal Fishing

## SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (patrol aircraft, sea-based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?

Score: 5.5

Score Range: 5-7

Moderate capacity, effective in some jurisdictions (Jane 2012; Goldrick and McCaffrie 2013; Chongkittavorn 2015; Grevatt 2012; Chong and Maisrikrod 2017). Thai navy has one F-27-200 maritime patrol aircraft; five offshore patrol vessels (3 *Hua Hin* and; 2 *Pattani* with one 76mm gun), nine coastal patrol craft (3 *Chon Buri* with two 76mm gun; 6 *Sattahip* with one 76mm gun), and four fast patrol boats (IISS 2013). See Hermann (2012) for more information. Thai Navy took delivery of nine new M21-class patrol boats (four in September 2017 and five more M21 patrol boats in February 2018 (Jane 2017; Jane 2018). Thai navy requires six offshore patrol vessels to effectively patrol the EEZ spread over two coasts. The Royal Thai Navy currently has one offshore patrol vessel (*HTMS Krabi* commissioned in August 2013) and it laid keel for one more 90-metre offshore patrol vessel in June 2017 (Grevatt 2017).

The Fisheries Administration and Management Bureau, of the Department of Fisheries is responsible for MCS activities for both inland and marine fisheries. Through its Marine Fisheries Management Section, the patrols have been conducted regularly and effectively within the 12-24 nautical miles from the shore. Furthermore, some patrols are used for surveillance of activities in violation of the Fisheries Act in seasonally closed areas in the Gulf of Thailand and in the Andaman Sea. During the year, another important action for the Section is to patrol and arrest illegal fishing committed by foreign fishing vessels, which generally occur within 40-50 km. from the shore. The number of arrested fishing vessels has been gradually increased. Lately, patrols and arrests of foreign fishing vessels were conducted in joint action with the Navy. The Section operates a national network of 16 patrol bases in the Gulf of Thailand and 4 bases in the Andaman Sea as well as 15 coastal fisheries radio stations. In 2012, it directly operates thirty 19-28 feet patrol vessels, thirteen 30-50 feet patrol vessels and twenty 60-70 feet patrol vessels (Smith, *pers. comm.*, 2012).

**2. Does the country have adequate trained officers to conduct MCS operations?**

Score: 5

Score Range: 3-5

The Marine Fisheries Management Section employs 387 staff for marine fisheries enforcement and control. It effectively controls fishing activities of trawlers, which are the main fishing vessels operating in Thai waters (Smith, *pers. comm.*, 2012).

No information is available on compliance or enforcement competence of these authorities in the marine fisheries sector.

**3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?**

Score: 4.5

Score Range: 3-5

Limited intervention is reported for Thai fishing vessels operating on the high seas through PIPO inspections in recent years. Thailand is not a signatory to the FAO compliance Agreement.

Limited action has been initiated on two of the six Thai longliners that were operating without permission from Thai Command Center for Combating Illegal Fishing in IOTC waters. Thai vessels have been caught for illegal fishing in EEZs of many South Asian countries, and although the number of violations identified remains low, Thai vessels continue to be apprehended in Malaysia and Indonesian EEZs for illegal fishing. Fishing vessels larger than 60 GT have been equipped with VMS transponders. Conventionally unregulated long-haul Thai vessels operated in Indonesia, Myanmar, Somalia and Malaysian waters, but with crackdown in Indonesia over the past 3 years such operations have moved to East Timor, Malaysia, Somalia, Cambodia, Myanmar and Indian waters (Anon, *pers.comm.*, 2017).

Thailand has authorized tuna fishing vessels to operate on the high seas of the Indian Ocean. Monitoring of such activities has been made through logbook and VMS. In addition, the Thai fishing vessels must comply with the management and conservation measures adopted by the Indian Ocean Tuna Commission. The out-of-date fisheries law was revised, and the draft is now subject to the House's scrutiny for endorsement. One integral component stipulated is for a fishing vessel to obtain permission from the Department of Fisheries prior to venture beyond national jurisdiction (Smith, *pers. comm.*, 2012).

**4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?**

Score: 2.5

Score Range: 2-4

Low coverage. Government reports suggest 2076 fishing vessels (greater than 60 GT) are currently equipped with VMS transponders (Anon 2016). The Department of Fisheries and Marine Department was planning to install VMS tracking devices on 7000 fishing vessels (2220 fishing vessels >60 GT; 5000 fishing vessels in the 30-60 GT range) by the end of 2016.

VMS installation is required for Thai fishing vessels authorized to fish on the high seas including vessels fishing for tuna in the Indian Ocean. Nevertheless, fishing vessels from Thailand operating in foreign waters under fisheries cooperative arrangements are automatically required to equip with VMS as a necessary condition for such arrangements (Smith, *pers. comm.*, 2012).

**5. What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?**

Score: 0

Score Range: 0-0

There is no reported observer scheme in Thai fisheries. See IOTC (2017) report for more information on Thai tuna fleets operating in the Indian Ocean.

## SECTION 2: INSPECTIONS

**6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?**

Score: 5

Score Range: 3-5

More recent data on at-sea patrols are lacking. Limited information is available on this aspect. Available information suggests that Thai Navy and Thai Air Force are not adequately equipped for monitoring Thai fishing fleet operating across a wide maritime area ranging several countries and the high seas (Anon 2008; Chongkittavorn 2015).

Patrols have been conducted 10 days per month based on the allotted budget (Smith, *pers. comm.*, 2012).

**7. How often fishing vessels are scrutinized through aerial patrols?**

Score: 4

Score Range: 2-4

Limited information is available on this aspect. Available information suggests that there is limited capability for fisheries surveillance in Thai waters (Banks 2011; Anon 2008). The Royal Thai Navy has three F27-200ME Maritime Enforcers, two Bombardier CL-215s, seven Dornier Do228-212s, and two P-3T Orion aircraft (Anon 2011).

Aerial patrols are not used often for fisheries surveillance in Thai waters. Most of the Vietnamese boat arrests were based on information from boat operators and naval patrols at sea (Anon, *pers. comm.*, 2017).

**8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?**

Score: 4.5

Score Range: 2-5

The '*culture of corruption*' is perhaps the biggest barrier to sustainable fisheries management and the pro-industry stance of Thai Government ignoring chronic management problems has not helped with this situation either. Existing state of affairs is nothing new and such situation has prevailed within Thai maritime agencies for several decades now. Ineffective enforcement at fishing docks is unlikely to change and the state is expected to return to same old ways once the European Union yellow card is lifted. Publicised audits would only last as long as yellow card exists. Many of the long-haul illegal fishing trawlers are no longer returning to Thai ports for repairs suggesting a shift in operational strategies to avoid detection. The docking of fishing and carrier vessels at multiple locations on the riverfront and private docks also poses a logistical difficulty for inspections during entry and exit of fishing vessels (Anon, *pers. comm.*, 2017).

Port State Control is planned for all fishing and carrier vessels (>30 GT) entering Thai ports, but due to high volume of vessel traffic very few Carrier vessels have received inspections. Information-sharing among agencies involved in port inspections is at a complete gridlock, with navy and police withholding critical data needed for traceability assessments of shipments. Although, 28 Port-In Port-Out (PIPO) Control Centers have been established,

fisheries officers have a ceremonial role attesting landing documents as part of a joint multi-agency team that mostly target crew ID verification to tackle trafficking violations for Burmese crew. It is a pity that enforcement and compliance assume such low importance in a country with perhaps the biggest fishing fleet after China in Asia. The official mindset is they can fish virtually anywhere, and land those catches in Thailand. Logbooks, official at-sea patrol figures and other boat license documents are hardly reliable and often have fraudulent entries. Although recent official statements note that there are around 45,000 registered vessels, this registry is beset with problems, as there is no control on fleet activities for more than 5000 - 10,000 unregistered fishing vessels plying in neighbouring countries with false identities or using foreign flags. This has been happening right under the Government's watch for more than four decades. Recently, there have been attempts to clean up the image with the formation of IUU Task Force to persuade EU delegation since 2014, but its long-term efficacy is uncertain given the corruption and apathy among the various agencies concerned. Some level of control has been announced for larger ports, but even today smaller ports and private docks receive fish with minimal official inspections. Large numbers of riverside docks are ideal landing points for many companies and catches can enter any processing stream from there by road without checks. As far as checks on fishing boats is concerned recent measures make little difference when larger fishing boats return to Thai ports only once in 2-4 years. Industry boat owners suggest that many would operate entirely out of foreign ports for some time until the current situation cools down. Since the crackdown on illegal vessels was declared only a few Thai boats have been arrested for violations. When there is illegal catch, fraudulent documentation and slave labour how can boats pass PIPO inspections? Most of the reported PIPO inspections are related to labour inspection rather than curtailing IUU catches (Anon, *pers. comm.*, 2016).

Such inspections are not reported on a regular basis in Thailand (Onoora 2012; Pitcher 2006; Anon 2012; Irvine *et al.*, 2015). In 2007, 2000-3000 port calls were made by foreign fishing vessels in Thai ports (Onoora 2012).

**9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?**

Score: 2.5

Score Range: 2-4

Coastal patrols are rather low-key in Thai waters with widespread violations reported in domestic fisheries (Anon 2012a,b). For more information see Suebpala *et al.*, (2015); Irvine *et al.*, (2015); Satumanatpan and Chuenpagdee

(2015); Bennett and Dearden (2014); Sudtongkong and Tanyaros (2012); Nasuchon and Charles (2010) and Q.8 for more information.

The Marine Fisheries Management Section employs 387 staffs for marine fisheries enforcement and control. It effectively controls fishing activities of trawlers, which are the main fishing vessels operating in Thai waters. Patrols have been conducted 10 days per month based on the allotted budget. Patrols cover both small-scale and commercial fishing vessels (Smith, *pers. comm.*, 2012).

In response to EU 'Yellow card', Thai Government recently started executing the Port-in Port-out system to check vessels leaving and entering major ports. However, recent inspection data at Phuket, Pattani and other ports (Songkhla) shows no violations were detected. When majority of the trawlers use illegal gear with illegal mesh size how can one report that no violations were detected? These inspections were mostly targeting business licenses or crew IDs to curtail human trafficking. Under the new system random inspections are reportedly planned each week, but their effectiveness could be muted as it takes at least one hour to inspect each boat at sea and given the large number of active fishing vessels very few can be inspected from each port. This is mostly due to constraints with multi-agency harmonization. For each inspection, Ministry of Labour officers have to check crew work permits, Marine Department has to check boat permits and Captain's license, Ministry of Development and Human Security officials have to check work, salary and number of hours worked, etc. Illegal fishing gear onboard, country of catch origin, vessel's GPS plotter and legitimacy of the catch onboard are never checked during these inspections. Absence of real-time VMS monitoring further compounds this problem. Most Thai fishing vessels (that operate beyond EEZ) stay at sea or operate from neighbouring countries and some return once in 2-3 years to Thailand for repairs (Many of these vessels have GPS and radar to monitor activities of other vessels and patrol ships in neighbouring countries). Corrupt officials in Fisheries Department and Police often ignore fisheries violations at ports. Neighbouring countries have also allowed Thai vessels to operate without any problems in spite of committing gross violations of international laws. The ones that come to Thai ports are mostly reefers, which collect catch (frozen catch or trash fish for fishmeal plants) from fishing vessels on the high seas and neighbouring EEZs. The new Thai Fisheries Ordinance is a good attempt to revise laws, but time alone will show how effectively vessel owners would comply. Even under the military regime, agencies have failed to identify, and levy penalties proportionate to the violations committed. Past experience has shown a very different picture

indeed. Four decades of red tape, lack of enforcement and corrupt bureaucracy cannot change in two years (Anon, *pers. comm.*, 2016).

**10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?**

Score: 1.5

Score Range: 1-2

Thailand is not a signatory to UN Fish Stocks Agreement and has not taken adequate measures to prevent unauthorised transshipments by its vessels both within and outside its EEZ (Anon, *pers.comm.*, 2017).

Transshipments are poorly scrutinized and have led to few arrests or convictions at courts in the past. Until recently several fishing companies in Indonesia transported and sold fish in China, Thailand and Vietnam without seeking clearance for such activities from Indonesian Government authorities. The central VMS centre cannot detect the extent of catches that were illegally transported abroad, as most often they cannot be detected with AIS devices switched off. This issue has become known recently with the formation of task force and it is suspected that Indonesian companies also acted as fronts for such illegal activities benefitting Thai companies in millions of dollars in profits and undeclared taxes to the state treasury. Further, even if AIS signals are used it is difficult to track illegal shipments as such consignments are often transferred to Reefers at foreign ports in remote islands. Burmese and Indonesian vessels also supply Thai Reefers at sea, so ensuring traceability is difficult in the current system. The paper-based system allows for forgery and manipulation of landing declaration at various stages even before catches arrive at Thai ports. Illegal fish and trash fish were mostly sourced illegally from Myanmar, Indonesia and Thai waters. With the recent crackdown in Indonesia, such catches could be gradually sourced from Myanmar and Cambodia in future. Recent developments at ports through PIPO system do not go far enough to tackle illegal transshipments and landings by reefers bringing in such catches into Thai ports (Anon, *pers.comm.*, 2016).

**11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?**

Score: 2.5

Score Range: 2-4

No, existing laws do not require Thai vessels to be monitored for every trip. See Anon (2012) for more information. Score of 2 is given here for recent attempts to monitor fishing vessels at some ports (Songkhla, Phuket, Pattani, etc.)

through Port IN – Port OUT (PIPO) inspections at fishing ports. Use of illegal gear is rampant in Thai fisheries (Wipatayotin and Thiaposod 2015).

Use of illegal fishing gear (traps, stake nets, monofilament drift nets, mesh size violations) is widespread in both small and large industrial fishing vessels. Government estimates suggest that more than 85% of the existing fishing fleet use banned fishing gear. Seizure of fishing gear is the only solution to this problem. The Government attitude of out of sight-out of mind is the main reason for this setback (Anon, *pers.comm.*, 2016).

During monthly patrolling, vessels are normal checked for compliance with fisheries law and regulations in particular fish gears and methods deployed. Fishing vessels are not required to be checked every fishing trip (Smith, *pers.comm.*, 2012).

**12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?**

Score: 4.5

Score Range: 3-5

Over the past 3 years there has been significant improvements in port inspections and regulatory framework (e.g. new fisheries laws, port inspections, VMS for trawlers, etc.) since Thailand was issued a “Yellow Card” by the European Union for failing to curtail IUU fishing and export trade practices (*Look at Min. of Foreign Affairs 19 January 2016 media report*). However, long-term performance of Thai fishing fleet after transition to a civilian government in the near future needs to be monitored before a good score can be applied within the context of this global analysis. A precautionary score of 4.5 is suggested (Anon, *pers. comm.*, 2017).

The Royal Ordinance on Fisheries (B.E. 2558) of November 3, 2015 (*replaces old Fisheries Act 1947 (B.E. 2490)*) is the main national legislation for fisheries management in Thai waters. Thailand has also adopted a NPOA on IUU Fishing that was endorsed by the Thai Cabinet on November 3, 2015. Thailand is not a party to the FAO Compliance Agreement. Thailand ratified the UN Port State Measures Agreement on 6 May 2016 and the UN Fish Stocks Agreement on 28 April 2017.

Lack of enforcement and corruption among Government agencies are overriding obstacles to fisheries governance in Thailand. The recent spike in port inspections are meant to convince EU to lift the yellow card and things

will fall into same old place once the card is lifted. Historically, the country has a poor compliance record due to use of illegal vessels, forged documentation and low accountability for Government officers leading to lack of control over the fishing fleet. Flag state responsibilities as a nation are never taken seriously and existing laws are poorly enforced. Corruption among Government staff is perhaps the biggest problem. Connivance between private companies and government officers also pose transparency problems. Fisheries sector is a huge foreign exchange earner, so most companies are given assistance to compete with other countries and often Government agencies turn a blind eye or have facilitated rather than exercise control over illegal fishing operators. Cheaper exports were realized through illegal catches, unregistered boats, low license fees, government subsidies, low-cost processing establishments and use of unpaid or cheap migrant labour. The massive numbers of Thai vessels detained in Indonesia over the past four years bear testimony to this fact. Foreign and Thai Reefers also transship fish caught in foreign EEZs through Thai ports. Often cargo from these reefers lack appropriate oversight and documentation to prove legality of the catch. The mixing of legal and illegal catch also poses concern within processing supply streams in Thailand (Anon, *pers.comm.*, 2016).

Information from industry sources and interviews with vessel captains reveal that Thai vessels operate illegally in Burma, Cambodia, Malaysia, Somalia, Papua New Guinea, East Timor and Indonesian waters. There is very little seafood of commercial value caught in Thai waters as years of trawling have decimated local fish stocks. Even the new PIPO enforcement system is largely ineffective as most of the catcher fleet (trawlers and purse seiners) certainly do not land their catches directly in Thai ports, as they stay in Indonesian islands (or neighbouring countries) and transship their catches to Thai & foreign reefers which bring the seafood back to Thai ports for processing in Thailand before eventual exports to USA and Europe. This system also causes huge losses to Government through non-payment of license fee, vessel registration fee and use of slave labour as the catcher vessels often stay in foreign waters. Even with the latest registration drive since the beginning of the year conservative private industry estimates suggest more than 20,000 unregistered vessels remain out of reach and several hundred are constructed each year without proper permits. It is important to note that Reefers need Government observers to improve transparency. Port inspections, mandatory VMS tracking and observers could also curtail this situation to a certain extent. Thai Government introduced a new resolution through Command Centres, which requires vessels to halt fishing operations for 5-9 days (5 days a month for trawlers and 9 days for vessels using surrounding nets). This resolution is largely ineffective as vessels operating in EEZ, normally take 1-3 days break

after each trip to unload catches, collect crew, supplies and undertake repairs. PIPO inspections are only examining vessel license papers and crew registration. Moreover, vessels using surrounding nets do not operate through the year. A reliable third-party audit system is needed to verify the claims made by Thai Government officials in the media (Anon, *pers.comm.*, 2015).

Recently CCAMLR has written to CITES to report that Thailand (CITES member) has failed to participate in CCAMLR catch documentation scheme regulating illegal trade of toothfish (Traffic 2016).

Recently, complaints have been received by CCCIF that Thai officials in Rayong, Samut Sakhon, Trat, Phetchaburi, Nakhon Si Thammarat and Surat Thani provinces are demanding bribes from trawl operators during PIPO inspections (Wipatayotin 2017). Ekachai (2015) also reports that Fisheries officials maintain cozy relationships with boat owners and that state regulation was never applied due to this nexus. See Chuenpagdee *et al.*, (2017); Greenpeace (2016); MFA (2016); Banks and Souter (2010); Rujivanarom (2015); DoF (2015); OECD (2013); Herrmann (2013); Malikhao and Servaes (2017); Supongpan *et al.*, (2013) documents for more information.

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	No

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
IOTC	2016		Yes		IOTC (2017)

*Last Updated: 13 April 2018*



## Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at [pramod.raju@gmail.com](mailto:pramod.raju@gmail.com) to provide any feedback).

© **Pramod Ganapathiraju**

All rights are reserved.

<https://iuriskintelligence.com/>

*No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the author.*



Connect with us @ 

<https://twitter.com/iurisk>

@  **LinkedIn**

<https://www.linkedin.com/groups/4928027>

*Website & Report design* (<http://vjdesign.com.au>)