

Date: 18 April 2024

Open Letter Address: Royal Thai Government

We are researchers who are working on fisheries sustainability and labour rights in Thailand's fishing industry, and globally. We write to express our concern at this critical moment whereby the Thai government is considering rollbacks of some of the fisheries policy reforms that were put in place starting in 2014, in response to the EU yellow card on IUU fishing, and to international concern about labour abuse in the fishing sector. These reforms have been beneficial for ocean ecologies, the fishing sector, and workers in fishing.

Currently, eight new Fisheries Act drafts have been submitted by the Cabinet and seven political parties. These eight new drafts were voted upon and passed unanimously by Parliament during the first reading in February 2024. A careful analysis by the Thai office of the Environmental Justice Foundation (EFJ) highlights 17 articles of concern across the eight drafts. These new articles would erode many of the transparency, sustainability and labour protection achievements secured in Thailand over the last eight yearsⁱ, achievements which have made Thailand a global leader in effective sustainability, labour and transparency reforms in the fisheries sector.

Our concern aligns with the policy analysis of EJF and the Joint Civil Society Statementⁱⁱ. We write this letter as professional researchers in fisheries sustainability, governance and labour, to provide support for arguments about why the Thai government should be cautious about these proposed rollbacks, to minimize the negative impacts they could bring to the Thai fishing industry.

- 1) The proposed rollbacks contradict the global movement towards adding environmental and social sustainability criteria across supply chains, and making seafood buyers accountable for environmental and human rights impacts. The importance of such 'due diligence' policies means that certain import markets will not be keen to buy Thai seafood products if the articles of concern become policy. Three concrete examples of this movement include: the EU due diligence lawⁱⁱⁱ; the North American bans on importation of seafood identified with forced labour^{iv}; and the passing of a provisional agreement to ban products associated with human rights violations to EU market^v.
- 2) Thailand has been praised as a good example in addressing IUU fishing, not only within the region but also globally. These rollbacks would diminish Thailand's credibility and trust among global actors, among the

governments in countries that import seafood from Thailand, and among the companies that source seafood from Thailand.

- 3) There is evidence that stronger fisheries management is leading to fisheries stabilization or recovery, after a period of precipitous ecological decline due to over-fishing. There is also evidence that both hired workers on commercial vessels, and small scale fishers, have benefited from ecological stabilization. This benefits coastal communities who derive food security and income from small-scale fishing, and indirectly helps the labour shortage problem as workers are more willing to take employment in fisheries if good catches assure them of reliable work and income.
- 4) ILO and other surveys of workers in fishing have shown that workers have clearly benefited from the reforms to governance of labour in fisheries. The monthly wage and regular inspections have made fish work both more reliable and safer, so that more workers are choosing to work in fisheries. This means that employers do not need to resort to practices that can be labelled forced labour. Indeed, a better approach would be to move forward on these reforms, to address current shortcomings as identified by civil society groups and researchers, which would make work in fishing even more attractive to potential workers. Reversing these reforms will discourage potential workers, and may lead some fishing vessel owners to resort to practices that would fall under the UN indicators of forced labour.

Ways forward:

We understand that the policy reforms were put in place rapidly in response to Europe's yellow card and other pressures, without seeking input from many key actors, such as the National Fishing Association of Thailand (NFAT). We ask that in the current process to adjust these policies, that the government consider input from all key stakeholders. Specifically, we suggest that the drafting committee 1) invite frontline environmental and labour civil society groups to participate in the drafting of the new Act, if the decision is to continue with the rollbacks; 2) integrate the results from scientific research, both on marine resources and ecologies, and on labour protections for fish workers. We also encourage the government to bring into the drafting process civil society groups concerned with sustainability and ocean ecologies; representatives of labour organizations; seafood processing companies; and small-scale fishing communities.

This open letter is signed by 27 international researchers who are experts in fisheries and fisheries labour from 24 universities and policy institutes worldwide.

ⁱ Migrant Working Group (2024) Briefing on Thailand's Fisheries

Legislation Developments https://mwgthailand.org/sites/default/files/2024-03/legislation-briefing-20240322_en.pdf

ⁱⁱ EJF (2023) Joint Civil Society Statement Concerning Thailand's fishing sector at a critical Crossroads. <https://ejfoundation.org/reports/cso-joint-letter-thai-fisheries-en>

ⁱⁱⁱ European Commission, (2023), Corporate due diligence rules agreed to safeguard human rights and environment. <https://www.europarl.europa.eu/news/en/press-room/20231205IPR15689/corporate-due-diligence-rules-agreed-to-safeguard-human-rights-and-environment>

^{iv} U.S. Department of Homeland Security, (2023), Uyghur Forced Labor Prevention Act <https://www.cbp.gov/trade/forced-labor/UFLPA>

^v European Commission, (2022), Prohibiting products made with forced labour on the Union market. [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0269\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0269(COD)&l=en)