



**A Conference for Fisheries and New Laws Knowledge Provision
for Small-Scale Fishers in Eastern and Upper Gulf of Thailand**

**“Strategies for trawl fisheries by-catch management”
(REBYC-II CTI; GCP/RAS/269/GFF)**

24-26 August 2016

A-One the Royal Cruise Pattaya, Chonburi Province

Report by

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Summary

A consultative meeting was held to disseminate information on small-scale fisheries and marine resource status in the Gulf of Thailand and the results of the REBYC-II CTI Project with regard to trawl mesh size modification and fish larvae surveys. The meeting served to inform fishers and other stakeholders also on the various definitions and relevant sections of the new Royal Fisheries Ordinance B.E. 2558, with regard to its emphasis on combating illegal, unreported and unregulated fishing, stakeholder participation through formation of committees, and recommendations on area closures and mesh size modification to reduce bycatch. A brainstorming session resulted in the drafting of recommendations regarding fishing boat number and effort regulation, licensing and enforcement.

1. Background to REBYC-II CTI Project

The Food and Agriculture Organization of the United Nations (FAO) and the Department of Fisheries, Thailand has signed the Letter of Agreement (LOA) for the execution of the GEF supported project “Strategies for trawl fisheries by-catch management” (REBYC-II CTI; GCP/RAS/269/GFF). Thailand, through the Department of Fisheries, Marine Fisheries Research and Development Division, implements the project at two sites. Prachuab Kiri Khan and Chumphon are the first sites where fishing gear trials on the enlarged codend mesh size for trawl fisheries are implemented. The Central Gulf Marine Fisheries Research and Development Center (CMDEC), located in Chumphon, takes the lead to research on trawl fisheries and enlarged codend mesh size experiments. The second site is in Trat Province, where the management measures for closed area and closed season will be established to protect fish larvae and spawners. The Eastern Marine Fisheries Research and Development Center (EMDEC), located in Rayong Province, takes the lead for these research works.

Since then the two project sites have completed their activities e.g. the Central Marine Fisheries Research and Development Center (CMDEC) has finished their experiments on the enlarged mesh size codend 4.0 cm for otter board and pair trawlers, and formulated a recommendation for 4.0 cm mesh for codend mesh size of otter board and pair trawlers and further sent to the Advisory Committee to consult and approval by the Natural Resource Committee. The Eastern Marine Fisheries Research and Development Center, is responsible for the Area and Season Closure in Ao Trat, Trat Province. Both project initiatives have held several local consultation meetings to consult local fishers and private sectors to agree and formulate the management measure for area and season closure. The results have been also shown to the High Senior Officials in the Advisory Committee Meeting and Conservation Committee Meeting several times.

The final outputs were the announcement by the Command Center for Combating Illegal Fishing of the Government to use 5.0 cm of codend mesh size for otter board trawlers and pair trawlers. Afterwards, the Command Center for Combating Illegal Fishing has changed the mesh size measure to be 4.0 cm. The Area and Season Closure has been proposed through the Advisory Committee and Conservation Committee of the project. Furthermore, the DOF has sent back the area and season closure management to the Provincial Committee to issue the measure. The Provincial Committee agreed to have resource management and then formulated 5 nm area to prohibit for all kinds of fishing gear, within 5 nm area as covered by our project site in Ao Trat. The permanent closed area management (5 nm from shoreline) will be approved by the Minister of Agriculture and Cooperatives Ministry soon.

In this connection, the Marine Fisheries Research and Development Division under the DOF would like to disseminate and promote the results of the project (REBYC-II CTI; GCP/RAS/269/GFF) in both project sites, increase the public knowledge about the present fisheries situation, New Fisheries Acts and practical implementation corresponding to global situation. The DOF aims that the small-scale fishers in the Eastern and Upper Gulf of Thailand which consist of nine provinces (Trat, Chantaburi, Rayong, Chonburi, Chachaengsao, Samut Prakarn, Samuth Sakorn, Samuth Songkram and Petchaburi) attain and gain more knowledge about results of the project, small-scale fisheries status and New Laws concerning to small scale fishers.

Specific Objectives of the REBYC-II CTI Project in Thailand under the 2nd LOA

1. Provide knowledge for small-scale fishers about the results of the project (REBYC-II CTI; GCP/RAS/269/GFF). Mesh size enlargement for trawlers and Permanent Area Closure outputs,
2. Publicize for small-scale fishers to know about the present small-scale fisheries status,
3. Provide knowledge for small-scale fishers about Royal Fisheries Ordinance B.E. 2558 (2015) which is of concern to small-scale fisheries and fishers.

2. Expected Outputs:

1. Small-scale fishers in the Eastern and upper Gulf of Thailand know about the results of the project (REBYC-II CTI; GCP/RAS/269/GFF).
2. Small-scale fishers in the Eastern and upper Gulf of Thailand know about the present status of small-scale fisheries.
3. Small-scale fishers in the Eastern and Upper Gulf of Thailand understand Royal Fisheries Ordinance B.E. 2558 (2015) related to small-scale fisheries and fishers.

3. Presentations and Discussion

The number of participants who attended in the conference were 88 persons, **Mr. Wutichai Wangkahard**, the Director of Eastern Marine Fisheries Research and Development Center (EMDEC), assisted the Director of the Marine Fishery Technology Development Institute, **Mrs. Chinda Saiklieng**, who presided over the meeting and welcomed the participants. She also acknowledged to the small-scale fishers to make use of the chance to listen to law and legal information by themselves. The knowledge will be useful for them and can be applied for their careers.

Mr. Pirochana Saiklieng, DOF consultant, briefed on the marine fisheries status in the eastern and upper Gulf of Thailand as follows:

In Thailand about 50% of the fishing gear used is trawlers and the rest are purse seiners, gillnetters and long liners. Trawlers are not selective gear, it can catch by hunting. Purse seiners use materials to lure the fish school and echo sounder to find the school of fish; gillnetters and long liners are classified as selective fishing gear.

During the decade 2000-2009, in the Southeast Asian countries, Indonesia had the highest capture, with Thailand and the Philippines second and third. Before that export of Asian countries was about 13% of global need and this decade the export was increased to be 20%, mainly due to export from Indonesia. Thailand has decreased from 20% down to 10% due to decrease in fishing areas from bilateral agreements with neighboring countries and international agreements. The problems of overexploitation will occur if the excessive fishing boat numbers (commercial and small-scale boats) in Thailand are not immediately reduced. Commercial fishing boats are small in number (40%) but catch a large quantity (80%) whereas small-scale fishing boats have large numbers (60%) and can catch in small quantity (20%). The excessive fishing gear is out of control.

There is a declining trend of fisheries resources in the Gulf of Thailand. There was evidence that the catch rate from 1960 was 325 kg/hr which has continued to decrease, up to recent year 2013 that the catch rate was only 30 kg/hr. In 1980, Thailand has decided to control demersal fisheries, push net fisheries and anchovy fisheries.

In the eastern Gulf covering coastal areas of Rayong, Chantaburi and Trat provinces, the catch rate was 40 kg/hr in 2007, and has decreased to be 20 kg/hr. In Chantaburi, fish catch composition was more economic valuable fish, whereas in Trat fish captured was mostly trash fish. From surveys in 2001 and 2009, all sizes of captured fish were smaller than the

maturity sizes. Overexploitation was found for the shrimps *Metapenaeopsis*, *Metapenaeus*, for swimming crab and short-necked clam.

In the upper Gulf of Thailand, the composition of fish caught by otter board trawlers were good fish 67% (2008-2010), trash fish 10% and small sized economic species sorted out from trash fish composition 23%. In this area the most abundant fish was mackerel (*Rastrelliger*), previous capture rate was 40 kg/hr, recently decreased to be 10 kg/hr. Now DOF has implemented closed area and closed season for some periods of time to protect spawners and juvenile fish. Pair trawlers in this area mostly caught pelagic fish with a huge quantity. Some pair trawlers have been changed to catch anchovy by using small mesh size, resulted in small fish being caught.

Recent steps in fisheries management

The commercial and small-scale fisheries are separate categories in the Royal Fisheries Ordinance B.E. 2558. Monitoring, control and surveillance are established corresponding to the global implementation. As said in the Ordinance, the small-scale fisheries is dealt with in many Sections as follows:

Section 5: Fishing in coastal area within 3 nm except for some purposes; the fishing area can be extended to more than 3nm but not more than 12 nm and at least 1.5 nm.

Section19: Fishing capacity less than 10 GT. If fishing capacity is 10 GT and horse power is over 280 hp, it will be classified as commercial fishing boat.

Section 24: Fishing license issuance will be related to the fishing capacity and reference point. It is suggested, fisheries can fish about 90% of the reference point Maximum Sustainable Yield (MSY). In Thai waters, MSY will be used as a reference point. Now data are collected according to three categories i.e. demersal fish group, pelagic fish group, and anchovy group.

Section 34: No small-scale fisheries in the offshore area.

Section 38: No commercial fisheries in the coastal shore area.

Note: the two sections 34 and 38 will be reconsidered for equal right.

Section 42: No adaptation or modification of fishing gear after having license (as gear indicated when requesting for license).

Marine Coastal Fisheries and Fisheries in Trat Province

The topic was presented by the Provincial Fisheries Official of Trat Province, Lieutenant Commander Sansern Sereerak, as follows:

Two principles of sustainable manage of coastal natural resource are:

- 1) The management has to be in tune with local ecological system,
- 2) Stakeholders fully participate in coastal fisheries management.

The objectives of coastal fisheries management as stated in the Royal Fisheries Ordinance B.E.2558 are to introduce stakeholder participation in the effective fisheries management and establish local community organization which will be helping each other; community is stronger, responsible and gathering ideas, working together with officials and private sector. The example was raised in Trat Province.

Local Community Organization (or Group) means groups of fishers from village, Tombol, Amphoe, province gathering together with the same objectives and having activities to help each other and address other issues related to fisheries. Established Local Fisheries Organization should have continuous activities. The organization comprises of a group of people with at least 7 members, with direct activities concerning local fisheries. The organization works in cooperation with local fisheries officers in Amphoe or province. Examples of organization are Local Coastal Fisheries Organization, Outside Thai Water Fisheries Organization, Aquaculture group, Fisheries Processing Product group, etc. In Trat Province, there are 43 Groups (small-scale fisheries groups, 25 groups; Outside Thai Water fisheries, 7 groups; aquaculture, 5; and fish product processing, 6).

Provincial Fisheries Community, the committee consist of 10 members or more, local experts 13 assigned by the governor. Local experts are selected from:

- a) Ten experts from marine coastal fisheries (5), Outside of Thai Water (3), aquaculture (1) and fish product processing (1).
- b) Three local experts from President of Fisheries Society (1), President of Shrimp Aquaculture Group in the Eastern region (1) and local fisher (1).

Provincial Fisheries Committee has a right to issue Notifications to manage conservation area e.g. as:

Section 28: Compilation of ideas and recommendation to promote fisheries, conservation, rehabilitation, fish utilization and propose to the *National Fisheries Committee*.

Section 56: No fishing in the reserve area except for scientific purpose and to be allowed by the Director General or representative by document.

Section 71: *Provincial Fisheries Committee* has a right to issue notifications regarding method of fishing corresponding to type of gear, area, size of boat, and condition for fishing, area using pole, stick, tie, stretch, brace or other to make the gear stationary.

Section 147: Penalty for violation for Section 67 (2) (3) or (4), Section 69 or 71; to be fined 10,000 Baht or five times of fish capture value, whichever is more value. If the victim used boat capacity more than 10 GT and less than 20 GT, it will be fined from 100,000 to 200,000 Baht or five times of fish capture value, whichever is more value.

Section 77: *Provincial Fisheries Committee* has a right to issue area for aquaculture, no aquaculture in the prohibited areas.

In case of emergency, *Provincial Fisheries Committee* can issue Notification for conservation area and the Notification becomes effective before permission or not by Minister or the

Minister does not consider on time then, the Notification will still effective. In this case, e.g., a Notification was issued in Choburi province by *Provincial Fisheries Committee* using emergency case which was the first pilot case in Thailand.

In Trat Province, the *Provincial Fisheries Committee* is limiting coastal area for 3 nm reserved for small fish and juvenile, they work together with local stakeholders, local fishers, local leader, aquaculturist, fish processor, to gather ideas, identify problems and solve the problems together. Several meetings were held and the meeting reports were recorded. In conclusion, the problems were proposed to DOF and further sent to the National Fisheries Committee to consider. In Trat, push netters have stopped operation and some of them have changed their gear to crab traps.

Lieutenant Commander Sansern Sereerak has raised two examples in Tambol Tasom and Tambol Lamglud that the Provincial Fisheries Committee was in place, working together with stakeholders, officials and fishers in meetings to identify fisheries issues, limitation, exploitation, including problems among them, and how to resolve these.

Mr. Bancha Sookkiew, Provincial Fisheries Officer of Choburi province has highlighted the Royal Fisheries Ordinance B.E. 2558 concerning to the small-scale fisheries as follows:

What has to be known of level of law and regulation?

The Royal Fisheries Ordinance B.E. 2558 is effective since 14 November 2558 (2015). The Ordinance contains 11 parts, 176 sections, the Ministry of Agriculture and Cooperatives is responsible for the ordinance. The Section 4 (2) promotes small-scale fisheries and local fisheries community.

There are six important levels of law and regulation in Thailand by priority:

- 1) Constitution, highest law of the country is about ruling the country,
- 2) a) Act under constitution, can issue law and regulation by members of parliament or 50,000 name list of the people requesting or cabinet. The Act can be issued in three occasions: normally by the MP, not normal by National MP then pass to the MP.
b) Three methods will be implemented: accepted by principle, considered by section and approved then sent through House of Senate and to be signed by the King, announcement will be made afterward, e.g. Fisheries Acts.
- 3) Royal Ordinance (Act or Decree), it happens when necessary, emergency, economic crisis, urgency, etc. The Royal Ordinance (Act) can be issued for national security, economic and tax reasons, responsible is the cabinet and to be signed by the King. Announcement will be in the government gazette, when it is effective, the Royal Ordinance will be passed to the National Assembly to approve; if not approved it will be cancelled.
- 4) Royal Decree is a level after Constitution, Act and Royal Ordinance; it is dealing with election issues, approved by the Cabinet and to be signed by the King.
- 5) Ministerial Regulation, issued by Cabinet, or issued by each minister.
- 6) Ministerial Notification; Announcement of the Provincial Fisheries Committee; Announcement and regulation/Local Provision of Tambol/ or Ao Bo Jo (within each Ministry), under Section 71, the Minister can issue and implement.

The law and regulation concerning small-scale fisheries has sections as follows:

Section 43 (2): Person and community have right to utilize and preserve natural resources.

Section 50 (2): Task of persons is to conserve natural resources.

Section 57 (2): Person/community have right to conserve, preserve, rehabilitate, manage and utilize natural resources as stipulated in Section 25 (2).

Section 25 (1): State shall conserve, preserve, rehabilitate, manage and utilize natural resources and facilitate person/community as stated in 25 (2).

Committee and small-scale fisher participation

Local Community Committee shall register as a group or community (Section 176) within 30 days after the Royal Fisheries Ordinance B.E. 2558 became effective. At present there is no deadline to register.

Provincial Fisheries Committee is a legal organization, the tasks cover:

- a) Consider the fisheries management scheme,
- b) Gathering local ideas and make proposals for fisheries management and development or resolution of problems
- c) Proposal to Minister, National Fisheries Committee, Director General of DOF, then issuance law and regulation. Announcement will be in the government gazette.

On 18 August 2016, the Ministry of Agriculture and Cooperatives has issued a limited coastal area (responsible by the Provincial Fisheries Committees) in 22 provinces to reserve 3 nm from shoreline, objectives are to preserve and conserve areas for fish larvae, small sized fish and ecosystem.

The Provincial Fisheries Committee consists of:

- a) Ten members including Governor who is the president of the committee and Provincial Fisheries Officer is a secretary,
- b) Knowledgeable persons not more than 13 which are assigned by the governor,
- c) Time period for working of the committee is two years.

Section 32 Small-scale fishing gear and boats must have a license for small-scale fisheries which can fish inshore, no fishing for and possession of marine mammals, other endangered species (all together 13 species) except to rescue. Fishing as small-scale fisheries in the coastal area as said in the section, no possession some small-scale fishing gear e.g. for catching octopus, trawling with codend mesh size less than 4.0 cm.

Section 34 Small-scale fisheries could not fish outside Thai waters (recently the law has not yet formulated),

Announcement from Ministry of Agriculture and Cooperatives (12 February 2016). Small-scale fishing gear is limiting types of fishing gear, fishing in the *reserve area*. The fishing in the coastal shore limitation is:

- 1) All trawlers with engine,
- 2) Purse seine with purse line,
- 3) Gillnet with mesh depth more than 300 mesh,
- 4) Collapsible crab trap, with mesh size surrounding trap is not less than 2.5 cm,
- 5) Octopus trap has no more than 2,000 trap each if more than 2,000 numbers, it should fish at offshore area,
- 6) Squid lift-net, cover-net etc. with light from generator,
- 7) All anchovy fishing gear with light,
- 8) Short-necked clam dredge with engine

For aquaculture in the public area, *Section 175* at the end remark, whoever has done aquaculture before the Royal Fisheries Ordinance B.E. 2558 became effective, that person can request for license within 180 days and can implement until no permission from official notice.

Agenda
A Conference for Fisheries Knowledge and Fisheries Acts 2015 Provision
to Local Small-Scale Fishers in Eastern and Upper Gulf Provinces

(REBYC-II CTI; GCP /RAS/269/GFF)

A-One the Royal Cruise Pattaya, Choburi province
24-26 August 2016

24 August 2016

16.00-18.30 hr Registration at hotel

25 August 2016

08:00-09:00 hr Registration

09:00-09:30 hr Opening of the meeting by Mrs. Chinda Saiklieng, Director of
Marine Fishery Technology Development Institute

09:30-10:15 hr Present status of fisheries in the eastern and upper Gulf of
Thailand (Mr. Pirochana Saiklieng, DOF Consultant)

10:15-10:30 hr Refreshment

10:30-12:00 hr Fisheries management in Trat Province
(Lieutenant Commander Sansern Sereerak, Provincial Fisheries
Official)

12:00-13:00 hr Lunch

13:00-15:00 hr New Fisheries Acts and Law and legal matters
related to small scale fisheries

15:00-15:15 hr Refreshment

15:15-16:30 hr Open discussion

26 August 2016

08:30-10.00 Summary of the result

 Closure of the conference (Mrs. Chinda Saikieng)

10:00- Travelling back home.

Activity Photos





