



# 'Using Transdisciplinarity for Fisheries Policies and the SSF Guidelines Implementation in Thailand'

Report from in-person workshop

April 7-9<sup>th</sup>, 2021

toobigtoignore.net	RESEARCH		
		POLICY	
			MOBILIZATION

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Disclaimer: The views expressed by the moderator and the participants during the discussion are those of individuals (some of whom were government officials, professionals from nongovernmental organizations and institutions), and do not necessarily reflect the position of FAO or TBTI.

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# Summary

The workshop 'Using Transdisciplinarity for Fisheries Policies and SSF Guidelines Implementation in Thailand', organized by *Too Big To Ignore (TBTI) Global* (http://toobigtoignore.net/), was held at Golden Beach Hotel in Cha-am District, Petchburi Province, on April 7-9, 2021. The workshop was attended by 25 participants from various units and divisions of the Thailand Department of Fisheries, a regional intergovernmental organization (SEAFDEC), an environmental organization (Natural Resources Conservation and Environmental Protection Association of Trat Province), as well as researchers and students from various universities (see list of participants).

The primary aim of the workshop was to introduce the participants to the concept and approaches in transdisciplinarity (TD) for fisheries and ocean governance, and how they can be used to facilitate the implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) in Thailand. The workshop was hands-on and interactive, with participants being asked to work together in small groups to discuss topics of the workshop, especially to analyze the legal and policy frameworks for fisheries and small-scale fisheries in Thailand.

As shown in the workshop agenda, the workshop began with the discussion about wicked problems in small-scale fisheries and the need for TD to address these problems and to improve the overall fisheries governance. The second day of the workshop was devoted to the discussion about fisheries institutions and the examination of the extent to which the current legal and policy frameworks align with the principles and the thematic areas in the SSF Guidelines. The analysis was done using the analytical framework developed by TBTI (see Appendix II), which has been applied to several countries as part of the preliminary rapid appraisal (see details in Nakamura et al. 2021). The final session was about broadening the discussion from fisheries to SDGs as well as how to bring more awareness to support small-scale fisheries, including through capacity development.

The governance concept was introduced to the participants, based on the interactive governance theory that invites holistic and systematic examination of where in the governance system, i.e. the natural and social systems that are being governed and/or the governing system, that wicked problems could be found. The participants were able to connect the wicked problem concept with examples related to ecosystem health, food security and fishers' livelihoods. They were then

invited to think about the three orders of governance, from the first order (daily decisionmaking), the second order (institutional design), to the meta-order (underlying principles). While these concepts were relatively new to them, they were able to relate to it by sharing of experiences, which were rich and illustrated well the diversity, complexity, dynamics and the scale issues associated with small-scale fisheries in Thailand.

In the analysis of the current legal and policy frameworks, a couple of key issues were brought up. First, the new Royal Ordinance for Fisheries (2015), which was developed through an emergency decree, partly as a response to the EU 'Yellow Card' (due to IUU fisheries), is creating some challenges for the governance of fisheries, especially small-scale fisheries. Small-scale fisheries are referred to as 'artisanal fisheries' in this new law and defined as fishing operations in "coastal seas," in which a fishing vessel is used or in which a fishing gear is used without a fishing vessel, but in any case does not include commercial fishing, with 'coastal seas' being areas within 3 nautical miles from the baselines. This definition does not reflect the characteristics of small-scale fisheries in Thailand, making it difficult for many small-scale fisheries to be able to register their vessels and gears. Some suggestions were made to fine-tune small-scale fisheries definition to include aspects about ownership system, and the need to be sustainable including the use of non-destructive gears. According to the participants, there may be an opportunity to make the amendment to the law, if the proposal is accepted at the parliamentary level.

As part of the exercises, the participants were asked to evaluate principles in the SSF Guidelines that are well covered in the current Thai fisheries law and policy documents. Three principles that received a high alignment rate were consultation and participation, economic, social and environmental sustainability, and holistic and integrated approaches. Equity and equality, non-discrimination, rule of law, transparency and accountability were principles that were not explicitly stated in the fisheries, although they could be mentioned or covered in general laws, including in the Constitution. In terms of programs that have been well supported by the government to promote responsible fisheries and sustainable development, the group felt that social development, employment and decent work, value chain, post harvest and trade, and disaster risks and climate change are well covered under the current fisheries management plan.

At the end of the workshop, the participants were asked to reflect on what their experience, and they stated how learning about small-scale fisheries through TD lens had broadened their perspective and understanding about the issues and challenges facing small-scale fisheries viability and sustainability. They considered

the legal and policy analysis a useful framework that could help identify the gaps and capacity needs for the implementation of the SSF Guidelines. Finally, they suggested that the workshop would benefit many people in the governments and that more workshops like this should be organized.

This workshop, which was fully conducted in Thai language, was one of the rare events that took place in-person during the Covid-19 pandemic, which was highly appreciated by the participants. Physical distancing and mask wearing were encouraged throughout the workshop and the hotel followed a strict hygiene and health control standard issued by the government. They were able to visit the fishing pier and the fish market and enjoy local seafood (see pictures). The participants were able to interact and established contacts with people interested in small-scale fisheries and were also keen to stay connected.

# Agenda

# DAY 1: Wednesday, April 7<sup>th</sup> - 13.30–17.00

## Session 1: Big questions & wicked problems

Short presentations

Wicked problems in fisheries governance

Why TD: The principles and the practices

Discussion questions

(1) What are the big questions facing SSF in Thailand?

(2) What are examples of TD good practices in Thailand?

## DAY 2: Thursday, April 8<sup>th</sup> - 9.00 –12.00

## Session 2: Understanding fisheries institutions

Short presentations

Fisheries institutions: what they are and why we need them

Fisheries law and policy in Thailand

Discussion question

(1) How well are SSF governed in Thailand?

(2) Whatare the strengths and weakness of the fisheries institutions in Thailand?

DAY 2: Thursday, April 8<sup>th</sup> - 13.30 –17.00

### Session 3: Aligning SSF Guidelines with Thailand fisheries policy

Short presentations

SSF Guidelines: what they are and why we need them

Unlocking legal and policy frameworks for the implementation of the SSF Guidelines

Discussion period

(1) What is being done in Thailand with respect to the implementation of the SSF Guidelines?

(2) How to better align SSF Guidelines with Thailand fisheries policy?

# DAY 3: Friday, April 9<sup>th</sup> - 09.00–12.00

### Session 4: Implementing the SSF Guidelines & the SDGs

Short presentations

Broadening the perspective about fisheries and ocean sustainability

Linking SSF Guidelines with the SDG

Discussion period

(1) What are the key challenges in achieving fisheries and ocean sustainability?

(2) What capacity is required to implement the SSFGuidelinesand how to build it?

# Photos from the workshop







# Acknowledgments

We thank the participants for attending the workshop and we truly appreciate the ideas, perspective, and passion that they brought to the discussions during the workshop. Additionally, we thankfully acknowledge the support from the Food and Agriculture Organization of the United Nations (FAO) who is the main sponsor of this workshop.

#### List of participants, TD Thailand Policy Workshop, Cha-am, April 7-9, 2021

Name	Position	Organization
Mr. Arnon Yoramin	Fisheries officer	Fisheries Foreign Affairs Division, Thailand Department of Fisheries
Mr. Charoen Nitithamyong	Emeritus professor	Department of Marine Science, Faculty of Science, Chulalongkorn University
Ms. Doungporn Na Pompetch	Head of unit	International Law Unit, Legal Division, Thailand Department of Fisheries
Ms. Jariya Sornkliang	Fisheries management scientist	Southeast Asian Fisheries Development Center
Mrs. Jinda Petchkamnerd	Director	Chumphon Marine Fisheries Research and Development Center, Thailand Department of Fisheries
Mr. Kanet Rodyaem	Fisheries officer	Marine Fisheries Research and Development Division, Thailand Department of Fisheries
Ms. Kittikarn Khunprom	Masters' student	Faculty of Fisheries, Kasetsart University
Dr. Kungwan Juntarashote	Emeritus professor	Faculty of Fisheries, Kasetsart University
Dr. Monissa Srisomwong	Assisant professor	Faculty of Fisheries, Kasetsart University
Mrs. Niracha Songkeaw	Fisheries specialist	Songkhla Marine Fisheries Reseach and Development Center, Thailand Department of Fisheries
Ms. Panitnard Weerawat	Senior lecturer	Training Department, Southeast Asian Fisheries Development Center (SEAFDEC)
Ms. Patcharaporn Jindathai	Fisheries officer	Fishing and Fleets Management Division, Thailand Department of Fisheries
Mr. Prapat Keawmanee	Fisheries specialist	Satun Marine Fisheries Research and Development Center, Thailand Department of Fisheries
Mr. Prasert Ongsara	Head of unit	Banlaem Marine Fisheries Patrol Unit (Phetchaburi), Thailand Department of Fisheries
Dr. Ratana Chuenpagdee	Professor	Memorial University / TBTI Global
Dr. Sansanee Wangvoralak	Assisant professor	Faculty of Fisheries, Kasetsart University
Ms. Sasiwimon Khlongakkhara	PhD student	Faculty of Fisheries, Kasetsart University
Mr. Somkiat Samattakarn	President	Natural Resources Conservation and Environmental Protection Association of Trat
Dr. Suphakarn Traesupap	Senior Research Fellow	TBTI Global
Ms. Suthathip Cherdchim	Fishery biologist	Fisheries Resource Management and Measure Determination Division, Thailand Department of Fisheries
Dr. Suvaluck Satumanatpan	Professor	Faculty of Enviroment and Natural Resources, Mahidol University
Dr. Thongchai Nitiratsuwan	Assosiate professor	Faculty of Science and Fisheries Technology, Rajamangala University of Technology Srivijava, Trang
Mr. Traisorn Taemmeesap	Fishery Biologist	Fisheries Resource Management and Measure Determination Division, Thailand Department of Fisheries
Dr. Tuantong Jutagate	Professor	Fisheries Program, Faculty of Agriculture, Ubon Ratchathani University
Ms. Wannalai Pooyam	Fisheries specialist	Marine Fisheries Research and Development Division, Thailand Department of Fisheries

#### Unlocking legal and policy frameworks for Small-Scale Fisheries

**Background**: In June 2014, the Committee on Fisheries of the Food and Agriculture Organization of the United Nations (FAO) endorsed the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (<u>SSF Guidelines</u>). While there has been a lot of work focusing on the implementation of this instrument, it remains unclear how the existing national legal and policy frameworks can support the respective countries in meeting these international requirements and standards. In light of this need, the project 'Unlocking national legal and policy frameworks' aims to improve our understanding about how the relevant instruments can be interpreted and applied in support of the SSF Guidelines implementation.

**Instruction**: Please provide answer to the following questions in the template as best as you could and when possible indicate the information of the legal and/or policy instruments to support your answer. Please return the completed questionnaire to us by e-mail: <u>tbti.global@gmail.com</u>.

## Unlocking legal and policy frameworks for Small-Scale Fisheries (SSF) Template

#### Case study country:

#### Name and affiliation of contributors:

Affiliation:
Affiliation:
Affiliation:
Affiliation:
Affiliation:

**Part I Definition of SSF or related terms** (e.g. artisanal, subsistence, semi-industrial, customary, coastal, traditional, indigenous, aboriginal, and tribal). Note that SSF refers mostly to the 'harvesting/fishing' activities. Feel free to indicate in Part VI, however, if there are specific definitions related to SSF in post-harvest.

Quest	tion	Answer	Additional information
"le	re SSF or related terms egally" defined in the onstitution, Law, or Act?	<ul> <li>Yes</li> <li>No (see next question)</li> <li>If yes, copy and paste the exact text(s) where SSF or related terms is mentioned:</li> </ul>	Please indicate the exact provision(s) of the Constitution/Law/Act that supports your answer, and provide URL.
ca an	SSF (or related terms) aptured/defined in other legal nd policy documents? Check I that apply.	<ul> <li>Primary fisheries legislation</li> <li>Regulation, Decree, Ordinance</li> <li>National fisheries policy</li> <li>No</li> <li>If yes to any of the above, copy and paste the text(s) used to refer to SSF:</li> </ul>	Please indicate the document that supports your answer:

(3)	Is there any other "informal"	□ Yes	Please indicate the document
	way that SSF (or related terms)	🗆 No	that supports your answer:
	are referred to?		
		If yes, indicate how:	

### Part II Legal framework and institutional arrangement

Qı	lestion	Answer	Additional information
(1)	What is the legal system in the country?	<ul> <li>Common Law</li> <li>Civil Law</li> <li>Customary Law</li> <li>Mixed law systems (specify):</li> </ul>	Please indicate any source (literature, policy, electronic website) where more detailed information can be found.
(2)	What is the main "fisheries legislation" in the country (e.g. Act, Law, Statute)?	<ul><li>A. Full title of legislation:</li><li>B. Year:</li></ul>	Please indicate any source (literature, policy, electronic website) where more detailed information can be found.
		C. Amendments:	
(3)	What is the main "national policy" for fisheries?	A. Full title of policy:	Please indicate any source (literature, policy, electronic website) where more detailed
		B. Year (adoption):	information can be found.
		C. Period of coverage (if specified):	
(4)	Which "national" governmental authority (e.g. Ministry, Agency, Secretary or any other institutional body) is primarily in charge of fisheries?	Full name of the authority:	Please indicate any source (literature, policy, electronic website) where more detailed information can be found.

(5)	What is the mandate of this national governmental authority? Note - mandate can be related to: (a) Objectives (seeks to)	Defined in legislation, as follows:	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer.
	(b) Powers (ability to) (c) Responsibilities (duty to)	Defined in fisheries policy, as follows:	Please indicate the exact part(s) or page of the policy that supports your answer.
		□ No clear mandate	
(6)	Is there a national and/or sub- national governmental authority specifically in charge of SSF?	<ul> <li>Yes, indicate name and level of each authority (state, provincial, sub-regional, city, municipal, local):</li> <li>No</li> </ul>	Please indicate any source (literature, policy, electronic website) where more detailed information can be found.

#### Part III Key principles in the legislation and policy documents

*Question*: Are the following principles mentioned/specified in the fisheries legislation and/or fisheries policy? Make sure to provide answer to both columns and give details in the additional info/sources column, when appropriate.

If the answer is no, please indicate whether they are mentioned in other legislation and policies that are not specific to fisheries. Specify what they are in the additional info/sources column.

Principles	Legislation	Policy	Additional info/sources
Human rights & dignity	□ Yes □ No □ Not clear	□ Yes □ No □ Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	

Respect of cultures	🗆 Yes 🗌 No 🗌 Not clear	🗆 Yes 🗌 No 🗌 Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Non-discrimination	🗆 Yes 🗌 No 🗌 Not clear	🗆 Yes 🗌 No 🗌 Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Gender equality & equity	🗌 Yes 🗌 No 🗌 Not clear	□ Yes □ No □ Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Equity & equality	🗆 Yes 🗌 No 🗌 Not clear	🗆 Yes 🗌 No 🗌 Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Consultation & participation	🗌 Yes 🗌 No 🗌 Not clear	□ Yes □ No □ Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Rule of law	🗆 Yes 🗌 No 🗌 Not clear	□ Yes □ No □ Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Transparency	🗆 Yes 🗌 No 🗌 Not clear	🗆 Yes 🗌 No 🗌 Not clear	

	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Accountability	🗌 Yes 🗌 No 🗌 Not clear	□ Yes □ No □ Not clear	
	☐ Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Economic, social & environmental	🗆 Yes 🗌 No 🗌 Not clear	🗆 Yes 🗌 No 🗌 Not clear	
sustainability	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Ecosystem approach to fisheries	□ Yes □ No □ Not clear	□ Yes □ No □ Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Social responsibility	🗆 Yes 🗌 No 🗌 Not clear	□ Yes □ No □ Not clear	
	Include in other documents, not specific to fisheries	Include in other documents, not specific to fisheries	
Other principles relevant to SSF	☐ Yes, indicate	☐ Yes, indicate	

#### Part IV Specific provision and consideration for SSF

*Question*: Is there any legal and/or policy instrument related to the following topics, specifically for SSF? Note that this is not only about harvesting/fishing but also post-harvest activities. Indicate the "name" of the document where the provision can be found and provide details as appropriate. Include provision that is 'relevant' to SSF, even if it is not specific.

Question	Legal/policy instruments	Additional information
(1) Tenure and related rights for	Name:	Please indicate, if applicable,
SSF (to fisheries resources and		the exact provision(s) of the

	to land). Include, when appropriate, customary rights and Indigenous rights.	Year: Specify how tenure is defined for SSF and/or what rights they have. No specific provision for SSF Topic generally not considered Not clear	legal/policy document that supports your answer, and provide URL.
(2)	Exclusive fishing area or priority access to fishery resources for SSF	Name: Year: Specify whether it is inland, coastal, marine No specific provision for SSF Topic generally not considered Not clear	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(3)	Registration requirements for SSF	Name: Year: Specify type (general, vessel, gear, "professional" fishers) and whether there is any exemption (e.g. for subsistence SSF, fee exemption, etc.) No specific provision for SSF Topic generally not considered	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(4)	MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF	<ul> <li>Not clear</li> <li>Name:</li> <li>Year:</li> <li>No specific provision for SSF</li> <li>Topic generally not considered</li> <li>Not clear</li> </ul>	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.

(5)	Social development, employment and decent work for SSF along the value chain	Name: Year: No specific provision for SSF Topic generally not considered Not clear	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(6)	Labour rights or social benefits for SSF along the value chain (e.g. financial support during closed season, social security, access to health care, unemployment benefit, old age pension, etc.)	Name: Year: No specific provision for SSF Topic generally not considered Not clear	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(7)	Capacity building program for SSF (e.g. provision of and access to education, training)	Name: Year: No specific provision for SSF Topic generally not considered Not clear	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(8)	Recognition of SSF as professional workers, along the value chain	Name: Year: No specific provision for SSF Topic generally not considered Not clear	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(9)	Responsible trade in fish and certification of fishery products from SSF, including sanitary	Name:	Please indicate, if applicable, the exact provision(s) of the legal/policy document that

and safety standards for		supports your answer, and
domestic vs. export markets	Year:	provide URL.
	$\Box$ No specific provision for SSF	
	Topic generally not considered	
	□ Not clear	
(10) Legal protection of women in	Name:	Please indicate, if applicable,
SSF, along the value chain		the exact provision(s) of the
		legal/policy document that
	Year:	supports your answer, and
		provide URL.
	□ No specific provision for SSF	
	□ Topic generally not considered	
	🗆 Not clear	
(11) Special treatment to women in	Name:	Please indicate, if applicable,
SSF (e.g. capacity building		the exact provision(s) of the
program for women's		legal/policy document that
organization)	Year:	supports your answer, and
		provide URL.
	□ No specific provision for SSF	
	□ Topic generally not considered	
	□ Not clear	
(12) Protection of SSF from disaster	Name:	Please indicate, if applicable,
risks/ climate change, and/or		the exact provision(s) of the
recognition of SSF vulnerability		legal/policy document that
in disaster risk/climate change		supports your answer, and
policies and strategies	Year:	provide URL.
	□ No specific provision for SSF	
	□ Topic generally not considered	
	□ Not clear	

# Part V Interaction and stakeholders participation

Question		Answer	Additional information
(1)	Is there any mechanism (e.g.	🗆 Yes	Please indicate, if applicable,
	regular meetings, information	🗆 No	the exact provision(s) of the
	sharing, reporting) to facilitate	🗌 Not clear	legal/policy document that
	communication and interaction		supports your answer, and
	among governmental	Explain/example:	provide URL.
	departments, agencies and		
	authorities?		

(2)	Is there any mechanism (e.g. regular meetings, information sharing, reporting) to facilitate communication and interaction <b>between</b> governmental departments, agencies and authorities <b>and</b> fishers' organizations and groups	<ul> <li>Yes</li> <li>No</li> <li>Not clear</li> <li>Explain/example:</li> </ul>	
(3)	Is representation of SSF in decision-making and/or resource management legally required, at any level of governance?	<ul> <li>Yes, name the provision, and indicate the level of representation (e.g. national, provincial, local)</li> <li>No</li> <li>Not clear</li> </ul>	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(4)	Is there a co-management or decentralised fisheries management scheme (e.g. co- management, community- based management), or any other forms of fishers' participation in management?	<ul> <li>Yes</li> <li>No</li> <li>Not clear</li> <li>Explain/example:</li> </ul>	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.
(5)	Is there any interest or commitment for a more holistic form of governance or reform?	<ul> <li>☐ Yes</li> <li>☐ No</li> <li>☐ Not clear</li> <li>Explain/example:</li> </ul>	Please indicate, if applicable, the exact provision(s) of the legal/policy document that supports your answer, and provide URL.

#### Part VI Other context or specific information about SSF in the country

#### Part VII About the team

Collective experience in SSF and familiarity with legal and policy frameworks):

#### Corresponding contributor:

Name:

E-mail:

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