

# Addressing Coastal Fisheries Conflict in Thai Waters: A Policy Brief

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This Policy Brief is based on the output of a CHARM study which aimed to develop guidelines for resolution of conflicts in coastal fisheries, carried-out from January to July 2007 in Southern Thailand (Krabi, Phang-Nga, Phuket, and Prachuap Khiri Khan Provinces). Complete reports from this study and the guidebook for conflict resolution in coastal areas can be obtained through the CHARM Office in Bangkok, Thailand. This article presents a set of lessons learned from selected case studies in resolving coastal fishery conflict. A basic plan of action is highlighted that places decentralization, co-management and rights-based fisheries as actual solution to reduce the occurrence of fisheries conflicts among fishers and establish a cost-effective management system for coastal fisheries. Although this article highlights on resolving fisheries conflicts in Thailand, the strategies outlined could serve as reference for other ASEAN countries in resolving conflicts in coastal fisheries.

Conflict is a fact of life. It occurs when individuals or groups are not obtaining what they need or want and are seeking their own self-interest or pursue actions according to their own values. Conflict is also a common characteristic of fisheries. Yet, there has been an unusual increase in the occurrence of such conflicts in coastal areas of Southeast Asian countries over the recent years, among which Thailand is no exception. Recent highlights have been given on the importance to address issues pertaining to fishery conflict in Thailand, notably in the 10th National Economic and Social Development Plan (2007-2011).

As early as 1925, it was confidently stated that aquatic resources were abundant and varied, and that only a minimum degree of restriction would suffice to preserve fishery resources for the future. Marine fisheries were then undeveloped and access to these resources had been left open because managing those seemed both unnecessary and impractical. In the 1960s, with support from fisheries development policies, industrial fisheries rapidly spilled over from Thailand to neighboring countries, and catches shot up everywhere. The industrialization of the Southeast Asian fisheries has often been reported as another success story of the industrial era. Almost fifty years later, when this episode was revisited, results indicated that the uncontrolled development of industrial fisheries has resulted in overcapacity and overfishing for apparently decades.

Fortunes were made by some, but the bottom line is that the Gulf of Thailand has become barren with conflicts among fishers worsening. Industrial fishing operations have been increasingly encroaching inshore areas, legally including the areas preserved for small-scale fishers. This had led not only to unfair and intense competition, to the extent of damaging small-scale fishing gear, but also to destruction of the fragile and productive coastal habitats. As a result of the lack of foresight towards the quick development of marine fisheries and their need for regulation, it has come the point when for the government had to deal with all aspects of marine fisheries management through a system which is heavily centralized and unprepared to undertake such a task. This puts an intense burden on government institutions and has led to several limitations (**Box 1**).

## Box 1. Limitations on the development of sustainable marine fisheries management

- Difficulties to deal with legally sanctioned open-access regime to marine fisheries;
- Difficulties to take into account ecological complexities of tropical fisheries;
- Unsuccessful mechanisms to transform policy into practice and address core issues in coastal fisheries due to the lack of resources for implementation;
- Lack of scope for decision-making and development of policy and regulations at the provincial and local levels;
- Lack of consultation with local fishers while the government does not take advantage of fishing communities' capacity to participate in the management of local resources;
- MCS mechanisms in place are rarely cost-effective, while legal loopholes exist unaddressed and fisheries violations are considered as minor offences, resulting in the prevalence of illegal fishing; and
- Reduced potential for coastal communities to undertake voluntary conservation efforts.

## Addressing the Causes of Fishery Conflict

Most coastal fishery conflicts in Thailand can be traced down to a set of common causes, while it appears that most of these conflicts are actually indications ("symptoms") of poor governance issues. One of the most recurring common causes of the conflicts is related to the open access regime to fisheries. Fishers are inevitably set on a path of competing against each other for the same fish because of the unclear ownership of the fisheries resources. In addition, there are many conflicts also caused by regulations that are perceived (rightfully or not) as unfair by fishers, and a lack

## Box 2. Resolving Fishery Conflicts

- Fisheries managers need to be aware of the ‘layering’ of conflicts and be able to trace them back to the real rather than apparent causes, for an effective conflict management.
- For lasting solutions, fishery management policies should aim at “promoting sustainable and fair fisheries” rather than attempting to tackle directly “conflicts” as such. *Ad hoc* negotiations and mediation efforts are often seen as the one answer to conflict, but may at best just deliver short lived compromises.
- Resolving fishery conflict requires a multi-sectoral involvement. A given government agency alone cannot resolve conflict because of its specific focus of work. All relevant institutions should be involved as far as practically feasible (administration, coastal resources management, research) especially institutions that coexist at the local level with those causing conflicts and using the resources.
- The policy pursued by the government at the central level must take a definite direction and guide the course along which conflicts will be settled. The ambivalence between policy guiding fast economic gain and those promoting sustainable fisheries makes conflict resolution unworkable in some cases.
- Conflict involving fishers operating irresponsibly (destructive fishing gear or practice and/or illegal fishing) against others should not be considered as a basic problem of conflict between legitimate users of the sea, for which a resolution is looked for as a negotiation on how to share fishing grounds.
- Local conflict resolution mechanisms are necessary to fill the gap the national Fishery Law leaves at the local level, as those will deliver solutions more satisfactory and adapted to the local settings. Fisheries problems cannot be solved by solely imposing regulations or initiating some limited activities; the attitude and compliance of resources users also need to be changed positively.
- Stakeholder consultation and participation when developing or modifying fisheries regulations, will reduce conflicts through the design of rules better adapted and/or fairer to all stakeholders.
- A precautionary approach should be adopted when and where local efforts at conservation and management of coastal resources are contested, notably through judicial means: when in doubt, measures supporting resources conservation should be preferred. Those willing to offset conservation measures should bear the burden of proof.

of effective MCS (monitoring, control and surveillance), both of which reduce compliance, increasing illegal fishing. The realization that such regulations established at the national level cannot respond to all local needs is not new since partnership with local people for the management of natural resources has been explored in the past.

The EU-Thailand collaborative study conducted by the Coastal Habitat and Resources Management (CHARM), covering several coastal communities (in Southern Thailand (Krabi, Phang-Nga, Phuket, and Prachuap Khiri Khan Provinces)), was engaged in pilot projects or initiatives that test community-based management. The results have shown the latent potential in fishers’ communities to supply local

management institutions that works in partnership with local and provincial government authorities.

Lessons from these case studies in resolving conflicts, regulating access to fisheries, and legitimacy of rights-based fisheries under a co-management approach are outlined in **Box 2**, **Box 3** and **Box 4**, respectively.

## Moving Towards Rights-Based Coastal Fisheries and Co-Management

The achievements of fishers’ institutions studied in Southern Thailand highlighted the validity of community-based management in addressing fishery conflict and some management gaps. Yet, beyond this approach which

### Box 3. Regulating Access to Fisheries

- While open-access remains a realistic option for open sea fisheries, coastal areas need better protection from illegal fishing, destructive operations and overfishing through the introduction of rights-based fisheries together with a more complex zoning, considering their essential role in the biological productivity of tropical waters and the role of coastal fisheries as a social safety net for the poorest segments of the population.
- Open-access to coastal fisheries ruins local efforts to manage/conservate fisheries resources, thus a progressive move toward more regulation of the access to inshore fisheries is essential for a decentralized fisheries management system to work.

### Box 4. Legitimacy of Rights-based Fisheries under a Co-management Approach

- Where efforts to institutionalize local fishers have taken place, communities have been successful through collective action in:
  - Proactively managing local coastal resources, including their utilization: local people do not allow negative developments to ruin local resources and better control how fisheries or coastal operations are run in their area, promoting responsible fishing practices;
  - Resolving internal fishery conflicts, with the social capital in a community helping to prevent most routine disputes from escalating out of control; and
  - Networking and developing partnership with local and provincial government agencies as well as other communities.
- A partnership between government and fishers’ institutions (co-management) is essential as:
  - Conflicts between fishers within a managed community and those from outside are difficult to address internally and may become prevalent under an open-access regime, such conflicts with free-riders can be violent and potentially more damaging than locally-based conflicts; and
  - Fisheries resources are often migratory and transboundary, their management cannot be successful if the different fishers’ institutions involved follow different approaches, thus the government has to play a central role in setting-up overall directions and ensuring coordination.

Box 5. Potential benefits of co-management and rights-based fisheries to address fishery conflicts

Causes of fishery conflict	Solutions brought by co-management and rights-based fisheries
Unfair/ineffective regulations; Ineffective MCS; Illegal fishing	Under rights-based fisheries and co-management, local coastal resources management becomes more flexible and adaptive, and makes full use of indigenous knowledge and expertise. There is a progressively greater moral obligation of community members as they develop a feeling of ownership and responsibility towards fisheries resources. Community members participate in MCS through co-management, enhancing local compliance with regulations and reducing the cost of monitoring and enforcement.
Policy and legislation influenced by large-scale fishers	Under a co-management approach, local institutions can initiate a scaling-up of institutional efforts above a single community. This ensures that small-scale fishers, mostly poor people, have a better representation at higher levels to be heard in policy development and decision-making in a similar manner to the large-scale fishers. This will account for more democracy and participation in the way national policies and regulations are enacted and allow for the development of a fair management system.
Damage on fishing gear ('gear war')	Rights-based fisheries consolidate the claim of small-scale fishers on inshore coastal areas. Violations by large-scale operations are reduced by a strengthened MCS which involves fishers and better organized small-scale fishers. Local conflicts are effectively tackled by sound and fair local management, regulating how the resources are exploited as well as local resolution mechanisms, in addition to a community able to proactively deal with other internal issues.
Weak local institutions with increasing heterogeneity of stakeholders	Co-management involves the strengthening of local institutions through providing an enabling legislation and proper initial support that encourage collective action, thus strengthening the sense of community, and help controlling the behavior of individual fishers.
Excess fishing capacity and overfishing; Decline of fishery resources; Environmental degradation	A reduction of excess capacity for small-scale fisheries implies an increased focus on people-related solutions and on communities. Strengthening local communities (and their institutions) and providing gradual group user and management rights allow the development of sound resource management systems adapted to local conditions. Rights-based fisheries put a gradual end to the open-access regime to inshore resources. There is also an enhanced awareness among fishers on the importance to sustainably utilize and conserve coastal resources.
Declining socio-economic status of small-scale fishers and pervasive poverty; Market conditions	Co-management addresses community-based economic development/diversification (value adding processes for fish, better marketing, saving activities). This ensures communities are less vulnerable to external variations, are better off economically and provide a basis for the financial independency of local institutions, which do not rely on outside support for its regular operation.
Increasing population	Rights-based fisheries allow an effective and fair control of who can go fishing in coastal areas and how fishing must be done. An increasing population still means an increased demand for fish and a pressure on community institutions, but in the long-term a better management of coastal fisheries resources ( <i>i.e.</i> , sustainable utilization, control of the quality of the product) will contribute to food security.

is typically geographically isolated and cut from the mainstream management system, community-based co-management and rights-based fisheries offers much more in terms of establishing a working decentralized system which can be sustained and implemented on a national scale (**Box 5**).

If conflicts are considered as a creative and constructive force for management, this might be the occasion to envisage on how to improve the effectiveness of the system and correct flaws in the setup of fisheries management. Rights-based fisheries and decentralization are much in line with the last Thai Constitution, which recognizes the rights of local people to conserve and manage resources in their communities. With a new Constitution, Fisheries Law and Master Plan for Marine Fisheries Management in the works, it is now the auspicious time to consider how innovative approaches to fisheries management could be implemented.

## Plan of Action

### Strategy 1. Decentralization and Establishment of Rights-Based Inshore Fisheries

Vision: A progressive decentralization of management functions to the provincial level is supported, with clear provisions for provincial management bodies to support local fishers' institutions. Subsequently, the provinces decentralize some management rights to fishers' institutions, for which an appropriate legal status must be defined as partners of the government in management, together with attribution of group user rights.

This puts a progressive end to open-access to inshore fisheries. Decentralization of fisheries management to community level (**Box 6**) can only be started once local institutions are ready, showing their maturity and capacity

## Box 6. Specific strategies in decentralization of fisheries management

- **Boundaries for management - zoning and nesting the management system**
  1. Open waters beyond provincial fisheries management boundaries but within the EEZ remain under full control of relevant national level authorities.
  2. Provincial waters for fisheries management defined accordingly with foreseen provincial capacity for management (especially MCS) and decisions made by the Ministry of Interior concerning provincial marine boundaries, suggested to be 20-30 km from shorelines, although in some cases, special arrangements should be adopted instead of provincial boundaries (e.g., Phang-Nga Bay, inner part of the Gulf of Thailand) keeping in mind the need for a proper management body that replaces individual provincial authorities.
  3. Community waters to be managed by local fishers' institutions determined between stakeholders and provincial authorities (and enacted by the latter) on a case by case basis once the local fishers' institutions is ready to take over management functions (based on fishing grounds, ecological, geographical and political factors), fitting within provincial waters.
- **Provincial level authorities are progressively given the following mandate**
  1. Develop and enact provincial fisheries management regulations in their given provincial waters, including the rights to charge a fishing permit (management fee) to vessels that wish to operate in provincial waters.
  2. Carry-out a cost-effective MCS instead of regional patrolling centers, in partnership with local fishers.
  3. Support its capacity building unit for the institutionalization of small-scale fishers and encourage the supply of fishers' institutions along its coastline.
  4. Attribute group user rights and management rights over specified inshore water areas to local fishers' institutions that are mature enough to enter in a co-management partnership with the provincial authorities.
- **Local fishers' institutions must achieve the following before playing a leading role in local fisheries management**
  1. Identify its primary stakeholders as members.
  2. Propose a delimited area as community boundaries.
  3. Develop, agree and implement informal rules with participation of all members.
  4. Show capacity to carry-out collective action, resolve internal fishery conflict, implement local MCS, and collect basic local data and information.
- **Once established, local fishers' institutions are given the following mandate, in partnership with provincial authorities**
  1. Provide fishing rights to all institution members, possibly charging a management fee.
  2. Develop and enact local fisheries management regulations in their given community waters, including the rights to charge a fishing permit (management fee) to vessels that wish fish in community waters, or refuse such a permit.
  3. Carry-out MCS in their waters, with enforcement done by provincial authorities if outsiders involved.
  4. Develop community economic self reliance and strengthen community economic well being.
  5. Enhance fisheries resources in community waters, with ad hoc budget support from government agencies.
  6. Use gradual/social sanctions for local violations before having recourse to stricter punishment such as removal of membership/permit or formal proceeding in court.
  7. Under co-management with the government, initiate networking with neighboring communities to encourage replication of local institutionalization, and scaling up of local management institutions into higher level management institutions (e.g. bay level) or representation structure at provincial/national level.
- **Ban destructive fishing practices**
  1. A scientific basis on the impacts of fishing gear and practices incriminated as destructive (including biological, social and ecological impacts) is quickly consolidated, and upon clear finding, the government should move unambiguously towards banning such fishing methods.
- **Addressing the challenges of large-scale fisheries**
  1. Recognize that the right to migrate for large-scale fisheries should not be put in jeopardy although such movements should be managed.
  2. Fishing licenses should be given on the basis of biological indicators so as to match fishing capacity with the resource base
  3. Vessel owners who realize significant profit from fisheries should participate proportionally to the costs of management.
  4. Means to reduce illegal fishing in a cost-effective manner should be explored, including mobilization of small-scale fishers for monitoring in inshore and provincial areas, use of VMS (vessel monitoring system) and on-board observers (once fishing licenses are given less liberally) and landing surveys in partnership with provincial and local institutions.
  5. Subsidies contributing to increased fishing capacity should be stopped. Fuel subsidies only distort the last regulation barrier that are market mechanisms and allow fishing to continue even when the stocks are already massively depleted, and are also an unfair practice as small-scale fishers are not entitled to them.

in enacting and implementing local rules, rather than being forced down.

### Strategy 2. Capacity Building at All Levels

Significance: Institutional capacity building should be widely recognized as a vital component of coastal resources

management. Government agencies either at central or provincial level cannot work with individuals but instead must deal with community-based institutions, considering the nature of tropical fisheries. Since self organization and collective action do not always come easily to fishers, depending on local traditions, capacity building by government agencies will be a prerequisite for most



communities to be involved in local fisheries management, including solving fishery conflict. Institutional capacity building, starting at the national level, including provincial management bodies and eventually fishing communities must be considered as a long-term process that would take years and require lasting political will and endeavor (Box 7).

#### Box 7. Capacity building strategies

- **Capacity building at national level**
  1. Human capacity building (skills) research for national management and policy purpose with participation of stakeholders collective action, institutionalization of small-scale fishers, co-management and rights-based fisheries training for provincial trainers on the same issues as above MCS for offshore fisheries
  2. Physical capacity building Patrolling (piers, boats, fuel, workshop, VMS)
- **Capacity building at provincial level**
  1. Human capacity building (skills and manpower) coastal fisheries management collective action, institutionalization of small-scale fishers, co-management and rights-based fisheries
    - Fishery conflict management
    - MCS (patrol and maintenance)
    - Research for provincial management with participation of stakeholders
    - Extension unit for collective action, institutionalization of small-scale fishers, co-management and rights-based fisheries
  2. Financial capacity building
    - Securing regular budget from central authorities
    - Securing regular budget from Provincial State Administration
    - Recovering management cost from fees charged for fishing permits of boats in provincial waters
  3. Physical capacity building:
    - Patrolling (pier, boats, fuel, workshop)
    - Provincial fisheries management bodies (offices)
    - Extension unit for the institutionalization of small-scale fishers (training facilities)
- **Capacity building at community level**
  1. Human capacity building (skills)
    - Concepts of rights-based fisheries and co-management
    - Managerial skills (fisheries and institutions)
    - MCS activities
    - Marine ecology and fisheries management
    - Research and data collection for fisheries management, identification of alternative livelihood to fishing and economic development of the community, with full utilization of indigenous traditional knowledge
    - Conflict resolution
  2. Financial capacity building
    - Securing regular budget from community-based economic activities and membership fees
    - Recovering management cost from fees charged for fishing permits of boats allowed in community waters
    - Securing *ad-hoc* funding from Central/Provincial/ TAO budgets on a proposal basis
  3. Physical capacity building:
    - Patrolling (pier, boats, fuel, workshop)
    - Provincial fisheries management bodies (offices)
    - Extension unit for the institutionalization of small-scale fishers (training facilities)



#### GLOSSARY (Definitions tailored for the Policy Brief)

**Collective action** - Collective action is the pursuit of a goal or set of goals by more than one person (a community), who pursue a common interest (conserving local fisheries resources), with the assumption that they will be better off this way than if just pursuing individual self interested activities.

**Community-based co-management** - An approach to management in which the government shares certain authority, responsibilities and functions of managing a designated area and resources with local fishers' institutions as partners. In opposition with community-based management, the government establishes appropriate rights and conditions while decentralizing some its power to the local institution; the government retains the rights to legally give or take user and management rights.

**Community-based management** - Community-based management means a community managing its resources alone, not involving power sharing between government authorities and a community. There is little implications regarding legal issues, with most efforts put on conservation and resource enhancement. Government is perceived as an external player that is only brought in when needed; its involvement is usually passive.

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