

## **Report of Investigation Results No. 171/2561 concerning community right in case of farmers being affected from epidemic of Blackchin tilapia**

### **Issue of Complaint**

The National Human Rights Commission of Thailand received a complaint asking for investigation in case of a claim that the complainant and farmers who raised aquatic animals in Samut Songkhram Province and Phetchaburi Province had been impacted from epidemic of Blackchin tilapia which is an alien species that the Department of Fisheries had permitted private sector to import from foreign countries and Blackchin tilapia consumed small aquatic animals that the complainant and other farmers had raised for economic benefits, affecting incomes from their occupation.

### **Actions taken**

The National Human Rights Commission took this case into consideration and saw that epidemic of Blackchin tilapia affected biological diversity and economic right and occupation of farmers which was a part of their living recognized by the International Covenant on Economic, Social and Cultural Rights. Even if there was no clear evidence that the Department of Fisheries took actions or neglected to take actions that were direct results of Blackchin tilapia epidemic which was violation of human rights, established facts from investigation in areas of Samut Songkram Province indicated that the Department of Fisheries could not control, check and monitor that criteria and conditions for permission to import alien aquatic lives had been completely applied as the Department of Fisheries' Institutional Biosafety Committee (IBC) required that reports about this fish species and its carcass must be sent to the Department of Fisheries. Farmers who raised aquatic lives in areas where there was an epidemic of Blackchin tilapia also needed urgent assistance.

Recommendations to the Department of Fisheries and Ministry of Agriculture and Cooperatives

(1) The Department of Fisheries should appoint a working group at departmental level to solve this problem together with provincial authorities where there is a severe epidemic of Blackchin tilapia, that are Samut Songkram Province and Phetchaburi Province, by requiring participation of representatives from related government agencies in the province and farmers or those affected by the problem and private sector who wish to provide assistance to affected farmers and to solve the problem in the working group to closely monitor and evaluate efforts to solve the problem.

(2) Ministry of Agriculture and Co-operatives should consider giving assistance to farmers by allocating urgent budget to the Department of Fisheries to solve the problem of epidemic of Blackchin tilapia and taking other actions to eliminate Blackchin tilapia, such as requiring purchase or sale of Blackchin tilapia that are caught in nature until the problem of epidemic of Blackchin tilapia in natural water sources and farmers' aquatic lives raising ponds is getting better, for example. Guidelines could be prepared to help heal farmers who lost their

money as a result of epidemic of Blackchin tilapia to relieve the sufferings of the affected people.

(3) The Department of Fisheries should consider putting in place mechanisms of action plans for immediate prevention and control to respond to cases that aquatic lives permitted to take into the kingdom are alien species that can invade and create impacts on biodiversity, and determine methods or guidelines for controlling those permitted to import aquatic lives completely follow the conditions required for getting the permission, and enjoin related officials to stay alert, monitor and check those who received the permit and strictly take actions according to the mechanisms of action plans and methods for such control, and consider taking actions against those who received the permit in case they violate or do not observe the conditions for getting the permit.

### **Successes/progress in the protection of human rights**

(1) The Department of Fisheries issued departmental order no. 223/2561 dated 28<sup>th</sup> February 2018 appointing a committee to solve the problem of epidemic of Blackchin tilapia with Director General of the Fisheries Department acting as its Chairman and provincial fisheries officers in provinces that epidemic of Blackchin tilapia occur and related government agencies as committee members. In addition, in the provinces with epidemic of Blackchin tilapia, the Department of Fisheries also order representatives of the department to be responsible for various tasks related to efforts to solve the problem together with agencies in the area that receive comments from farmers, fisherfolks and communities in order to consider appropriate guidelines for solving the problem of epidemic of Blackchin tilapia.

(2) The Budget Bureau approved a request by the Department of Fisheries to transfer 11.4 million (eleven million four hundred thousand Baht) from the fiscal budget of 2018 to be used for expenses in implementing projects to solve the problem of epidemic of Blackchin tilapia in urgent stage with objectives to eliminate Blackchin tilapia that spread in aquatic lives ponds of farmers who raise sea prawns with semi-natural method and in natural sources of water as much as and as fast as possible and reduce impacts from epidemic of Blackchin tilapia. Activities to be implemented included:

(2.1) Offer to buy no less than 470 tons of Blackchin tilapia from farmers who raise aquatic lives with semi-natural method and are affected by an epidemic of Blackchin tilapia in Samut Songkram Province and Phetchaburi Province.

(2.2) Provide saponin to no less than 200 farmers who raise aquatic lives with semi-natural method and are affected by epidemic of Blackchin tilapia in Samut Songkram Province and Phetchaburi Province to get rid of Blackchin tilapia that still remain in aquatic lives raising ponds.

Moreover, the Department of Fisheries is implementing a project to assess abundance, some biological aspects and routes of epidemic of Blackchin tilapia in natural sources of water and aquatic lives raising ponds of farmers in the area with epidemic of Blackchin tilapia, that are Samut Songkram, Phetchaburi, Prachuab Khirikhan, Chumporn and Rayong to be used as data for determining measures to deal with Blackchin tilapia in long term.

(3) The Department of Fisheries have come up with mechanisms or action plans to prevent and control import of alien aquatic lives as follows:

(3.1) appointing an Institutional Biosafety Committee (IBC) to consider giving comments on requests for permission to import alien aquatic lives and to come up with criteria and conditions for importing alien aquatic lives in order to stay alert, check and monitor those who receive such permit strictly by assigning related affiliated agencies to monitor or take actions in each case.

(3.2) issuing an Announcement of Ministry of Agriculture and Co-operatives dated 9<sup>th</sup> January 2018 about Aquatic Lives Forbidden to Import, Export, Channel or Breed B.E. 2561 (2018) defining Blackchin tilapia, Zebra tilapia and Cichlasoma urophthalmus (Günther, 1862) as aquatic lives forbidden to import, export, channel or breed, except permit is given by the Department of Fisheries Director General or person assigned by the Department of Fisheries Director General. This Announcement came into effect on 19<sup>th</sup> March 2018. To prevent and control aquatic lives escape of alien aquatic lives, the Department of Fisheries enjoin its officials to strictly enforce the law. If the law is violated, it would be an offense according to Section 144 of the Emergency Decree on Fisheries B.E. 2558 (2015) with amendments in 2017.

(3) asking for cooperation that if they raise alien aquatic lives (aquatic lives from foreign country) and do not want to raise them anymore, please do not release them in public sources of water and give them to the Department of Fisheries in order to take care of them and prevent alien aquatic lives from escaping to public sources of water which would cause damages to the country's ecosystems.