

## **Report of Investigation Results No. 120-2561 in case of a claim that local small-scale fisherfolks were affected by encroachment of cockle raising entrepreneurs into public area**

### **Background**

The complainant petitioned the National Human Rights Commission of Thailand (NHRCT) claiming that local small-scale fisherfolks who did their fishing in the area of Baan Don Bay, Surat Thani Province, had suffered from encroachment into public area where people commonly used by entrepreneurs to illegally raise cockles. This encroachment had resulted in local small-scale fisherfolks having no area for fishing. Surat Thani Province Fisheries Office and Regional Harbour Office, Surat Thani Branch, two government agencies that had direct responsibility in the area, could not solve the problem.

### **Measures or guidelines for solving the problem**

1. Surat Thani Province Fisheries Committee should cooperate integrally with Department of Fisheries and Department of Harbour to solve the problem of encroachment into Baan Don Bay for marine culture, taking into consideration fairness for other groups of people who utilize public area of Baan Don Bay.

2. Department of Fisheries, Department of Harbour and Surat Thani Provincial Authority should order officials who have authority and duties to check and enforce related laws to take actions against those who raise shellfish outside of the designated marine culture zones without permission and also to stay alerted to prevent shellfish culture or construction of buildings outside of the areas where Surat Thani Province Fisheries Committee designate as areas for marine culture according to the fisheries law.

3. Surat Thani Provincial Authority together with Department of Fisheries, Department of Marine and Coastal Resources and related local administrative organizations should consider taking actions to restore Baan Don Bay in the part that illegal shellfish farm would be demolished, returning it back to natural conditions and should conserve, maintain and utilize marine life resources in sustainable manner.

4. Surat Thani Provincial Authority together with Department of Marine and Coastal Resources should support and promote coastal communities around Baan Don Bay and related local administrative organizations to work together to demarcate zones for conservation of marine and coastal resources and lay down rules for utilization and control and regulation measures in the communities to prevent illegal expansion of shellfish culture area.