

A Level Playing Field

Fishers in Thailand have formed the Fishers Rights Network to collectively demand better wages and working conditions to prevent labour and human-rights abuses

Despite international pressure and government efforts to revise policy, Burmese and Cambodian migrant fishers in Thailand's seafood industry still face significant labour-rights abuses. While there have been some positive steps taken to improve conditions in the Thai fishing industry, such as Thailand's Draft Fisheries Act and the ratification of International Labour Organization (ILO) Work in

and, in most cases, wages are paid in cash rather than as monthly bank transfers as required by Thai law. Fishers continue to remain at high risk of debt bondage due to unlawful migration and high broker or document fees.

Document retention and movement restrictions: Fishers report that their passports, work permits, automated teller machine (ATM) cards, bank passbooks, and other important documents are often held by the boat captain or owner, and are not accessible. This restricts the movement of fishers and limits their ability to change vessels, access payments, freely transfer or remit earnings, and report abuse.

Ineffective implementation and enforcement of ILO C188: Despite ratification, significant gaps remain in the effective implementation and enforcement of C188. Thai law and labour inspections currently do not meet the standards outlined in the Convention.

However, despite these problems, fishers are now recognizing they have the ability to reshape the industry and improve their future, if they organize to build power. The International Transport Workers' Federation (ITF) has been assisting fishers in forming the Fishers Rights Network (FRN), the first and only independent and democratic trade union for migrant fishers in Thailand. Since its inception in 2018, the FRN has established organizing centres in three major Thai fishing ports, and organized over 3,000 migrant fishers. The main organizing centres are in Songkhla (in the 'Deep South'), Ranong (on the Andaman Sea coast along the Myanmar border), and in Trat (eastern Thailand on the Cambodian border). These strategic locations have allowed

Fishing Convention (C188), migrant fishers still face severe exploitation. Thailand ratified C188 in 2019, but effective implementation and enforcement remain major challenges to realizing structural reform that mitigates the significant problems remaining in the industry, both in Thailand and throughout the region.

Among the problems still facing migrant fishers in the Thai fishing industry are:

Poor health and safety conditions: Conditions on board vessels remain substandard. Fishers regularly report inadequate food and clean drinking water, poorly stocked and inaccessible first-aid kits, insufficient protective equipment, poor training, cramped sleeping quarters, the absence of toilets, and limited hours of rest that increase injuries and accidents on board vessels.

Financial exploitation: Many fishers report receiving wages significantly lower than the amount stated in their employment contracts,

4 ... fishers are now recognizing they have the ability to reshape the industry and improve their future, if they organize to build power.

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A Fishers Assembly in Songkhla, Thailand, in May, 2018. Fishers have demanded that the ILO Work in Fishing Convention (C188) be enforced and that all fishers have a copy of their employment contract in their own language

the FRN to organize fishers as they enter the country and while they work on board fishing vessels.

Some of FRN's daily organizing activities include small group meetings, health and safety training for fishers, and observing government Port In/Port Out (PIPO) inspections to help ensure that labour-rights protections for fishers are enforced. FRN fisher leaders have also co-ordinated across seaports nationwide to campaign for greater labour rights at sea, recognizing strength in solidarity as the driving force to sustainably change working conditions in the industry.

FRN campaigns have played a vital role in pressuring the Thai government to ratify ILO C188 and have influenced other pieces of important legislation and policy. FRN's work was also a factor in the recent downgrading of Thailand on the United States Trafficking in Persons (TIP) report. In addition, FRN has worked with key allies to negotiate supply-chain agreements with large seafood corporations, such as Thai Union, the largest tuna company in the world. The Vessel Code of Conduct with Thai Union covers several provisions of

employment and working conditions, including health and safety, wages and payment provisions, equality/fair treatment, and freedom of association.

In June, FRN leaders called on the Thai Government to enforce employment contract provisions after conducting a three-month survey of 520 fishers in eight provinces. The research revealed that 87 per cent of fishers do not possess a copy of their employment contract, 96 per cent do not completely understand their contract, and 89 per cent have not had their contract translated or explained in a language they can understand.

The fishers have issued three demands to the government regarding their employment contracts: (1) Effectively enforce the ILO Work in Fishing Convention (C188) and ensure that all fishers have a copy of their employment contract in their own language; (2) Ensure that all PIPO centres allow fishers to review and verify the contract presented by their employer at inspection, and report violations in a safe and protected space; and (3) Support Thai agencies to enforce employment contract

ITF-FRN



A meeting of fishers in Ranong, Thailand, in January, 2020. Since its inception in 2018, the FRN has organized over 3,000 migrant fishers in three major Thai fishing ports

standards, and restricts migrant workers from legally forming their own union and collectively bargaining with their employer (as per ILO Conventions 87 and 98, which Thailand has not ratified). Without the fundamental right to organize (protected by law), migrant workers remain vulnerable to labour exploitation and risk employer retribution, unfair penalties, and termination if they collectively organize and demand better wages and working conditions.

By building the FRN, migrant fishers have been organizing to build power to prevent labour and human-rights abuses in Thailand, and to level the playing field with employers to negotiate fair employment contracts with decent wages, benefits and safe working conditions. Significant legal reform is still needed in Thailand to protect migrant fishers. All workers, regardless of nationality, should be allowed to exercise their fundamental human rights, including the right to join or form a union. 3

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provisions and protect all fishers' rights, including those of migrant fishers.

Beyond national-level campaigning, FRN members have taken collective action at the vessel level. Earlier this year, 11 Burmese FRN members won nearly USD 5,000 in back pay after their Thai employer tried to cheat them out of their full pay. The fishers had worked for more than six months without payment. Acting on a complaint filed by the union, the Ranong Department of Labour Protection and Welfare ordered the employer to fully compensate the fishers.

For far too long, Burmese and Khmer migrant fishers have worked for owners who break the law and continue to make huge profits in the global seafood market from their labour. Until now, fishers have not fought hard to protect their rights, but as FRN members begin to fight back and win landmark cases such as the abovementioned one, there is a sense that the tide may be turning across the industry. This victory proves that fishers can stop corrupt owners from cheating them.

FRN fishers have overcome significant obstacles faced by migrant workers in their struggle towards organizing and collective bargaining rights. Currently Thai labour law does not meet international labour

For more

Fishers Rights Network

<https://justiceforfishers.org>

Thai Union Vessel Improvement Program and Code of Conduct

<https://www.thaiunion.com/files/download/sustainability/20200813-tu-vessel-code-of-conduct1.1-guidance-en.pdf>

Trafficking in Persons Report – US Department of State

https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf

ILO Endline research findings on fishers and seafood workers in Thailand

https://www.ilo.org/asia/publications/WCMS_738042/lang--en/index.htm

Filling The Gap Between Theory and Practice

While Thailand has been proactive in implementing the SSF Guidelines, much work is required to join social development with sustainable fisheries

In 2015 all UN member states, including Thailand, adopted the 2030 Agenda for Sustainable Development. It comprises 17 Sustainable Development Goals (SDGs) that include: Ending poverty, improving healthcare and education, tackling climate change, reducing inequality, and stimulating economic growth. Thailand has committed to achieving these goals by 'leaving no-one behind', thus laying the groundwork to achieve social and economic equality and acting as an impetus to transition from an 'upper-middle income' country to 'high income' country, as outlined in Thailand's 20-year National Strategy (2018-2037).

SDG 14 is titled 'life below water'. It calls for the sustainable use and conservation of oceans, sea and marine resources, including small-scale fisheries. It acknowledges the critical importance of marine resources to poverty, employment, nutrition and food security, among other things. That said, years of over-exploitation has caused unprecedented damage. Though a natural check like the COVID-19 pandemic has relieved the pressure, this goal acknowledges more needs to be done.

Thailand is a Southeast Asian nation with a tropical climate and an abundance of diverse water resources. This makes Thailand one of the world's major exporters of shrimps, fish and fish products, generating roughly 20 percent of the total food product export. Moreover, an abundance of small-scale fisheries provide for local consumers.

Recent growth in the fisheries sector has brought about severe challenges, like the degradation of marine fishery resources and ecosystems because of overfishing. The importance of SDG 14 to Thailand is obvious, as is the necessity of clear regulation and intervention. Thailand has adopted a number of international and national policies, including the FAO's Voluntary

Artisanal fishers, ethnic fishers and women fishers have historically been left out of decision-making processes of national and social development.

Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines). These focus on strengthening the capacity and resilience of small-scale fishing communities, including access to resources and markets.

Research seeks to review legislation informing social development in Thailand, as also to ascertain how social development can help aid the conservation and sustainable use of marine, coastal, freshwater and brackish water diversity. While the study examines issues of poverty, inequality, employment, decent work, social inclusion, occupational health and safety, education, livelihoods, sanitation, water, clean energy, climate change, domestic violence and the family institution, this article highlights

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Village health volunteers trying to reduce mosquito menace in a fishing village in Thailand. There has been an effort to specify social inclusion in policy statements, but in reality, there are still vast gaps that make this discussion purely theoretical

the key findings. Conclusions were drawn through document reviews and analysis, focus groups and national workshops.

What the research found

In 2019, the government's policy statement was ratified and features twelve major policies and twelve urgent policies that help the country meet the SDG goals. Importance is placed on social inclusion, community empowerment and developing public health and social security systems that cover suitable education, healthcare

and employment. Since ratification, progress has been made in the realms of social security and social development.

The findings suggest that the poverty rate has decreased from 9.85 per cent in 2018 to 6.24 per cent in 2019. The COVID-19 pandemic has caused widespread disruptions to economic growth, employment and poverty reduction. That said, further gains have been made with the development of the 'health security for all' programme that provides all citizens, including artisanal fishers, access to medical care. In addition, progress has been

made in terms of access to education (all children are guaranteed access until at least grade nine), public supply of utilities and sanitation.

Some progress is obvious. But more needs to be done to put theory into practice. Artisanal small-scale fishers, ethnic fishers and women fishworkers have historically been left out of national fisheries policies and decision-making processes. This has largely been attributed to gaps in government data sets, for example, on women's roles in the artisanal fisheries value chain. This shows that even though there has been an effort to specify social inclusion in policy statements, but in reality, there are still vast gaps that make this discussion purely theoretical. The consequences of this exclusion have led to a lack of knowledge and opportunity, especially with reference to the development of capacity building policy.

Further, the drive to achieve the targets outlined in the SDGs has led to the growth of development gaps and overlapping priorities. The government has indeed been promoting investment for economic growth based on marine and coastal resources (as outlined in the major policy five), such as the construction of sea ports, industrial estates and the tourism service industry, this growth concurrently removes access to the resources fishers rely on for a living, depriving them of their livelihoods. Further issues of access have arisen due to the promotion of aquaculture and mariculture as an enterprising opportunity.

The research that informs this article concludes that Thailand has comprehensive measures in place to achieve the goals set out in the SDGs, but in practice they lack coherent transition from theory to action.

Research recommendations

Considering the broader social and economic development, the following suggestions will enhance the position of small-scale fishers, both men and women:

- Developing a database system covering the whole population, ensuring it is updated and maintained regularly. It will provide

an informed baseline for future policy and intervention.

- A review of the concept of development based on the principles of shared national benefits and balanced conservation and rehabilitation practices.
- Development of an area-based approach to management of fisheries and natural resources.
- Prioritisation of good governance within resource management.

Thailand has comprehensive measures in place to achieve the goals set out in the SDGs, but in practice they lack coherent transition from theory to action.

- Reevaluation of the policies on fisheries and natural resources and environmental management. They currently lack linkages to social development policies and implementation.

Adoption of these recommendations will lead to the development of policy which truly leaves nobody behind. 📌

For more

Sustainable Development Foundation

<http://sdfthai.org/>

Marine Fisheries Management Plan of Thailand: A National Policy for Marine Fisheries Management

<https://fisheries-refugia.org/regional-inception-workshop/inception-presentation/21-21-fr-inception-workshop-marine-fisheries-management-plan-thailand/file>

The Right Form of Rights

https://www.icsf.net/images/samudra/pdf/english/issue_51/3236_art_ART-01.pdf

Guardians of the Sea

https://www.icsf.net/images/yemaya/pdf/english/issue_34/1649_art01.pdf

A Plan of Action

A regional workshop on securing sustainable small-scale fisheries in the Lower Mekong Region, held in Thailand, identified issue and action points that need to be addressed

Sixty participants—women and men representing fishing communities, civil society organizations (CSOs) and governments in the Mekong region (Cambodia, Laos, Vietnam, Thailand and Myanmar)—along with 17 representatives from regional and international organizations participated in the Regional Workshop on Securing Sustainable Small-scale Fisheries in the Lower Mekong Region from 30 April to 1 May 2016.

areas support a matching ethnic and linguistic diversity that are also endemic. There are millions of women and men fishers, farmers and ethnic communities dependent on the water resources of this ecosystem for their life and livelihood. Many of them alternate between fishing and farming and many fishers are also farmers in the region. A vibrant domestic economy is dependent on small-scale agriculture and the fisheries practices of these communities in the region.

There are several issues facing both the inland and marine fishing communities in the context of the Mekong river basin ecosystem that violate rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Under the ASEAN Comprehensive Investment Agreement (ACIA) and the Greater Mekong Sub-region Economic Co-operation Program (GMS), huge investments are made in the region in extractive and industrial projects as well as in tourism. Various development projects on Mekong and its tributaries, particularly a large number of upstream hydroelectric projects, are negatively impacting downstream aquatic biodiversity, the life cycle of fish, feeding and nursery areas, water quality and the river basin ecosystem (comprising rivers, floodplains, lakes, coastal mangroves, ponds, coastal lagoons, etc.).

Salinity

While there is significant reduction in river flow downstream, there is an alarming increase in salinity intrusion—attributed to climate change/variability—into freshwater fish and agriculture farms, affecting farm output and fisheries.

The Mekong River yields about 4 mn tonnes of fish, which includes large and small fish, and fish that migrates upstream from the sea to spawn.

They identified the following issues of concern to small-scale fishing communities in the region and proposed action points for the consideration of relevant government departments, regional bodies such as the Southeast Asian Fisheries Development Centre (SEAFDEC), other relevant national, bilateral and multilateral bodies and civil society, as appropriate.

The Mekong River yields about 4 mn tonnes of fish, which includes large and small fish, and fish that migrates upstream from the sea to spawn. This estimate goes up to 8 mn tonnes if all Mekong wetland fish production is taken into account. The entire fisheries in the Mekong River can be termed small-scale. The river—second only to the Amazon in terms of biodiversity—is home to many endemic species. Thirty-two of these species are on the IUCN Red List. The riparian

This statement is from the Workshop on 'Securing Small-scale Fisheries in Asian Region: SSF Guidelines in Action', from April 30- May 1, 2016, in Bangkok, Thailand

There is poor information available to the downstream riparian communities about these projects and their impacts. There are cumulative impacts as a result that threaten the lives and livelihoods of fishers, reducing their access to fisheries resources and violating the customary rights of indigenous peoples. They are often forced out of their homes and traditional occupations. Space needs to be created to back up local people and to empower them. Farmers, fishers and the indigenous peoples need to collaborate to protect the river basin ecosystem.

The Mekong River is shared between six countries. A regional framework for co-operation is required between the riparian States, particularly the downstream countries, towards addressing the above issues at the regional, national and local levels. The 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UNWC) may be relevant as a regional legal framework also to look at transboundary issues related to fish. Vietnam has ratified the Convention and Thailand is considering the same.

In coastal areas, the displacement of small-scale fishing communities due to the construction of deep-sea fishing ports and coal-fired power plants and the practice of destructive bottom trawling are threats

facing small-scale marine fishing communities. These are further exacerbated by insecure tenure rights to housing of small-scale fishing communities. The consent of communities is rarely sought while bringing infrastructure projects to the region.

Although nearly 50 per cent of people working in small-scale fisheries are women, their role in the sector is still severely under-acknowledged. Inequalities persist which hamper the full realization of human rights and sustainable development. Women are under-represented when it comes to decisionmaking and leadership roles even within fisherpeoples' organizations.

The importance of the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) for both inland and marine small-scale fisheries in the Lower Mekong River Basin countries is recognized in the above background to:

- i. to bring about better governance reforms in relation to small-scale marine and inland fisheries, especially to facilitate unhindered and equitable access to fisheries resources for small-scale fishing communities;
- ii. eradicate hunger and poverty;
- iii. invest in social development and decent work;

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Women and men representing fishing communities, civil society organizations (CSOs) and governments in the Mekong region participated in the Regional Workshop on Securing Sustainable Small-scale Fisheries in the Lower Mekong Region from 30 April to 1 May 2016

- iv. adopt measures for long-term conservation and sustainable use of fisheries resources;
- v. promote alternative livelihoods;
- vi. protect tenure rights to land and water; and
- vii. valorise domestic economies dependent on small-scale farming and fishing operations within and outside the region.

The SSF Guidelines can assist in setting priorities in sustainable and responsible use of fisheries as well as strengthen initiatives to set principles and standards for regulating activities impacting small-scale fishing communities in the river basin ecosystem.

The implementation of the SSF Guidelines at the regional, national and local levels demands the involvement of all stakeholders, including the government and civil society. There are enabling factors in both inland and marine fisheries. Countries like Vietnam are paying greater attention to inland fisheries issues now and the SSF Guidelines can be a tool to assist this process. In marine fisheries, countries like Thailand are raising the minimum age for fishing; introducing co-management; and are using memorandums of understanding to hire migrant workers into fishing.

A legal foundation should be laid for supporting the implementation of the SSF Guidelines, especially based on a human-rights-based approach, an ecosystem approach and a gender-sensitive approach. National Constitutions provide the human-rights framework towards implementation.

Policies and legislation for mainstreaming implementation of the SSF Guidelines should not only be technical, but local culture, customary rights and traditions are also to be factored in. Both horizontal and vertical dimensions of implementation thus should be considered in an integrated and holistic manner. Both the government and the community should collaborate in implementation also by empowering local communities.

Full and effective participation of women should be ensured in this process. All forms of support, including

financial support, should be mobilized for the implementation of the SSF Guidelines.

The following actions points within the framework of the SSF Guidelines are addressed to both the State and civil society actors towards redefining the development paradigm in the Lower Mekong River Basin to promote sustainable and equitable marine and inland fisheries in the region, and to protect small-scale fishers, farmers and indigenous peoples from infrastructure and industrial projects that negatively impact their access to land, fisheries and markets.

Governance of tenure in small-scale fisheries and resource management

- Develop laws and regulations applying a human-rights-based approach, an ecosystem approach and a gender-sensitive approach.
- Secure the rights of fishing communities to land for decent housing and for fishery-related activities, particularly in areas where their access is most threatened. The specific needs of women harvesters and fish processors for access to land for fishery-related activities should be prioritized..
- Improve current arrangements for access to land and fishery resources for small-scale fisheries, both marine and inland.
- Review existing tenure rights systems for fisheries and land to protect small-scale fisheries.
- Ensure equitable participation of small-scale fisheries in co-management and other initiatives and frameworks.

Social development

- Empower small-scale fishing communities through an integrated ecosystem/holistic approach for small-scale fisheries development. Establish a national platform representing all stakeholders to support the implementation of the SSF Guidelines in a participatory manner.
- Address issues related to transborder movement of workers

to support an environment for small-scale fisheries communities to enjoy decent work.

- Promote investment in human resource development such as education, health, basic sanitation and drinking water. Enable access to education and health facilities, including medical insurance that meet the needs of small-scale fishing communities, and ensure access of women to such services. In this context, consider learning from the best practices in the region.
- Strengthen capacity building of women and youth.
- Address occupational health issues and unfair working conditions of all small-scale fishers and fishworkers.
- Ensure comprehensive social protection to small-scale fishing communities.
- Promote consumer education to support small-scale fisheries development.

Value chains, post-harvest and trade

- Improve access to credit, infrastructure, market and landing centre facilities, particularly storage, water and sanitation, as well as amenities that facilitate the work participation of women, such as creches, toilets and sanitary facilities, and secure shelters and spaces to enable women to retain and enhance their livelihoods throughout the value chain.
- Strengthen co-operatives and build their capacity to improve bargaining positions of small-scale fishers, fishworkers and fish processors. Ensure women have the support and educational resources to occupy leadership positions in such co-operatives.

Disaster risks and climate change

- Promote more research and use of alternative energy sources (solar, wind, etc.) instead of coal or hydro power plants.
- Protect communities against disasters and compensate communities that are impacted by climate change and natural disasters.

- Link national strategies for climate change and disaster risks to the local level.
- Adopt measures to protect crops from flooding and undertake research into varieties of rice and fish that are more resistant/suitable for new situations, giving preference to indigenous species and traditional practices.
- Provide better information and knowledge on how the Mekong River Basin is affected by climate change and human activities with regard to fish, habitats, livelihoods, ecosystems, etc. and what the root causes are, including how upstream activities affect communities downstream. This also includes the need for proper impact and vulnerability assessments, and pre- and post-evaluations.
- Disseminate and communicate existing knowledge (including between countries).
- Develop early warning systems with regard to water quantity and quality upstream to make sure downstream communities have information. This should include tools for detecting fish disease.
- Promote, at the government level, harmonised regional policies and regulations and regional mechanisms for sustainable and responsible fisheries and develop safeguards against negative impacts of infrastructure projects through ASEAN and SEAFDEC, as appropriate.
- Involve existing regional CSO mechanisms, or establish new ones, if needed, in the Mekong River Basin to share experiences through social media and regular meetings with regard to government policies towards achieving positive changes for fishing, farming and indigenous communities. One person in each country should be appointed to follow up and be the focal point.
- Small-scale fisheries organizations need to be strengthened and there is a need to develop capacity of community leaders with special emphasis on women and indigenous peoples. ♣

For more



sites.google.com/site/ssfguidelines/home
**Implementation of the
 SSF Guidelines**