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# INTEGRATING LABOUR INTO SEAFOOD SUSTAINABILITY

An analysis of emerging discourses on labour issues and transitional strategies in the Thai seafood sector



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December 2016

MSc Communication Science



WAGENINGEN UNIVERSITY  
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Front page picture depicts workers in a port and was taken by the author

Wageningen University and Research Center

MSc Thesis Communication Science

Chairgroup: Knowledge, Technology and Innovation (KTI)

Chairgroup of specialization: Aquaculture and Fisheries (AFI)

Minor: Governance of sustainable seafood production and environmental management

This research has been funded by and is part of the New Directions in Environmental Governance research project based in York University, Canada. Principal investigator: Dr. Peter Vandergeest

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920429-674-060

11/20/2016

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## ABSTRACT

In response to recent attention on the Thai seafood industry concerning labour issues and Illegal, Unreported and Unregulated fishing (IUU), the Thai government, private sector and civil society actors are seeking to reform the seafood industry. These actors, as well as workers in the seafood industry, were interviewed to discern the discourses surrounding labour issues in the Thai seafood industry. Using the Pathways to Sustainability approach it is discussed how actors frame their perspectives. A historical analysis was done to show how the discourses surrounding labour have formed over time and why certain approaches are dominant among actors and in the reform. Results indicate that the momentum brought about by the European Union pressure on Thailand's IUU regulations is instrumental in the rise of data-driven innovations like hotlines and traceability technologies. Social innovations such as welfare committees on the other hand come across resistance due to cultural sensitivities and lack of economic incentives. In support of these findings a review of the content of current reforms was conducted, which shows an increase in data and enforcement approaches, but little social dialogue on cultural sensitivities and little inclusion of workers. In order for social innovations to experiment and prosper, local actors need protective space, and the private sector needs economic incentives. It is concluded that labour is likely a sustainability add-on that struggles to ground itself in seafood sustainability.

Keywords: seafood, environmental governance, labour, IUU, innovation, discourse, traceability, migrant workers

## LIST OF ABBREVIATIONS

AFAF: ASEAN fisheries and aquaculture forum

AP: Associated Press

ASEAN: Association of South East Asian Nations

CCCIF: Command center for combating illegal fishing

CP: Charoen Pokhands Foods

CPUE: Catch per unit effort

CSO: civil society organization

DoF: Department of Fisheries

EJF: Environmental Justice Foundation

ESRC: Economic and Social Research Counter (UK)

EU: European Union

GDP: gross domestic product

GLP: Good Labour Practices

HRW: Human Rights Watch

ILO: International Labour Organisation

IUU: illegal, unregulated and unreported

LPN: Labour protection network

MOAC: Ministry of Agriculture and Cooperatives

MoL: Ministry of Labour

MPA: Marine protected area

MSY: Maximum sustainable yield

MWRN: Migrant worker rights network

NCPO: National Council for Peace and Order (the Thai military government)

NDEG: New Directions in Environmental Governance

NFA: national fishing association

NGO: Non-governmental organisation

NPOA-IUU: National plan of action to deter and combat illegal unregulated and unreported fishing

RFMO: Regional fisheries management organisation

RPAO-IUU: Regional plan of action to deter and combat illegal unregulated and unreported fishing

SSSTF: Shrimp sustainable supply chain task force

STEPS: Social, Technological and Environmental Pathways to Sustainability

TU/TUG: Thai Union (Group)

UK: United Kingdom

UNCLOS: United Nations Council Law of the Sea

UN: United Nations

USA: United States of America

WCPFC: Western and Central Pacific Fisheries Council

## ACKNOWLEDGEMENTS

I would like to thank Prof. Dr. Phil Macnaghten and Ir. Paul van Zwieten for their constructive discussions and feedback throughout my thesis process. Many thanks and appreciation to Prof. Peter Vandergeest and Prof. Melissa Marschke for their contacts, extensive support and inspirational work. Thanks to Olivia Tran for the excellent collaboration, and to Ao Ear Ear Wichitta, Adirake Markphol and Prof. Jawanit Kittitornkool for the help during our fieldwork. A special thank you to Andy Hall for allowing me to visit his organisation and meet many people, and to Josh Stride for the insightful conversations. A personal thank you to my sister, Isolde, for her scientific guidance and support. Lastly, a thank you to Prof. Dr. Simon Bush for inspiring me to pursue ocean governance – I would not be where I am now without your support.





## CONTENTS

Abstract.....	4
List of abbreviations.....	5
Acknowledgements.....	7
<u>INTRODUCTION</u>	
Relevance.....	14
Research questions.....	14
1.1 Background.....	16
Economy and trade.....	16
Geography and ecology.....	16
International and regional regulations.....	17
Degrees of labour issues in the Thai fishing industry.....	18
Labour migration in Southeast Asia.....	19
<u>CONCEPTUAL FRAMEWORK</u>	
2.1 Pathways to sustainability.....	22
2.1.1 Sustainable development of fisheries.....	23
2.1.2 Discourses, agenda-setting, narratives and frames.....	24
Agenda-setting.....	25
Framing and narratives.....	25
<u>METHODOLOGY</u>	
3.1 Data collection.....	27
3.1.1 Challenges for data collection.....	28
3.2 Data analysis and interpretation.....	29
<u>RESULTS</u>	
4.1 The discourse on labour issues.....	31
4.1.1 Themes in the discourse.....	31
Migration.....	31
Economy.....	32
Policy.....	33
Culture.....	34
Workers' affairs.....	35
Data ambiguity.....	38
Enforcement.....	39
Environment.....	40

4.1.2 Distribution within themes .....	41
Causes of labour issues .....	41
Pathways to sustainability .....	42
Difference in understanding of issues and pathways to sustainability .....	42
4.1.3 Conclusion: the discourse on labour issues .....	43
4.2 Pressures and prioritization: how agenda setting and framing events set the tone for policy.....	45
4.2.1 Timeline of events.....	46
4.2.2 Conclusion: pressures and prioritization .....	48
4.3 The strengths and limitations to current efforts .....	50
4.3.1 Summary of current efforts .....	52
Good Labour Practices .....	52
Fisheries policy reform.....	52
Labour policy reform.....	53
Trafficking policy reform .....	53
Demonstration Boat.....	53
Business (CSR) policies .....	54
Supply Chain Analysis Organisations .....	54
NGOs .....	54
4.3.2 Conclusion: strengths and limitations to current efforts.....	57
4.4 The challenges and opportunities for alternative pathways .....	58
4.4.1 Promising initiatives among alternative pathways.....	58
4.4.2 Opportunities and challenges .....	58
Actor-linkage matrix.....	60
4.4.3 Conclusion: challenges and opportunities for alternative pathways .....	63
<b><u>DISCUSSION AND INTERPRETATION</u></b>	
Limitations.....	66
Recommendations for further research .....	67
<b><u>CONCLUSION</u></b>	
Appendix I: Interview Questions.....	76
list of interviewees.....	76
General questions .....	77
Interviews with workers .....	80
Appendix II: interview information letter .....	83
Appendix III: Timeline of events and Thai National Policies, Administration and Action Plans .....	84

Appendix IV: coding tables of discourse analyses .....	89
Solutions table .....	91
Migrant empowerment table .....	91
Causes table .....	92

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# 1. INTRODUCTION: ENTER LABOUR ISSUES

Looking at the seafood products in your local supermarket you will find that sustainability indicators and labels such as Aquaculture Stewardship Council (ASC) and Marine Stewardship Council (MSC) are primarily focused on environmental sustainability. In recent years however the global fishing industry has been reformulating its definition of sustainability from a purely environmental focus to one that integrates environmental, social and economic dimensions (McClenachan, Dissanayake, & Chen, 2016). Examples of these attempted integrations can be seen in seafood products like FishTales, which are connected to the stories of individual fishers, and Fair Trade seafood products like Masyarakat dan Perikanan Indonesia (MDPI) in Denpasar, Indonesia. Yet these initiatives do not appear to have received the same degree of international media attention as the case of labour issues in the fishing industry, specifically in Thailand. Labour issues take place across industries and national boundaries, with perhaps the most notorious example being the clothing factories in Bangladesh. But following the release of a report by *The Guardian* in 2014 on slavery in the seafood industry, which revealed the depth and breadth of labour abuse to the general public, the fishing industry has been the subject of considerable scrutiny (Hodal & Lawrence, 2014; Hodal, Kelly, & Lawrence, 2014). The investigation conducted for the report found evidence of men working on Thai ships in indentured conditions and led to a marked increase in media coverage on labour in the Thai fishing industry, which included a number of prize-winning investigations by *the Associated Press* (McDowell, Mason, & Mendoza, 2015; Stoakes, Kelly, & Kelly, 2015). The media investigations effectively linked vessels suspected of slavery or other labour abuses with particular seafood products and brands in supermarkets sold throughout the United States of America (US), United Kingdom (UK), European Union (EU), Australia, and Canada, thus making the topic pertinent for consumers and buyers worldwide (Associated Press, 2015b).

Increasingly, issues of labour abuse and illegal fishing have been grouped together by the media. As argued by the Environmental Justice Foundation (EJF) in their often-cited report 'Pirates and Slaves', illegal fishing and overfishing practices create the conditions in which slavery can flourish (EJF, 2015a). Nevertheless, despite this association that appears commonplace in media and Non Governmental Organisation's discourse, academic data on the connection between illegal fishing practices and labour issues remains contested. The media attention on labour issues, environmental decline and illegal fishing practices has led the Thai government to construct new fisheries policies. The Thai fishing industry is developing from a relatively unregulated open access system to a more regulated, closed access system – which means that where there used to be little control on who fishes what and how, now there is. Some of these policies have been designed with labour issues in mind, which include reformed labour and anti-trafficking policies. Labour issues in the fishing industry are challenging to address, presumably because of a lack of visibility, lack of data and the mobile nature of fishing work. But recognising the prevalence of labour issues in specifically the seafood industry is relevant due to a particularly vulnerable group: migrant workers in Thailand which make up 90% of the seafood industry's workforce. As such, issues of migration, labour, and fisheries governance overlap, making the reform of the Thai seafood industry particularly complex.

## The big catch

How slaves are integral to producing the prawns on your plate

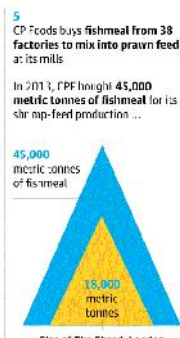
### A SLAVERY

- 1 Thousands of migrants flock to Thailand each year, the vast majority from Burma and Cambodia. Many pay brokers to help them find work and passage.
- 2 Trafficked migrants pass through ports like Mahachulalongkornrajavidyalaya University, Samso San, Ranong, Rayong, Kantang, Pattani, Pak Nam and Samut Prakan. Boat captains purchase workers for as little as £250 and keep them on fishing vessels sometimes for years at a time.
- 3 "Slave vessels" ply international waters around the Gulf of Thailand, for tuna and other fish, scooping up vast amounts of 'trash fish' in the process.



### B THE CATCH

- Tuna
- 
- Trash fish  
So small or inedible fish, used for livestock and fish feeds
- 
- 4 Boat captains sell their trash fish indirectly to CP Foods, a Thai conglomerate with annual revenue of more than \$30bn



### C EXPORT

- 5 CP Foods exports shrimp to Europe and America. It accounts for 10% of the 500,000 tonnes of shrimp that Thailand exports every year
- 
- Some product is imported to the UK via Felixstowe ...
- ... then packed in Soham ...
- ... before onward shipment to UK retailers
- to the US and Europe
- SOURCE: EURPRAW RESEARCH

FIG.1: THE GUARDIAN'S DEPICTION OF SLAVERY IN SEAFOOD SUPPLY CHAINS (HODAL ET AL., 2014)

The controversy and change have not gone unnoticed to the international community. The president of the United States of America reportedly closed a loophole in the law that had enabled imported products produced with slave labour being sold to US consumers (Mendoza, 2016). The EU has issued a 'yellow card' to Thailand for insufficient regulation on illegal, unregulated and unreported (IUU) fishing practices and labour issues (European Commission, 2015). American consumers are filing lawsuits against Nestlé, Charoen Pokhand Foods and partners for selling products connected to slavery (Lawrence, 2015). Greenpeace is rallying a large campaign against seafood companies for destructive fishing practices and labour abuse (Greenpeace, 2015a). These actions have put pressure on the Thai government for regulatory responses, to enable Thai seafood to remain competitive on Western markets.

In a recent report by Josh Stride various government and industry responses are explained and assessed, exposing various challenges in implementation (Stride, 2016). Peter Vandergeest and Melissa Marschke have further explored key policy responses to slavery scandals in the Thai fishing industry, and their strengths and limitations in a recent article (Marschke & Vandergeest, 2016). The ever-changing landscape of activities and discourses surrounding the topic make the task of concretely understanding and communicating how the Thai fishing industry is changing – and with what results – a complex if not impossible task. New legislation, new initiatives and collaborations arise constantly. And yet it remains largely uncertain how these recent changes have impacted both the victims of labour abuse and the wider range of fishers and workers in the Thai fishing industry. Stride notes: *'The increased attention on Thai seafood has not yet brought greater clarity on what has been accomplished so far and what remains to be done'* (Stride, 2016).

As Vandergeest and Marschke argue, the institutional and media discourse on labour issues in Thailand is dominated by a framing wherein migrant workers are considered victims rather than active participants of change (Marschke & Vandergeest, 2016). Framing is a general idea in communication science that focuses on how perceptions and representations of an issue influence behaviour and decision-making (Brewer & Gross, 2005; Modigliani & Gamson, 1979). Frames are the manners in which an issue is organised, perceived and communicated, that works by emphasising certain aspects and leaving others out (Hallahan, 1999). In complex issues with various stakeholders, there is often a variety of competing frames in use. Some become dominant and are therefore more likely to be heard, especially when stakeholders framing these issues are effective in pressuring decision-makers (Leach et al., 2010). Dominant frames are those that become more prominent on

the policy agenda, which is relevant to groups that want to see change: which changes to a system make it through, and why? In this thesis I will research discourses of labour issues in the Thai fishing industry to identify dominant and alternative framings of solutions to labour issues and their interplay with the environmental discourse in the current reform of the Thai seafood industry. This will include an analysis of the role of political discourse and international pressure in sustainable development; and an exploration of the extent to which the current reform improves the position of migrant workers. My thesis statement is that the integration of labour issues into seafood sustainability requires wider recognition of cultural and sensitive issues, of the active role of businesses as key actors and sustainability leaders, and of the influence of external pressures.

## RELEVANCE

From a communication perspective there are three relevant aspects to this research: how policy discourses are shaped by (international) pressures, how these discourses elude certain aspects of issues which are identified by alternative discourses, and what governance interactions within the Thai seafood industry challenge or promote alternative discourses. Although there are exploratory investigations that have provided overviews of the regulatory responses by the government and private sector, there is no in-depth research into how aspects of issues in the Thai fishing industry are prioritized or presented through these responses. Moreover, research on how to integrate labour and environmental sustainability in fisheries is scarce and the combining of both concepts by either government or industry is underdeveloped (Veldhuizen et al. 2015). Learning from how the Thai government and Thai fishing industry have coped with regulating and developing labour in the seafood industry under international pressures is relevant for future fisheries reforms and social development. Lessons from the Thai seafood industry could perhaps be useful for similar cases of labour issues, such as in New-Zealand, and in the fishing sectors of Ireland and Hawaii ('Hawaiian seafood caught by foreign crews confined on boats', n.d.; Lawrence et al., 2015)

## RESEARCH QUESTIONS

The question this thesis aims to answer is '***How do emerging government, civil society and private sector discourses integrate labour issues into seafood sustainability?***' The Thai seafood industry is used as a case study.

From the main question it follows logically to ask the question '***what is the variety of frames in the discourse on labour issues in the Thai fishing industry?***'. This analysis in the first part of the results chapter provides an overview of discourses from the Thai government, private sector, and civil society on labour issues and identifies dominant and alternative discourses. The discourses were analysed to find dominant and alternative frames among actors in their approaches to solve labour issues. The second research question is '***how have certain frames on labour issues become dominant on the Thai political agenda?***'. For this research question the responses that are aimed to address labour issues were summarised. Following, to create an understanding of how dominant frames have emerged I describe the events, pressures and responses that have taken place in the past few years. The third research question is '***what strengths and limitations to current efforts are identified in the current discourse?***'. In this part of the results chapter, I compare the regulatory responses to discourses to identify the limitations and strengths in current efforts to combat labour issues. Also, I will discuss whether alternative discourses might address these. In the fourth and final question '***what are the challenges and opportunities for***

***alternative pathways to sustainability?*** I explore the opportunities and challenges to help bring alternative discourses into practice.

## 1.1 BACKGROUND

### ECONOMY AND TRADE

Thailand is a major exporter of fish for Western countries. In 2014 the gross tonnage of reported marine catch was 1.34 million (Thailand Ministry of Agriculture and Cooperatives, 2015). Of the total seafood production, 1.7 million tonnages were exported at a value of \$6,749 million US dollars. Most of these exports go to Japan, the EU and the US. In 2008, the fishing industry contributed about 1.2% of the national GDP (Food and Agricultural Organization (FAO), 2009). Of those employed in the industry, 515,000 work in supporting industries, whereas 172,430 are directly employed as fishers (Thailand Ministry of Agriculture and Cooperatives, 2015). According to the Ministry of Agriculture and Cooperatives, migrant workers make up 82% of fishers in the Thai industry. In interviews that were conducted for this research the estimate mentioned was more likely to be at 90%. The estimate is highest in commercial fishing, but small scale fishers arguably also make use of migrant labour to support families whose children are in school. Due to the high number of migrant workers, the fisher and worker stakeholder group is therefore mostly non-Thai. Though there are Thai workers in the seafood industry, they often take better or higher positions, like captain, crew master, or factory owner. In Thailand, there are several organisations representing fishers. Every region has its own association of boat owners. It is legally required for boat owners to be a member of their regional association in order to disseminate information and control capacity.

The European Union imported €481 million euro worth of fisheries products in 2015 (European Commission, 2016). For Thailand, the EU is among the top 3 trading partners; for the EU Thailand rates lower (at number 17 as of 2015). The EU is therefore a prominent trade partner for Thailand and holds leverage as a trade partner (European Commission, 2016). In 2014, near to \$1.5 billion US Dollars worth of seafood were imported to the US from Thailand, making the US another valuable trade partner (Agriculture and AgriFood Canada, 2015). Besides from trade, the US and Thailand have a strong military partnership (Bureau of East Asian and Pacific Affairs, 2015). The positive relationship between Thailand and the US has been under strain since the coup d'état in 2014, when the US publicly announced their disapproval of the junta and requested an immediate return to a democratic system (Kerry, 2014).

### GEOGRAPHY AND ECOLOGY

Thailand has a coastline of approximately 2,624 km<sup>2</sup>, and fishing grounds within the Exclusive Economic Zone of approximately 316000 km<sup>2</sup> (Thailand Ministry of Agriculture and Cooperatives, 2015). Around 25% of the sea area is Marine protected area (MPA), which means that fishing activity is restricted throughout these areas. Thailand's waters are in the Gulf of Thailand to the East, and the Andaman Sea to the West. Seafood products are caught either from marine fishing, freshwater fishery, or from farmed fishing. Marine fishing species are mostly threadfin bream, Indo-Pacific mackerel, tuna, bigeye snapper, squid, round scad, and anchovies (FAO, 2009). The largest ports for landings of marine catch are Songkhla, Pattani, Samut Sakhorn, Nakorn Si Thammarat and Trat. Each port has a different geography. Songkhla for example is positioned such that all boats must pass a certain point in the port, which makes it easier to control vessels. Nakorn Si Thammarat on the other hand has many landing sites dispersed among the coast which makes it difficult to control vessels. Commercial fishing vessels, which take up about 22% of total vessels, make up for about 90% of all catch (Thailand Ministry of Agriculture and Cooperatives, 2015). Artisanal or small-scale fishers depend on fish for livelihoods and food, and food security is an important aspect of the Thai fishing



industry. Most small scale fisheries catch is estimated to be consumed or sold on local markets. Commercial catch is transported to wholesale or central assembly markets, of which the largest is in Bangkok city. Fish from marine vessels can therefore go through several markets and processes before reaching consumption. A large amount of marine trash fish is used as shrimp feed. A supply chain can go through stages of catch (vessel), gathering, processing, transportation, packaging, market, consumption, and each stage can be entered several times.

Marine catch is done by around 45,000 active vessels, of which 78% are artisanal or small-scale fishers and the rest is commercial (Thailand Ministry of Agriculture and Cooperatives, 2015). 70% of vessels are registered as of 2015. Along the coastline there are about 2500 artisanal fishing villages. Fish farming is either done in coastal farms, which are mostly shrimp or mollusc farms, or freshwater farms, which are for example catfish, prawns and carp (FAO, 2009). Trash fish from marine fisheries are used for feed in aquaculture and agriculture. Coastal aquaculture takes place in brackish water which is often where mangrove forests are.

69.4% of all catch comes from the Gulf of Thailand, 23.1% the Andaman Sea, and 7.5% outside of Thai waters (Thailand Ministry of Agriculture and Cooperatives, 2015). The fishing grounds of Thailand are considered overfished, and the environmental state in decline. 80-90% of all mangrove forests in the Gulf of Thailand coastal area and 20% in the Andaman Sea coast have disappeared, mostly due to shrimp farming (Thailand Ministry of Agriculture and Cooperatives, 2015). 88% of coral reef is considered in fair to poor condition. Sea grasses are considered threatened.

In the Gulf of Thailand, Catch per Unit Effort (CPUE), an indicator of abundance, has reduced to 9% of its original state in the 1960s. In the Andaman Sea, that percentage is 25% of the original state. In both fishing grounds, catch per year is higher than leads to the maximum sustainable yield (MSY), which indicates more is being fished per year than what fish stocks can recover from (Thailand Ministry of Agriculture and Cooperatives, 2015). Of marine catch, 50% is trash fish, which are considered unsuitable for human consumption. 35% of trash fish are juveniles of commercial fish, which means that the young of potentially commercial fish are being fished out of the sea before they reach the age/length where they become commercially valuable. Trash fish is processed into fishmeal, which is used in shrimp farming or for animal feed. This high amount of trash fish can be said to be due to unsustainable fishing practices such as too small mesh sizes of fishing nets. Trawling also drags in many trash fish, as well as damages ocean beds and coral reefs. 57% of the commercial fishing vessels are trawlers (Thailand Ministry of Agriculture and Cooperatives, 2015).

#### INTERNATIONAL AND REGIONAL REGULATIONS

Internationally, Thailand's fisheries are bound to the United Nations Convention on Laws of the Sea (UNCLOS), and several environmental conventions such as the Kyoto Protocol. Regionally, Thailand is part of the Association of Southeast Asian Nations (ASEAN) including its Fisheries Development Centre. They take part in the Regional Plan of Action on combating Illegal, Unreported and Unregulated fishing. Thailand is a member of the Indian Ocean Tuna Commission, and a cooperating non-member of the Regional Fisheries Management Organisation (RFMO): the Western and Central Pacific Fisheries Commission. (Thailand Ministry of Agriculture and Cooperatives, 2015)

Thailand's human rights commitments are with 7 international conventions mostly aimed at children, women, and discrimination. Also, Thailand has ratified the 1930 Forced Labour Convention.

Furthermore Thailand is connected to the International Labour Organisation (ILO) with which it designed the Good Labour Practices program (Thailand Ministry of Agriculture and Cooperatives, 2015). Yet, the hesitation of the Thai government to ratify ILO treaties on some accounts has resulted in criticism. Moreover, since the coup d'état in 2014 there has been international criticism of Thailand's positions on human rights, with alleged detainment of academics, activists and others in camps. The US has drawn back part of its support of the Thai military and Thailand lost its seat in several international human rights bodies, among which the Human Rights Council. In the case of migrant workers, one of the primary points of criticism is that migrants lack a refugee status and have little protection in the workspace because Thailand is not a member to the Refugee Convention and its own laws are reportedly flawed in protection migrants. On the other hand, Thailand has participated in, and recently co-chaired, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, as well as the Irregular Migration in the Indian Ocean meeting. Finally, in 2017, the international Maritime Labour Convention should go into force in Thailand.

#### DEGREES OF LABOUR ISSUES IN THE THAI FISHING INDUSTRY

*"[These] different interpretations are neither related to separate migrant groups — 'exploited' vs. 'successful,' 'trafficked' vs. 'voluntary,' 'legal' vs. 'illegal' — , nor solely contributable to 'bad' and 'good' employers. Rather, they are a result of the ways in which migration policies, provincial regulations, working conditions and payment modalities help create, as Thou succinctly describes, a flexible, disposable labour force that is — though neither enslaved, nor bonded in the classical sense (i.e., by debt and/or contract) — bound to the work on Thai fishing vessels." (Derks, 2010a: p. 932)*

When hearing the term 'slavery', many people think of the enslavement of Africans in the United States of America, as depicted in films like '12 Years a Slave'. But nowadays, the term 'slavery' is again being used to describe the unjust situation of workers worldwide. In Marxist terms, slavery refers to a state of a person where their labour is a commodity which is not owned by them. Media depictions of the Thai seafood industry contain a slavery terminology, 'slavery allegations' 'slavefood' 'slave boats' 'are slaves catching the seafood you buy' 'slave labour' and 'seafood slaves' (Associated Press, 2015b; EJF, 2014a, 2015b; Fernquest, 2015; Hodal & Lawrence, 2014; Lawrence, 2015; McDowell et al., 2015). The slavery terminology is in line with a global discourse on modern and contemporary slavery which has begun to function as an umbrella term for many degrees of social injustice in the labour spectrum (Siller, 2016). As the discussion on trafficking shift from purely sexual exploitation to include labour exploitation, new cases of injustice are discussed throughout supply chains (Gold, Trautrim, & Trodd, 2015). The usage and meanings of modern and contemporary slavery and the associated terms of forced labour, labour abuse, and human trafficking are not uniform among academics, nor in the media. The term slavery can imply an extreme condition or an involuntary working condition and is therefore not always suitable to address the broad range of injustices that workers might face some of which border on subtle discrimination. The traditional meaning of slavery implied ownership of a person and their labour. But how the term slavery is used nowadays does not reflect that meaning (Paz-Fuchs, 2016). Some workers who are not paid are not slaves, nor are some who face hardships. When is a condition considered a labour issue? Labour abuse, labour exploitation and trafficking are used interchangeably even though legally the terms mean different things (Berket, 2015). Following Siller,

in this research human trafficking is defined as the process of acquiring persons aimed at exploitation, and it is generally considered a trans-national crime. Slavery considers the treatment of a person in a labour situation and is generally considered an international crime and a human rights offense (Siller, 2016). Other injustices and unethical treatment of workers include indentured or forced labour. And though some criteria such as the withholding of wages, physical violence, and coercion are obvious indicators for labour exploitation, demarcation among the degrees of labour issues are not always clear. Besides, many forms of labour issues are not researched. Especially since working conditions in the fishing industry are inherently dynamic – work is out on vessels, dependent on weather conditions and seasons, vessel and gear types, ecology and geography. Fishing work is considered as ‘Dangerous, Dirty and Difficult’ work (Pangsapa, 2015). These ‘3Ds’ make fishing work unattractive. Labour conditions in fishing work are also difficult to regulate due to the dynamic nature of fishing work. However, this is not to be said that fishing work is exclusively a ‘poor man’s job’ as traditional fishers can take pride in their work and be satisfied with their conditions. Traditional ways of fishing including Indonesian Jermals challenge the various degrees of labour issues and traditional concepts of labour abuse. Seemingly unappealing working hours and circumstances for a traditional fisher can be a part of the fishers’ identity and traditions.

I expect that using slavery terminology specifically, or trafficking terminology specifically, might exclude certain injustices from conversation with certain actors due to their specific connotations. As also argued by other authors terminology of slavery is a ‘discourse of depolitization’ (O’Connell, 2010). Hence, the broad concept of labour issues is used as an umbrella term for the injustices and unethical treatment faced by workers in Thailand, not excluding forced and indentured labour, trafficking for exploitation, and slavery.

#### LABOUR MIGRATION IN SOUTHEAST ASIA

Migrants make up a large portion of low-skilled jobs in Thailand, including fisheries, agriculture and cleaning work (Pangsapa, 2015). Thailand belongs to the three ‘economic success stories’ of ASEAN: Thailand, Malaysia and Singapore (Kaur, 2010). Due to push-and-pull factors, mostly lack of employment opportunities, political unrest and demographics, Cambodians, Burmese, Vietnamese and Laotian people travel to Thailand for work (Chalamwong, Meepien, & Hongprayoon, 2012). As argued by various academic scholars labour migration in the ASEAN countries is problematic (Chalamwong et al., 2012; Derks, 2010; Hugo, 2012; Kaur, 2010). One of the problems that emerge from problematic migration management is the vulnerability of (low-skilled) migrant workers (Hugo, 2012; Kaur, 2010). Prior to 2013, the regulation of labour migration relied on regulation and annual registration rather than a legal framework (Kaur, 2010). The Immigration Act dates from 1950 and the Foreign Workers Act from 1978. Semiskilled or unskilled workers previously were not allowed entry into the country for work, which is why migrants were hired illegally. Since the late 1990s however Thailand has become increasingly dependent on low-skilled migrant workers from neighbouring countries due to an economic and production boom (Kaur, 2010). Irregular migration is treated as a security issue, migrants experience high costs of registration and are vulnerable to abuse, and lack of political will and capacity have impeded enforcement of progressive regulation (Chalamwong et al., 2012). In previous years, as Chalamwong and colleagues argue, Thailand’s migration policy lacked consistency and was biased in favour of employers. Employers face little sanctions or penalties for unethical recruitment practices. The dependency on migrant workers in

addressing the labour shortage is not addressed through governmental actions (Chalamwong et al., 2012).

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## 2. CONCEPTUAL FRAMEWORK

*“πάντα χωρεῖ καὶ οὐδὲν μένει”* – Heraclitus, 540-475 B.C.

“Everything flows and nothing stands still” is a quote attributed to the classical Greek philosopher Heraclitus. In modern times constant change becomes more visible than ever, with rapidly developing technologies and globalization. Though flux as Heraclitus meant it is constant, within the human understanding of the world around us some changes are considered more impactful than others. Resilience theory, an ecological concept, describes how a system remains within a certain balanced state as long as pressures keep the system within threshold boundaries, but with enough or the right kind of pressure a system will transition into a completely new state. A similar concept works for social systems. How we cope with change as humans, as decision-makers, as businesses, as workers, as a society, can differ and greatly impact the outcomes of change - whether we plan for change, resist change, nurture change or create change. How a system is perceived can differ among actors; similarly, actors envision a variety of ways a system could be changed. Scientific theory can provide generalized sets of ideas that help understand what seems to be a complex chaos of perceptions of systems, pathways to change, and pressures driving change. In an effort to unravel the change components of the Thai seafood industry the STEPS pathways to sustainability approach is used for identifying actors’ perceptions of the system, pathways for change and the pressures that promote certain pathways above others.

## 2.1 PATHWAYS TO SUSTAINABILITY

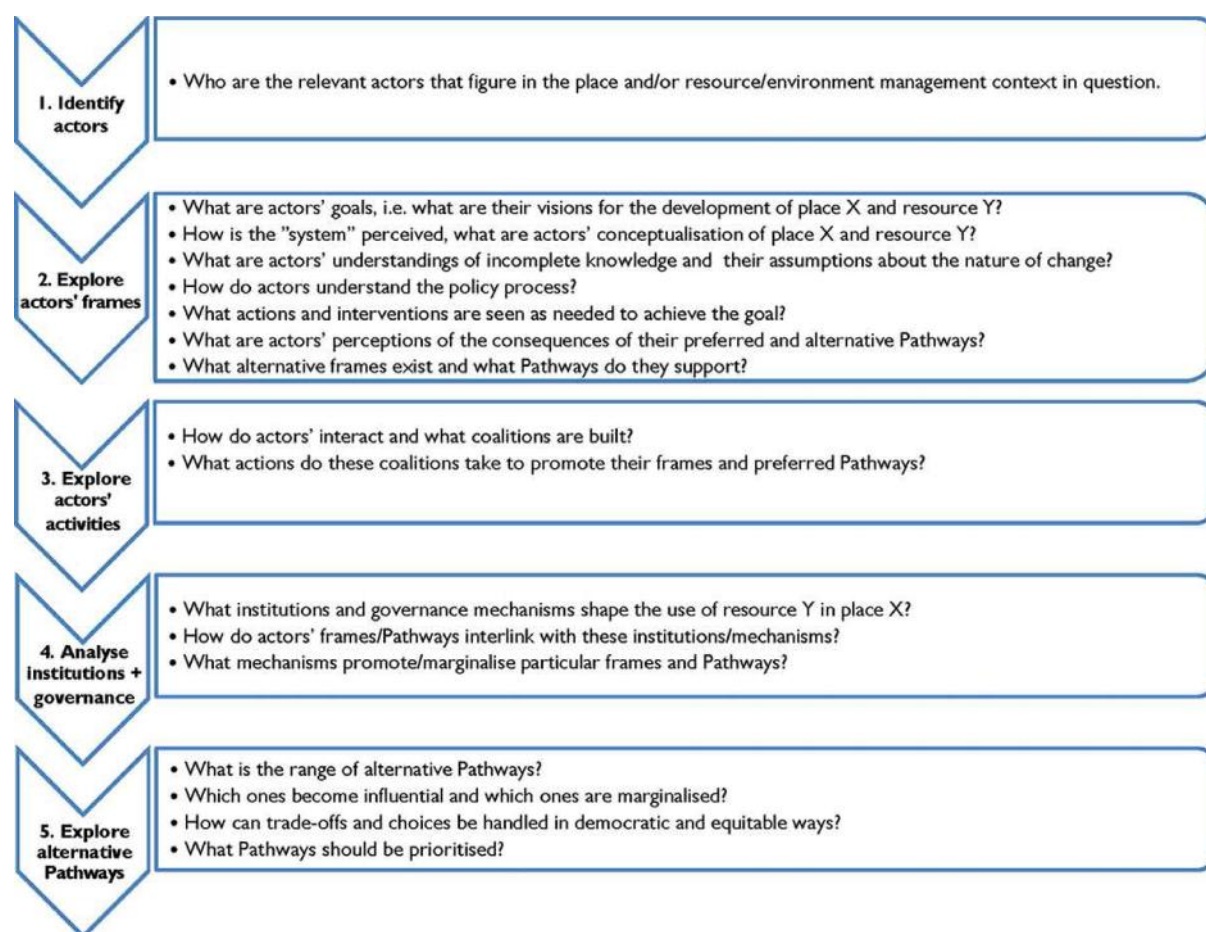


FIG. 2 THEORISED FRAME ANALYSIS (LEACH, M. ET AL., 2010)

The STEPS Pathways to Sustainability approach was produced by the Social, Technological and Environmental Pathways to Sustainability centre (STEPS centre), funded by the UK's Economic and Social Research Council (ESRC). The approach has been developed in articles and books by Melissa Leach, Andy Stirling and Ian Scoones (2010). The STEPS pathways to sustainability approach is a model for understanding and guiding sustainable development, by seeing that there may be more than one way to reach sustainability, and more than one possible sustainable outcome (Leach et al., 2010). Pathways are the directions in which a system can develop over time, like the streams branching off in a river delta. A delta can have many outcomes, and to every outcome, there can be several streams. As such, there can be many different futures, some of those may be sustainable and some not, and to those futures there are many pathways. Sustainable development is therefore not a matter of (technological) innovation alone, but also a matter for politics (Leach et al., 2010). Actors in the political domain create different frames and tell different narratives around a system, and therefore create certain pathways. Some pathways become dominant, whereas others remain alternative. These marginalised, alternative pathways often are voiced by less powerful actors and may be valuable and insightful, reflecting a different set of values and knowledge.

The STEPS pathways to sustainability approach uses a model for frame analysis that describes how various actors frame a complex system, including the problem definition, its consequences, and its solutions – therefore constituting what is considered a 'narrative'. An organisation can be a system:

a forest can be a system, while a computer program also can be a system. But a complex global issue can also be considered a system, namely, a system of how the social, environmental and technological elements are configured around such an issue (Leach et al., 2010). A system in this manner is open to different values, goals, interpretations, methods and assumptions. The Pathways to Sustainability approach is designed to understand and guide sustainability and development, by analysing the various pathways to sustainability, their frames and dynamics, and to open up pathways to sustainability that have been generally overlooked. Though their original concept is based mostly around technological innovations, the approach also makes sense for governance innovations in socio-ecological systems. For this thesis, the STEPS Pathways to Sustainability approach will be applied to the Thai seafood industry as a system. This includes all aspects of the Thai seafood supply chain, from fisher to consumer, including the Thai fishers, the sites where they are taking their fish from, and the stakeholders that can influence or be influenced by the Thai seafood industry.

### 2.1.1 SUSTAINABLE DEVELOPMENT OF FISHERIES

In order to talk about pathways to sustainability, the question ‘what is sustainability?’ needs to be addressed, after which will be discussed what is meant with ‘pathways’. When environmentalists talk about sustainability, they will likely refer to the ability of an ecosystem to maintain its resilience and ecological structure, or specific resources and biodiversity. However, when a businessman also talks about sustainability, he or she tends to refer to something else – that being economic sustainability. The resources that need sustaining in this case are more likely to be financial. So sustainability in general refers to a wish to sustain a condition or resources over a longer time, which can apply to many fields and issues. It often has to do with the condition of a system in the future, as noted in the most commonly used definition for sustainability from the 1987 Brundtland report, ‘Our Common Future’:

*“the physical development and institutional operating practices that meet the needs of present users without compromising the ability of future generations to meet their own needs, particularly with regard to use and waste of natural resources. Sustainable practices support ecological, human, and economic health and vitality. Sustainability presumes that resources are finite, and should be used conservatively and wisely with a view to long-term priorities and consequences of the ways in which resources are used.”* (United Nations, 1987)

The Brundtland report points out important aspects: that sustainable development has to do with an *ethical responsibility* to fulfil the needs of those living in the *future*, and the complex nature of the *practices* that lead to (un)sustainability. The definition implies, as well, that sustainable development is by and for humans. In these terms it differs from conservation, which is to sustain nature for the sake of nature (Kajikawa, 2008).

The Brundtland definition of sustainability is also commonly criticised. Ehrenfield argues that sustainability can only be measured over longer periods of time, making the question of what we want to sustain and what not an impossibility (Ehrenfield, 2005; White, 2013). Voinov and Farley (2007) argue that there are sustainable communities in which species or organisations disappear and reappear, therefore casting doubt on the term ‘sustain’. These criticisms imply that sustainability is not a known and consistent concept, but rather a normative discussion.

One way to approach the discussion around sustainability is through the three pillars of sustainable development: economic, social, and ecological (Rammel and Kastenhofer, 2005). There are different versions of this triangle, such as Elkington's people, planet, profit, also known as the Triple Bottom Line, as he called it during the SustainAble gathering of 1994 (White, 2013). The three pillars are aimed primarily at corporations facing sustainable development, and are commonly linked to Corporate Social Responsibility practices. The triple bottom line can be used as the guiding principle for organisations or research in tackling sustainability. Though in this essay the social, economic and ecological are mentioned as aspects of sustainability, it should not be suggested that these are the only aspects to sustainability, nor that they are anything other than a simplified model for understanding sustainable practice.

And so, it is important to recognise sustainability as a contested concept (White, 2013). To illustrate what we mean, we can see equivalences between the concept of sustainability to that of justice. There is not one answer to what justice is, since any attempt to define what it is raises the question as to what is just, and what is good, which has been configured in different ways across different cultures and at different times. Throughout history, amongst the general public and in academic literature, the concept of sustainability has had many diverse definitions, due to different perspectives on what a sustainable future looks like, and how it should be reached (White, 2013). The STEPS Pathways to Sustainability approach presents a definition that allows that there are different perspectives on what is meant by sustainability, just as would be the case in relation to the concept of justice. In the Pathways to Sustainability approach sustainability means the "*explicit qualities of human well-being, social equity and environmental integrity, and the particular system qualities that can sustain these*" (Leach et al., 2010). This concept of sustainability implies questions such as: what are (qualities of) human well-being, social equity, and environmental integrity? Though the latter question could arguably be answered through environmental assessment, the question on well-being has been a philosophical puzzle for decades, and the question on social equity is loaded with stakes and ethical ambiguities. Contested concepts such as justice or sustainability are often discussed in the political domain by political groups, civil society groups, and NGOs, which all propose their own meaning of sustainability and how it should be reached. Defining the meaning of sustainability is therefore a political process, a struggle between different pathways, different actors and interests and different problem definitions (Lindahl, Baker, Rist, & Zachrisson, 2015).

### 2.1.1 DISCOURSES, AGENDA-SETTING, NARRATIVES AND FRAMES

Communication scholars have discussed in various works the definitions, interconnectedness, and the methodologies of agenda setting, discourse analysis and framing theory. Discourse analysis, popularized by social theorists like Michel Foucault, concerns the analysis of power relations that flow through language and communication practices. Through discourse analysis, the analyst aims to understand how society is being shaped (or constructed) by language, which in turn reflects existing power relationships. Agenda setting, which has been perhaps best elaborated by Max McCombs and Donald Shaw, focuses on how the media influences *what* the public, or policy makers, think about (McCombs & Shaw, 1972). Framing, which is considered a concept first piloted by Erving Goffman, concerns *how* the public, or policy makers, think about topics (Goffman, 1972). Though their interrelatedness is disputed among communication scholars (Rogers, Dearing, & Bregman, 1993; Walgrave & Van Aelst, 2006), it will be assumed for this research that the entirety of discursive



actions including framing and agenda setting processes are related and can be subsumed under the umbrella term of discourse.

#### AGENDA-SETTING

Before defining any policy, an issue has to be noticed and considered by political actors. Generally, where framing considers the manner in which an issue is presented, agenda setting focuses on which issues are presented. Agenda setting can take place through the presentation of the media agenda, the public agenda or the policy agenda (Rogers et al., 1993; Walgrave & Van Aelst, 2006). Although it is interesting to research how issues of labour in the Thai fishing industry came to the media agenda, for this research the focus lays with the policy agenda.

In policy agenda setting research, the independent variables are media reports, and the dependent variables are the symbolic or substantial policy results (Walgrave & Van Aelst, 2006). Symbolic policy results are the deliberative policy actions such as press releases and communications. Substantial policy results are the sanctioning and promoting actions, or direct policy changes. However, as Walgrave and Val Aelst argue *"If political agendas are affecting each other, and we have every reason to expect them to do so, picking out one political agenda and associating it with media coverage discards important interpolitical agenda setting effects."* (2006). In this research therefore a holistic approach is taken that considers the agenda setting effects of the various actors upon the media, media upon various actors, and both actors and media upon the policy agenda. This allows for a deeper understanding of policy agenda setting where not just the media are drivers for the policy agenda, but also the actions of other actors. Rogers and Dearing (1993) describe the agenda setting activities by a broad spectrum of actors as agenda building.

As mentioned before, the interrelatedness between agenda setting and framing is disputed among communication scholars. But several authors seem to define that agenda setting concerns issue salience, the extent to which an issue is deemed important, and accessibility, how often and through which channels an issue is communicated. Whereas framing is deemed to concern attribute salience, as in what about the issue is deemed important, as well as its constituent themes. As such, agenda setting concerns *what* to think about while framing concerns *how* to think about issues. How certain pathways to sustainability have become dominant can be a result of agenda-setting processes of various actors within and outside of Thailand. Though I will not research in-depth how often and through which channels labour issues are communicated (issue accessibility), I will inquire into the extent to which these issues are deemed important (issue salience) by civil society, government and private sector actors in Thailand.

#### FRAMING AND NARRATIVES

All communication, spoken or written, has a certain narrative structure. The narrative structure orders the information as such that it becomes easy to identify the goal of the communication, the objects and subjects, and the themes. By focusing on specific pieces of information, these narrative structures frame reality. Framing an issue puts that issue in a certain context, by emphasizing certain aspects and leaving other aspects out. An effective frame immediately calls on the schemata of meaning in your mind, which enables you to make sense of the issue in a certain way. One of the first accounts of frame analysis comes from Erving Goffman, who conceptualizes framing as the describing in objective terms that which is phenomenological (Goffman, 1974). In other words, frame analysis is analysing personal experience, the schemata of perception and meaning in the

mind. The frame itself is the window through which the person perceives their experience. As such, a fight between husband and wife is experienced by both with a different set of perceptions in mind. Both of them might consider the other as angry and unhelpful, and themselves as the victim. If you were to speak to both of them separately after the fight, you might find that they frame the fight completely different. Which information is put forward and what is suppressed in a frame can influence how people perceive an issue. If you only ever hear the woman's frame, you may develop the perception that the man is angry and unhelpful. Especially value frames, where a frame is connected to a value, can shape how a person thinks about an issue, how they discuss an issue with others and how they act on the issue (Modigliani & Gamson, 1979). If frames can shape belief systems, attitudes, and behaviour, then we can assume that frames influence the democratic system and political decision-making (Brewer & Gross, 2005). In other words, frames do not only organise experience, but also bias for action (Perri 6, 2005; Lindahl et al., 2015). For example, in the case of the fight between man and wife where you are the wife's friend, your perception on the issue might make you behave cold toward the man. Yet, framing an issue does not mean that the framer is presenting wrong information, or lying: the same set of facts can be presented differently by using specific words, or by being based on different experiences.

Terms of 'frame', 'framing' and 'narratives' are used interchangeably throughout communication research. There are various theoretical approaches to framing, and related concepts, from political sciences, media studies, communication science, anthropology, psychology and sociology, to name a few. For clarification, throughout this research the concepts can be explained as follows. As framing is a verb, it indicates the actions of understanding and representing an issue. A frame is the result of framing, and therefore a collection of values, assumptions and representations of an issue. Narratives are stories with a beginning, middle and end that suggest a problem, its implications and its solution (Leach et al., 2010; Lindahl et al., 2015). Narratives and frames are therefore closely linked, but differ in the idea that a frame is a representation based on an understanding, and a narrative is an experience in the form of a story.

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## 3. METHODOLOGY

In this thesis I will research which pathways to sustainability actors consider in the discourse surrounding labour issues in the Thai seafood industry. The analysis requires a methodology that goes through two stages: data collection, and data interpretation.

### 3.1 DATA COLLECTION

I collected data by conducting interviews and gathering documents for analysis. There are several analyses in this research which all require separate data sets.

- Interviews with Thai civil society, government and private sector: to analyse the discourse and identify pathways.
- Media, NGO reports and other grey literature: to describe pressures and events.
- Policy documents, expert opinions in interviews and documents (Josh Stride, 2016) and academic literature (Marschke & Vandergeest, 2016): to assess strengths and weaknesses in current responses by the government, businesses and civil society.
- Interviews with workers: to support the assessment of strengths and weaknesses in current responses.

The interviews were conducted in Thailand, collaborating for some of these with another MSc student. Whenever possible and with the interviewees' consent, the interview was recorded. Otherwise, notes were taken. Both students are being supported by the research project New Directions in Environmental Governance (NDEG) based in Canada and managed by Prof. dr. Peter Vandergeest. The NDEG project has provided background information and is conducting ongoing interviews that broaden the dataset. Within the scope of this article, only interviews conducted during fieldwork are considered primary data. Some interviews were conducted during a fieldtrip to Songkhla province, some in Mahachai, some at the 11<sup>th</sup> Asian Fisheries and Aquaculture Forum, and some in Bangkok area. A total of 29 interviews were conducted (see table 1). The interviews excluded from the Pathways analysis are the worker and boat owner interviews due to the informal setting. Workers were addressed in the port and there was no time for them to address policy questions because the interviews took place during their working time. There was not enough time, nor did we at that time consider making focus groups, to partake in a meaningful discussion with the workers. The boat owner interviews were even more informal as they were unplanned and with them there also seemed too little time to create an in-depth discussion. It would be interesting to remain in one port location for a longer time and to create focus groups with workers and boat owners against some compensation or otherwise ethnographic research to understand the meaning of the reform for these groups.

There were two sets of interview questions: those for government, private sector and civil society; and those for workers. The interview questions for government, private sector and civil society can be found in the appendix and were designed using the Pathways to Sustainability framework as a guideline in order to answer the first three research questions. The interview questions with workers and were designed to understand communication between workers and other actors, as well as to

understand their general conditions and attitudes towards recent regulation (appendix 1). Governance levels are international/global/intergovernmental, national, regional, or local (see table 1). One interview counts as a boundary case: a regional large scale fisheries association that takes commands and training from the government and membership for boat owners is obligatory. The association gets directions from the government and disperses information to boat owners. However, the association fights for the rights of boat owners. Since the association represents only large scale fishing boat owners it arguably counts as a regional representative for private sector businesses. During the interview, two boat owners joined. Their interview information is used as secondary data. The two NGOs that are admitted as national in table 1 are considered as such because they have more than one, or one central office, and perform their actions throughout the whole country.

TABLE 1 INTERVIEWEES AMONG THE MULTI-LEVEL GOVERNANCE SCALE

	Civil society	Government	Private sector
<b>International</b>	<ul style="list-style-type: none"> <li>- Intergovernmental organisation 1</li> <li>- Intergovernmental organisation 2</li> <li>- Independent researcher/supply chain consultant</li> </ul>		
<b>National</b>	<ul style="list-style-type: none"> <li>- NGO A, B, C</li> </ul>	<ul style="list-style-type: none"> <li>- Department of Fisheries 1</li> <li>- Department of Fisheries 2</li> </ul>	<ul style="list-style-type: none"> <li>- National business 1</li> <li>- National business 2a</li> <li>- National business 2b</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>- NGO D</li> <li>- Large scale fishing association</li> </ul>	<ul style="list-style-type: none"> <li>- Regional recruitment office</li> </ul>	
<b>Local</b>	<ul style="list-style-type: none"> <li>- Welfare committee member</li> <li>- Worker interviews (excluded from pathways analysis)</li> </ul>	<ul style="list-style-type: none"> <li>- Port In Port Out (PIPO) centre</li> </ul>	<ul style="list-style-type: none"> <li>- Boat owners (excluded from pathways analysis)</li> </ul>

### 3.1.1 CHALLENGES FOR DATA COLLECTION

Neither my research partner nor I are Thai. Therefore, researching a sensitive issue proved a challenge for legitimacy of the data and at times the accessibility to interviewees. Two local Thai students and one college professor accompanied us for interviews with Thai officials and workers and helped put us in contact, arranged interviews, and translated during fieldwork. Human rights, labour rights, migration and discrimination are sensitive topics in Thailand and the country has a culture where face is very important. Those interviews with individuals that were either Western or were closely liaised with Western society seemed more relaxed talking about issues of labour rights, discrimination, migration, and human rights than Thai officials. Though, language will also have been a barrier in this aspect. As secondary data interviews from collaborating researchers within NDEG

were used. Of these secondary interviews some were with the same organization and even the same people as my research partner and I interviewed, some with other organizations and other interviewees, and many interviews with workers. The interviews also concerned labour issues in the Thai fishing industry but were conducted by different researchers using different perspectives. The secondary interviews were used to check whether there were big differences that may have been caused by bias, and to use to provide a deeper background for important insights.

## 3.2 DATA ANALYSIS AND INTERPRETATION

### FIRST RESEARCH QUESTION: DISCOURSE ANALYSIS

For the first research question, ***'what is the variety of frames in the discourse on labour issues in the Thai fishing industry?'***, a discourse analysis was conducted. Interviews were separated into: government, private sector, and civil society. Of each separate interview if a certain cause or solution, or pressure, was mentioned, they were added into the Excel file under a code. Then the interviews were analysed for the actors' frames of 1) the causes and nature of issues; 2) the solutions of issues or pathways to sustainability. Data was analysed by coding interviews and then grouping together codes into categories. The results for pressures were straightforward. The codes for causes and solutions were then grouped according to eight common themes: migration, economic, cultural, environmental, policy, enforcement, migrants' affairs and data ambiguity. Then the codes were summed in a table that gave an overview on how many interviewees mentioned a code within a certain theme. Since there were more interviews with civil society than with government or business the results had to be standardized to prevent them from reflecting mostly civil society's discourses. This was achieved by dividing the summation of the group with the highest amount of code instances (civil society) by the two lower summations. This provided for both government and business two separate standardization converters, in both the causes and solutions analysis, totalling to four standardization converters. This converter was used to multiply the code summations of each theme for business and government, resulting in a proportioned discourse analysis. The discourses were then visualized using radar graphs.

One part of the discourse was given special attention out of curiosity. Within the theme of migrants' affairs, the topic of migrant empowerment is dissected to understand what it means and how it looks in practice according to various actors. Again, mentions of empowerment were coded and added into Excel. However, since migrant empowerment was almost solely a civil society and business topic, the results are shown in a Word Cloud.

### SECOND RESEARCH QUESTION: POLICY AGENDA AND FRAMING

In order to answer the second research question, ***how have certain frames on labour issues become dominant on the Thai political agenda?'***, the interviewees were asked directly what pressures they experienced. From these pressures, documents produced by and original to pressuring actors were gathered in order to identify frames. Besides, a media study was conducted to identify events and pressures. I searched media reports and governmental statements for the pressures that were mentioned by interviewees. The documents were coded in Atlas.ti for central themes to identify frames. A timeline with events and governance efforts was created. Since there were large amounts of governance efforts from businesses and government, the interviews with businesses were used to identify their efforts; and the interviews with officials to identify theirs.

Then, analyses by Vandergeest and Marschke, and Stride, were used to confirm the main policy and business responses.

#### THIRD RESEARCH QUESTION: POLICY CONTENT ANALYSIS

The third research question is: ***what strengths and limitations to current efforts are identified in the current discourse?*** To identify strengths and limitations to the current governance efforts of government and business actors, content of current regulation was analysed. I read the original policy documents if available, otherwise government statements, and statements/policies on business websites in order to summarize the main points. Then these summaries were compared to the discourses on causes and solutions in research question 1 and differences were identified. Some interviewees identified strengths and limitations directly. Besides, the interviews with workers and boat owners were also used to identify positive effects and gaps in enforcement.

#### IDENTIFYING ALTERNATIVE SOLUTIONS AND PROMOTION METHODS

Finally, to answer the fourth question, ***what are the challenges and opportunities for alternative pathways to sustainability?***, I addressed the challenges and opportunities for alternative pathways. I analysed the links between actors in order to identify strong clusters that provide opportunities and weak communication links which provide challenges for transition management.

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## 4. RESULTS

### 4.1 THE DISCOURSE ON LABOUR ISSUES

In this section of the results I discuss what the pathways to sustainability in the discourse surrounding labour issues are; and which are the dominant pathways and the alternative pathways. In the interviews we inquired about causes and solutions to labour issues in order to understand the discourse on issues in the Thai fishing industry and to find the pathways to sustainability that actors envision. Many perceptions seem to intersect within the discourse on labour issues, but some central themes could be discerned. I found eight main themes of labour issues in the fishing industry, which actors would mention as either the causes of labour issues (or how actors understand the system) or the solutions (the pathways to sustainability)<sup>1</sup>: migration, economy, policy, culture, worker's affairs, data ambiguity, enforcement, and environment. In the following sections I will demonstrate how these themes manifest themselves in the discourse surrounding labour issues.

#### 4.1.1 THEMES IN THE DISCOURSE

##### MIGRATION

“Thailand is a middle income country surrounded by poor countries so it is natural that others want to move there [..]” - interviewee from intergovernmental organisation 1

“You've got a lot of [..] neighbouring countries that haven't prospered as much as Thailand and they are coming to Thailand to find work [..]” – interviewee from national business 2b

Migration concerns the movement of workers across borders, legally or illegally. Within the discourse on labour issues it is considered that one of the causes of labour issues in the Thai fishing industry has to do with (irregular) migration into Thailand. Drivers like poverty in the neighbouring countries cause many to try and find work in Thailand. Brokers see an opportunity to make a profit out of the job-seeking migrant. Migrating job-seekers pay brokers a fee to cross the border, or to find an employer. Interviewees argue that this can lead to trafficking. “Thailand has porous borders [..] it is an invitation to traffickers.” (independent researcher/supply chain consultant).

Migrants are suggested by various interviewees to be victims of trafficking or unethical recruitment practices. Brokers are considered to benefit from migration and insufficient border control. The frame of migrants as victims and brokers as villains is very common in the discourse surrounding labour issues though there are nuances.

“The problem is they come from other countries through brokers, whom are not Thai, and the brokers get them to work on the vessels without properly informing them what to expect” – interviewee from the Department of Fisheries 1

But, as the following quotes suggest, some interviewees see brokers not as villains but as opportunists who are enabled or even encouraged by a lack of border control. This nuance shifts the

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<sup>1</sup> A full overview of the components of categories can be found in the appendices.

role of villain to the government for lacking proper border control and formal migrant recruitment processes, or for actively profiting from the trafficking of migrants.

“It all comes down to recruitment, and the fact that two three decades [sic] 99.9 percent of migrant workers coming into Thailand were smuggled into the country and there was no formal channel. And now there are formal channels but they just exploit the.. and become this kind of legal human trafficking.” – interviewee from NGO B

“Trafficking is seen as a form of Transnational Organized Crime even though in this region it really has more to do with opportunistic operations rather than organised crime syndicates.”  
- interviewee from Intergovernmental organisation 1

## ECONOMY

Within the theme of economy interviewees explore interactions that have to do with making a profit, like trade, pricing and competition

“If you look at the UK, go to the supermarket and take a picture of shrimp because it is so cheap, they say, ‘how can such a large dish of shrimp be so cheap?’ How can you expect conditions to improve when international standards are about CSR and competition? Companies don’t factor those in or offset those costs and it’s either the workers or the environment who are getting the true cost [sic]” –independent researcher/supply chain consultant.

Interviewees argue over the economic aspects of the fishing industry as a driver for labour issues. Questions of who are benefitting and making the most money off of exploitation provide an insight into how deeply embedded labour issues are into the seafood industry. The competitive seafood sector drives the prices for seafood very low. To remain competitive, it is argued, companies have to offset their cost. Without proper regulation of migrant labour it seems easiest for companies to offset their costs on the migrant workers. Besides, market competition and an increasingly demanding Western market is why some Thai seafood businesses also choose to switch to selling to markets where their reputation is less damaged and where labour issues are less discussed. But market competition exists not only among Thai businesses, but also between businesses of other countries. If Thai seafood businesses are to increase their prices in order to improve working conditions and increase wages, it is possible that retailers would turn to other countries like India for their seafood.

Whereas several interviewees lauded the international trade and consumer pressures, some interviewees criticized the pressure: consumer lawsuits hit exactly those companies that are attempting to clean up their act by researching their supply chains; and it is unclear whether both consumers and buyers like Walmart are willing to pay *more* for their seafood. It is explained by one of the interviewees that buyers often hire someone to investigate where a buyer can get the most products for the lowest price. Though buyers claim to do audits, there is little incentive to report offenses. Checklist/CSR/standard mentality is being mentioned as a challenge. Checklist mentality, or tickbox mentality, refers to auditors checking off a list of requirements to prove the practices in a factory or on a vessel are proper. The risk becomes that auditors will want to check off the checklist. But instead, it is argued auditors should actively look for things that may be wrong. Interviewees



expressed this as a need for 'going beyond the tickbox'. But there is currently no incentive to do so. Fishing is still a high-cost high-effort industry, made even more expensive by the IUU regulations which force boat owners to pay for their obligatory VMS systems and new administration costs. Adhering to international standards and meeting qualifications for certification are also not cheap. So the same happens with a standard or CSR mentality for businesses. This refers to businesses partnering on projects, spending money to show goodwill, or adhering to a certification or standard in order to remain competitive and maintain a reputation. But if this is not combined with a true intent to change, the risk is that CSR strategies and meeting international standards become all about show.

As will be discussed in-depth in the section on culture, the Thai do not wish to take fishing jobs. But according to the Thai there is a labour shortage. As an interviewee from an intergovernmental organisation pointed out: *"we need to stop talking about lack of workers like it's a mystery and we just need to fill them [sic]"*. The interviewee refers to how exact numbers on the labour shortage are unspecified. The Thai labour shortage is considered by interviewees as a large driver for unethical recruitment. Migrant labour is difficult to regulate and captains face challenges finding and keeping crew. Even recent fishing regulations have pushed the costs for boat owners up, according to the regional fishing association and boat owners themselves. The incentive to get a broker to provide a captain with a crew is high.

"When the owners or captains want to go to sea they have to pay for salary before they leave shore but when the boat owner pays the captain and the captain pays to each crew member one day before leaving. But some people don't go to the boat when they leave and the captain has to find other crew again, and then they have to pay more budget again. This problem contributes to human trafficking because they want to try to find cheaper labour."

– Interviewee PIPO

When actors envision change within an economic frame they refer for example to an increase in the price of seafood. Few actors mention setting minimum wages for migrant workers. Some interviewees said that consumers should pay more and be responsible for what they buy, though it is argued whether it is not the responsibility of retailers and businesses to provide services with fair labour practices. Overall, many interviewees considered that businesses should be involved in collaborations. As such there are groups like the Seafood Task Force (formerly the Shrimp Sustainable Supply Chain Task Force or SSSCTF), which is a collaboration of international retailers, suppliers, NGOs and Thai businesses. Some mentioned tripartite collaborations, as in collaboration between the private sector, government and civil society actors specifically. Especially businesses were happy to explain about their tripartite initiatives and collaborations with other businesses as well. An interviewee from a national business and an interviewee from the government were both excited about a shared initiative.

## POLICY

Policies are the written legislation, government plans and the legal system. As many interviewees pointed out, the Thai fishery until recently was an open access system. The fisheries policy was outdated. Some interviewees argued that since Thailand has been politically unstable for several years, policies with good intentions do not always come to fruition. As an example, an interviewee said they spoke to a boat owner who was simply waiting for the military government to go away so

that they could go back to the way things were before. In another example, one interviewee explained that before the military coup d'état the Department of Fisheries spent years forming new fisheries legislation. But after the coup the new government wanted to throw the plans overboard. Even though the government ended up going with the general idea of the original plans, they ended up changing various aspects of it within a very short time period. The recent changes to policy have provided a policy framework more fitted to modern issues in the Thai fishing industry, but arguably these policies do not necessarily address the factors that enable labour issues:

Some of it is so specific to fishing that they haven't understood the structural dimensions of vulnerability that their policies mean because otherwise they would have broadened to other industries." – interviewee intergovernmental organisation 2

There is a line of arguing that the Thai policies have many loopholes that allow for discrimination or that do not sufficiently protect migrant workers. Corrupted officials find they can avoid persecution through loopholes in the laws around trafficking and abuse:

"Often with bribery, reports of trafficking are lessened and go from trafficking to labour abuse, which is harder to prosecute." - Interviewee NGO C

Another example of insufficient or discriminatory law is that it is forbidden for migrants to form a union. Unions are disputed in the discourse, with proponents arguing that migrants need unions to fight for their rights and provide them voice. But opponents argue that migrants are not ready to form unions, and forming unions is an issue because migrant labour is irregular and they do not stay in one place for long. But no one will know whether unions will protect migrant workers from labour abuse as long as the law forbids migrant worker unions outright. When inquiring a government official about the law not allowing migrant workers to form a union their response was as follows:

"We have to understand limitations of the law of each country. Even the Thai people cannot set up their own Unions. Actually, Thai people can do, but they have to consider the social context, also the law." – interviewee regional recruitment office

The above quote also demonstrates the importance of social context in Thailand. Within the Thai culture of face and hierarchy it is not proper to discuss certain things in a straightforward manner, which may be interpreted as insincere by people from a Western culture. The insufficient or discriminating laws, corruption, and external communication that comes off as insincere might all be contributing factors to why some interviewees considered that the government lacks 'political will' or 'true intent to change'. Cultural differences between Western-centred organisations and Thai organisations can complicate communication, but also provides ethical challenges. In the next section this will be further discussed.

## CULTURE

Thailand is allegedly a culture where face and hierarchy are important in communication. This can lead to miscommunication between Thai and international governments, Western-based buyers and consumers. Some will speak of a 'denial culture' among the Thai government: the government has denied allegations of slavery or labour abuse in an attempt to maintain the face of the country as beautiful and friendly. However, in recent years, as non-Thai interviewees argue and as becomes evident in interview with government officials, the Thai government admits that corruption and

trafficking are problems. Among the government interviewees some even mentioned corruption and trafficking as the priority issues.

Besides from a culture of face, Thai are also proud of their country and its development relative to neighbouring countries. The Thai have a certain history, certain norms and values, and social behaviours, which play a role in labour issues and the treatment of migrants.

“there’s an undertone of culture, they’re foreigners, they’re more [sic] xenophobic mentality that migrants are more.. there’s less worry about treating a Thai person like that. Especially if they know they can get away with it.” – interviewee national business 2B

“Government, they care more about security than human rights. There is a negative thinking and discrimination against migrants.” – interviewee NGO D

Various interviewees mentioned discrimination as a cause of labour issues. This cause of labour issues is perhaps not relevant for a global discourse, but is extremely relevant to the case of Thailand. Bad treatment of migrants according to interviewees and NGO reports has been normalized among the Thai. Impediments are the inability to organize workers (in unions), denial of the discrimination labour issues by officials, and the Thai government’s prosecution of human rights defenders. Some elaborated on the cultural and historical background to discrimination. According to civil society groups Burmese migrants and minority groups are more vulnerable to discrimination than others:

“[..] especially tribal peoples [..] sometimes when they have to go to the hospital the organisation (as in, the interviewee’s organisation) has to ask for special.. ask for some help to make a case by case exception for the hospital.” – interviewee NGO D

The Thai allegedly also look down on fishing work. It is difficult for companies to find workers because fishing work is considered undesirable. Migrant workers fill the jobs that Thai workers do not wish to take and often for against a low wage. But asking Thai whether the situation would improve by employing more Thai workers in the seafood industry was usually met with laughter. As one business pointed out, this could be changed by improving the living conditions of seafarers:

“..nobody wants to do this work and it’s very hard to find people to do this, fishing companies are struggling to stay afloat, margins are super small. [..] Improve living conditions maybe people will think twice about not working at sea.” – interviewee national business 2b

Fishing work is undesirable because it is considered dirty work, or a poor man’s job, but also because of superstition and history. Some interviewees told a narrative of a storm that swept over the seas around Thailand and killed many Thai fishers. Another interviewee said it was simply because Thai have a higher education and will not work in fisheries. Traditional fishing communities struggle with the drive for a higher education, according to an interviewee, as the children of fishers leave for school rather than help with fishing or taking over. In the next section it is demonstrated that within the discourse on labour issues, education is not only a topic within culture of the Thai, but also a topic within the culture of migrants workers.

## WORKERS’ AFFAIRS

Workers' affairs concern the culture, capabilities and behaviour of workers, especially migrant workers. First, between different migrant groups there is also discrimination. For example, workers from Burma and Cambodia were said by boat owners to fight and cannot be put on a vessel together. According to an interviewee from an NGO there is an inter-migrant mafia which marginalises minority groups. Furthermore, there is a discourse that describes migrant workers not only as passive victims, but that also provides a narrative of the cultural reasons for why they are passive and vulnerable to abuse. This narrative lives especially among civil society interviewees. Some interviewees consider migrant workers to have a culture of compliance and submission which enables abuses:

“Even the migrants, you’d think the migrants want to help themselves, they want fire or whatever but it’s not like that. It’s very difficult to find Burmese people who are committed to change anything.. willing to sacrifice to change. The question is with their culture” – interviewee NGO B “If the workers would all want to leave together, the captain cannot control the crew. [...] But some of the crew they say ‘I did nothing wrong and got hit. If I do wrong and they hit me then it’s fine’. But it’s not!”- interviewee NGO C

As some interviewees explain this has to do as much with education as with culture, and less so with an innate attitude of being passive and submissive.

“The Birmese [...] went through the education system and are taught always listen to authorities and don’t question, but that’s created a situation where it’s easy for them to be controlled by aggressive Thai captains.” – independent researcher/supply chain consultant

As such, some actors argue that migrant empowerment is a primary way to combat labour issues. Migrant empowerment as a pathway to sustainability is mentioned by various interviewees but comes in many forms. What makes up empowerment and how to best empower migrants is a debate among actors that can at times become competitive, or even territorial. The pathway of migrant empowerment therefore in itself includes various smaller pathways, some of which have gained popularity and others have not.

### **Spotlight on migrant empowerment**

“it means they have knowledge, they have strength, they have confidence, they have support mechanisms when they come together. They can adhere power to negotiate.” – interviewee NGO B

In order to understand what solutions of migrant empowerment look like in practice, interviewees were asked what they considered to be empowerment or inclusion or how their solutions would look in practice. Of the 9 interviewees that mentioned migrant empowerment or similar approaches, education was mentioned 6 times. Education was followed by the ability to form unions and the promotion of rights, and then by creating social dialogue between workers and business/employers, government listening to migrants through interviews or representation, hotlines and various platforms providing voice. Interestingly enough, the last option of hotlines seems to be the only migrant empowerment pathway that is popular with all interviewee groups, besides from education. Various groups have set up hotlines and are working on setting up other digitalized voice platforms as well. However, hotlines are complaint mechanisms, but do not always lead an abused migrant directly to rescue or an improved situation. Hotline services are mostly used to gather information

on where abuse takes place. One NGO group focuses on researching the labour practices within a business supply chain, using both a hotline service as well as audits over a longer period of time. Whereas the date and time of an audit is often pre-informed, hotlines provide information that is less susceptible to corruption than audits because migrants can call in whenever they want. Long-term engagement with a migrant community is supposed to address corruption. Besides, the NGO group argues, over a longer period of time a migrant community is likely to provide more (sensitive) information, because the auditing organization works at creating trust with migrants. However, these services are directed at businesses and involve little empowerment of migrants in terms of education, or dialogue between employers and workers. It is primarily a service based on gathering data and improving practices. Therefore, some groups criticize businesses for using such a service as a way to seem intent on improving migrant workers' situation, without truly wishing for migrants to be included or empowered.



*Fig. 10: word cloud on interviewees understanding of empowerment*

Though the discourse on migrant empowerment seems dominated by either the provision of education, or voice through platforms, there was one interviewee who took a completely different turn by talking about empowerment in terms of confidence and strength to negotiate. Other interesting but little mentioned empowerment mechanisms were in the creation of legal support mechanisms and exposure of Thai people to migrants. There also seems to be a competition between various civil society and intergovernmental actors over whether unionization or committee representation is a better migrant empowerment solution. Unionization of migrant workers is illegal

under current law, which means that migrants lack a support system that connects them across Thailand and provides education, legal assistance, and presence. Some actors believe that migrant workers do not have the capacity to form unions either due to their cultural perceptions of hierarchy and submissiveness, or their mobility and lack of bounded place. These actors, as well as business actors, might argue for a more gradual transition towards a union through for example welfare committees. Welfare committees are for so far based in factories, and are recognised by the factory, though have no legal power. They are formed by a group of workers (mostly migrants) elected by their peers to formally represent them, bargain for improved conditions, and discuss other worker-related affairs. Criticism on welfare committees from the other actors includes that inter-migrant mafias and discrimination undermine the committees' purpose. Besides, since the committees have little actual bargaining power in legal terms, power between migrant committees and factory managers could also undermine the efficiency of these committees. Whether a welfare committee's concerns are being taken into account could depend on the goodwill of the factory manager (who is always Thai). But proponents of welfare committees emphasize what these committees can do for the workers' empowerment in terms of confidence and organization. The committees enable workers for example to practice democratic organisation and representation and to bargain for their needs.

#### DATA AMBIGUITY

"Since the biggest challenge to this is the complexity of the supply chains, traceability is important. You can do this for some products, but some fishing boats are way out in the ocean." – interviewee from national business 2a

"Lots of Thai data is just an estimate. There is a huge amount of information that could be out there. Issue of getting accurate fisheries data, it used to just be an estimate based on untrained observers." – independent researcher/supply chain consultant

Many interviewees referred to some kind of data ambiguity. The theme of data ambiguity here refers to the existence of and access to verified and robust data, on for example supply chains. Lack of data on vessels and especially IUU vessels were often mentioned, but lack of data on workers was also mentioned.

"So much business is relying on data that isn't relying on workers is a problem [sic] [...] NGOs and government are not listening to victims" – interviewee NGO A

Interviewees gave mixed responses to whether media reports of slavery were realistic or not. It is unclear how rampant or not slavery and other labour issues are; whether they take place mostly on vessels or in factories; on large or small scale vessels; in the supply chains of large businesses or small businesses. It is not surprising then that supply chain transparency, traceability technology, audits, databases and hotlines were popular across interview groups. As in the theme of migrant empowerment interviewees see various pathways for sustainability that address data ambiguity. Again, actors are at times competing over funding, though it seems competition with regards to data in fisheries is less fierce than within migrant empowerment. Possibly this is due to international interests to improve the creation and transparency of fisheries data globally. Interviewees from organisations that provided data services seemed to focus on international donors and the interest of international retailers. This also points to another ethical discussion some interviewees bring up:

in how far are certain data services used by companies to show they have CSR rather than as a method to combat labour issues? When a business claims that they are combating labour issues because they are partnering with a certain data service this does not necessarily mean that there are no longer labour issues in their supply chain. The debate on data services mostly surrounds confidential audit or hotline services. Either a company is using a non-confidential supply chain auditing or hotline service and risks being exposed as villains for their practices; or they use a confidential service and risk not being considered transparent and sincere. Just as certain groups criticize welfare committees, so do other groups criticize hotlines.

“you have confidentiality and competition so everyone is kind of like limited by this confidentiality and this competition, so how can you ever move forward when you have these two issues pushing you back, it's like that between NGOs even.” – interviewee NGO B

Data-driven solutions should also not be taken as the only solution, interviewees argue.

“Innovation is intrinsically linked to technology and everything involves an app. A lot of what still needs to be done is at a fundamental level” – interviewee intergovernmental organization 2

## ENFORCEMENT

The fundamental level could refer to policies, to culture and discrimination, but also to enforcement. Enforcement refers to the government and business actions to control and enforce compliance of policy. Enforcement is often acted out by officers like the police. A lack of enforcement, as many interviewees understand it, has been a problem in Thailand for years. Even government interviewees consider that enforcement used to be an issue. The lack of proper enforcement has allowed corruption to become imbued in the Thai seafood industry. All actors including Thai officials were open about the issue of corruption. One of the boat owners admitted to bribery and explained how much it would cost to bribe an official. Various interviewees explained how the seafood industry depends heavily on large Thai families and village connections which put certain people in places of power. Due to their familiarity and connectedness, and possibly hierarchy, these people are able to abuse their power while escaping scrutiny. One interviewee notably said that researchers need to ask themselves “who are in power, and what are they getting out of it”. Solutions that focus on control and enforcement therefore concern increasing the strictness of enforcement systems, creating offices that concern themselves with enforcement like PIPO, and cracking down on illegal migrants. PIPO is considered by many actors an enforcement solution in the right direction. PIPO are offices in the harbour that control in- and outgoing vessels.

“When they come to PIPO they check not only for human trafficking and labour, they also check fish gears and everything. If you can check everything then you solve labour issues with solving IUU.” – interviewee PIPO

However, some interviewees wondered how this might work in practice. Every port has a different PIPO which uses different methods. Some PIPO offices check all the vessels, some only a percentage of vessels. During a PIPO check, up to seventeen officials of different governmental departments are on board to check for issues. They check migrants on contracts as a way to ensure they are not being trafficking. The same amount of workers should leave shore, as that come back. Among interviewees

however PIPO checks (and audits) are considered open to corruption because a contract is easily forged, checks do not go beyond checking contracts to talk to migrants, and officers can be bribed.

## ENVIRONMENT

“In the second half of 20th century, there was a boom of fishing without a regulatory framework of enforcement, which resulted in the severe depletion of fish stocks both in Bay of Thailand and the Andaman coastline which has pushed boats out further and further and has pushed up prices for fishing, very competitive, increasing prices means increasing pressures on boats, and there is no surveillance, enforcement, inspections, so opportunities for exploitation are endless.” – interviewee intergovernmental organisation 2

The argument that links the industrial boom, to environmental degradation and then to labour issues and slavery was known to some of the interviewees. The argument is made in reports by the Environmental Justice Foundation and media accounts. As one interviewee pointed out it is generally assumed that there is a connection, there is not enough data to back this up.

“I agree with the theory that human rights abuses and illegal fishing, extractive industry go hand in hand, but in terms of proving that, it hasn’t been quite conclusive. It’s a fairly theoretical discussion.” – independent researcher/supply chain consultant.

When interviewees connected the environmental state to labour issues it was usually due to the depleted state of marine resources pushing boats out further away from the coast and for longer periods of time. It seems a consensus that marine resources in Thailand are overfished. Even among the interviews with workers it was mentioned that the amount of fish had decreased. To be able to catch enough fish to make a profit, boats go further out at sea, disputably even into non-Thai waters. Interviewees considered that the boats being pushed out further from the coast for long periods of time is a problem for workers for any of the following reasons 1) when boats are far out on sea they are difficult to regulate and 2) being out at sea for a long time is undesirable and 3) boats can change workers when out on sea which could mean a worker may forever circulate vessels and never come back to the shore. The first point also shows why IUU and labour are considered connected, especially in the fishing industry. Whether or not interviewees believed environmental factors were a contributing cause to labour issues, they expressed support of controlling the fishing capacity and improving the environmental state of Thailand’s waters. Some groups argued that sustainability is a higher priority for the government.

“[..]IUU has a positive impact because it controls the capacity from open access system.” – interviewee NGO D

“There is pressure from trade sanctions. But the government considers sustainability as the main pressure, especially marine resources.” – interviewee PIPO

The interviews with the Department of Fisheries seemed also to focus heavily on the environmental side of issues, even when interviewees were asked about labour issues. But at the same time both interviewees affiliated with the Department of fisheries considered IUU and labour separate or even competing issues. This competition could regard where government resources, including time, should be focused on. As a solution for combating labour issues however a connection is being made



by some interviewees between environmental sustainability and labour issues. It is suggested that the increased attention on sustainability provides opportunities for addressing labour issues.

“IUU and labour connected through solutions: business has been looking at the environmental sector longer than human rights. They are stuck at audit compliance frameworks. New definition of sustainability is social *and* environmental.” – interviewee NGO A

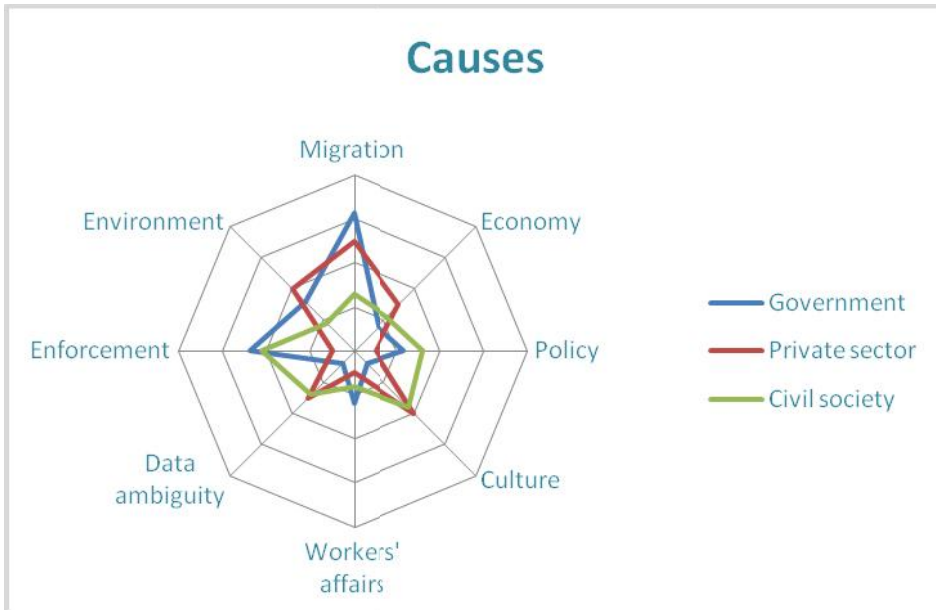
#### 4.1.2 DISTRIBUTION WITHIN THEMES

In the next section I visualize the distribution of the eight themes in causes and solutions to labour issues across the three main interview groups: civil society, government, and private sector. What these spiderweb-graphs show is how often interviewees mentioned a certain theme, either as a cause, or a solution to labour issues in the Thai fishing industry. In order to understand which themes are most prominent in the discourse on labour issues in Thailand I coded individual mentions of a cause or solution in separate Excel sheets. Then the individual mentions were counted under one of the themes. For each theme it was then counted how many interviewees mentioned a cause or solution within a certain themes. This was then standardized to account for the different number of interviews with respectively civil society, private sector, and government. To understand which pathways to sustainability are dominant I first look at the themes that are most popular among actors in terms of solutions. This indicates how actors talk about labour issues in the broad sense. Then I look at the individual solutions that are mentioned. The variety of solutions provides a range of pathways to sustainability. The spiderweb-graphs below not only show in general groups predominantly talk about labour issues, but also whether there are differences between the way civil society, government, and private sector understand causes to labour issues and envision solutions. To demonstrate how a spiderweb-graph should be read, consider that the further a line reaches the outside of the web, the more mentions it has across that specific interview group. If an interview group (such as the government) mentions a theme (such as migration) very often, the graph line of that group will seem to go towards the outward borders of the spiderweb. This is in fact the case in the first graph on the interviewees’ perceptions on causes of labour issues.

##### CAUSES OF LABOUR ISSUES

The causes of labour issues which actors identify give an insight into how issues are understood and how solutions (pathways) are shaped by this understanding. The dispersion of causes across themes can be found in figure 4. The most prevalent causes of labour issues across all actors were corruption, lack of law enforcement and enforcement issues, Thai feeling of superiority over others or discrimination, lack of sufficient or efficient policy, market competition and drive for low seafood prices, a checklist mentality or superficial CSR practices, and recruitment practices. There was a variance between government, businesses, and civil society. Besides from the aforementioned top causes, Thai officials believed causes of labour issues were more likely to be within the theme of migration, and workers escaping. Businesses were more likely to mention overfishing, poverty or issues in neighbouring countries, market competition and the low price of fish and supply chain complexity. Civil society seemed to consider causes in data gaps, discrimination, the checklist mentality, government not listening to migrant workers, and discriminative policies (such as the illegality to form unions).

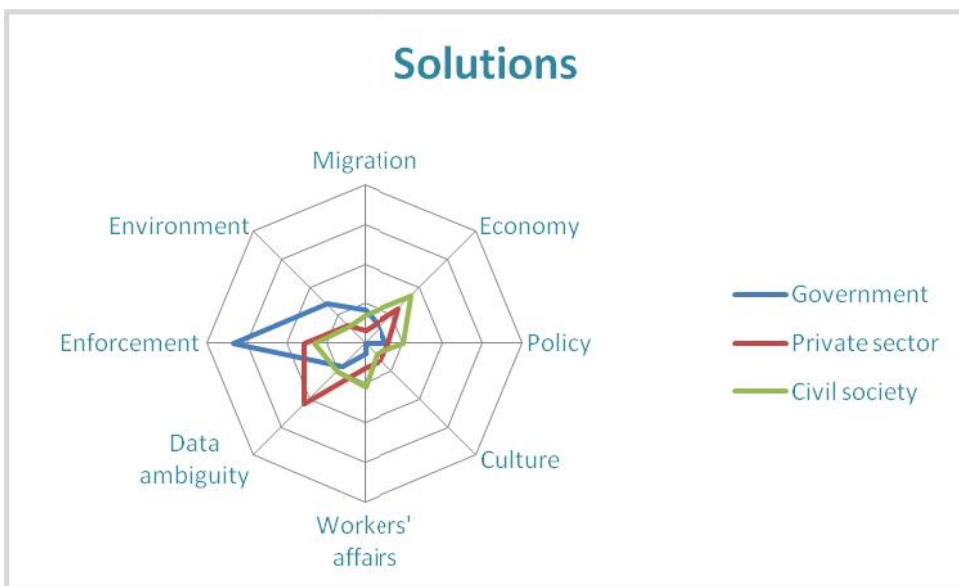
FIG. 4: DISPERSION OF INTERVIEWEES’ PERCEPTIONS OF THE CAUSES OF LABOUR ISSUES



**PATHWAYS TO SUSTAINABILITY**

Solutions that interviewees considered to labour issues provide the pathways to sustainable development. The dispersion of solutions across themes is found in figure 5. The most mentioned solutions were law enforcement, migrant empowerment, supply chain transparency, traceability and monitoring, collaborations/tripartite, audits and ending overfishing/reducing fishing capacity. Thai officials focus their solutions on regularization of migrants, control of IUU and Port In Port Out (PIPO) checks, reducing fishing effort and capacity and mostly law enforcement. The private sector agreed that supply chain transparency/traceability, audits and tripartite/collaboration were solutions. NGOs and intergovernmental organizations lean more towards supply chain transparency/traceability, migrant empowerment and collaboration/tripartite.

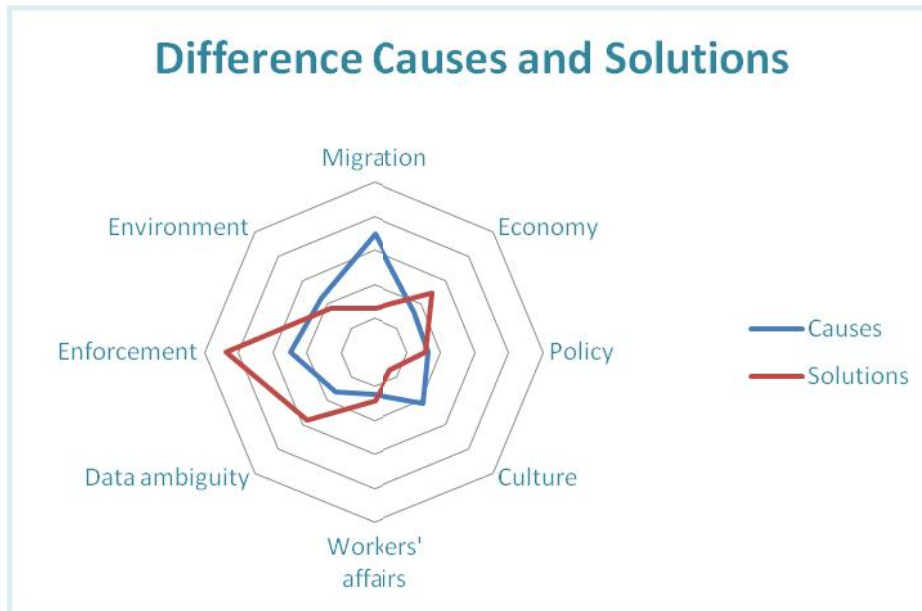
**FIG. 5: DISPERSION OF INTERVIEWEES' PERCEPTIONS ON SOLUTIONS TO LABOUR ISSUES**



**DIFFERENCE IN UNDERSTANDING OF ISSUES AND PATHWAYS TO SUSTAINABILITY**

Figure 6 represents an overlaying of the data for causes and solutions from all interviewees. This shows how the discourse on causes differs from the discourse on solutions. Though the graph abstracts from complex discourses, it is obvious that there is a difference in how interviewees talked about the causes of labour issues and the solutions.

FIG. 6 THE DIFFERENCES BETWEEN THE DISPERSION OF INTERVIEWEES' PERCEPTIONS ON CAUSES AND SOLUTIONS



#### 4.1.3 CONCLUSION: THE DISCOURSE ON LABOUR ISSUES

In this section I analysed the current discourse on pathways to sustainability and found there were eight main themes: environment, enforcement, data ambiguity, workers' affairs, culture, policy, economy and migration. It was found that labour issues are understood to be caused mostly by migration, but also by other components such as enforcement, environment, and Thai culture. Solutions are sought after most within themes of the economy, enforcement, policy, data ambiguity, and workers' affairs. In tangible terms, the most mentioned solutions are (1) law enforcement, (2) migrant empowerment, (3) supply chain transparency, traceability and monitoring, and (4) collaboration. But within migrant empowerment groups see different pathways as well, with voice platforms and education being popular, and other pathways like welfare committees being debated. Civil society interviewees argued understandably that NGOs in Thailand are dependent on available funding and the political framework enforced by the military government. The dominant pathways therefore are not just present in spoken discourse but also in the understanding that government has more power and resources than civil society. Therefore, in practice the dominant pathways are more likely to occur in the governmental discourse, which is in the direction of law enforcement, regularization of migrants, control of IUU and reducing fishing capacity. Other dominant pathways are in traceability technology, supply chain transparency, audits, and collaboration. These pathways are supported by most interviewees from the government, the private sector and civil society. I would suggest the alternative pathways are more likely the various conceptions of migrant empowerment such as unions, welfare committees and education; creative ways to address cultural issues and discrimination, such as exposing Thai to migrants; and economic solutions such as increasing the price of seafood and the wages of workers. Because of the power imbalance between

government and civil society the next question would be to why the discourse among government officials is focused around certain themes. In the next section a closer look is taken at how the governmental discourse has been shaped by international pressures and recent events.

## 4.2 PRESSURES AND PRIORITIZATION: HOW AGENDA SETTING AND FRAMING EVENTS SET THE TONE FOR POLICY

In order to understand why there is a need for change and why certain pathways are dominant within the discourse, I looked at the external pressures onto the Thai seafood industry and government. Interviewees were asked whether they felt any pressure to reform and what these pressures were. They identified the EU yellow card, the US, the US Trafficking in Persons (TiP) report, trade, the media, consumers and international buyers (including among others Walmart, Tesco, Whiskas, Mars, Nestlé), Sweden, Finland and Norway, market competition, Australia, the California supply chain Act, the UK Modern slavery Act. When the media was specified, interviewees referred to the AP or the Guardian, and also to reports from NGOs (even though NGOs do not count as media). There were no significant differences between the Thai government and business interviewees and NGOs or intergovernmental organizations in what they considered pressure, other than that one or two NGOs and intergovernmental organizations mentioned countries besides from the EU and US where the Thai would only mention the EU and US. The high number of times EU and US were mentioned indicates that the EU and the US are the strongest pressures on the Thai fishing industry. Most of the times when an interviewee mentioned the US, they referred to the TiP right after, and when mentioning the EU, they always referred to the yellow card. The US TiP report is a yearly report on the status of trafficking in countries across the globe and can, but in the case of Thailand does not, incur economic sanctions. Interviewees' dispositions on these pressures were mixed: whether they found they were fair/unfair, or effective/ineffective.

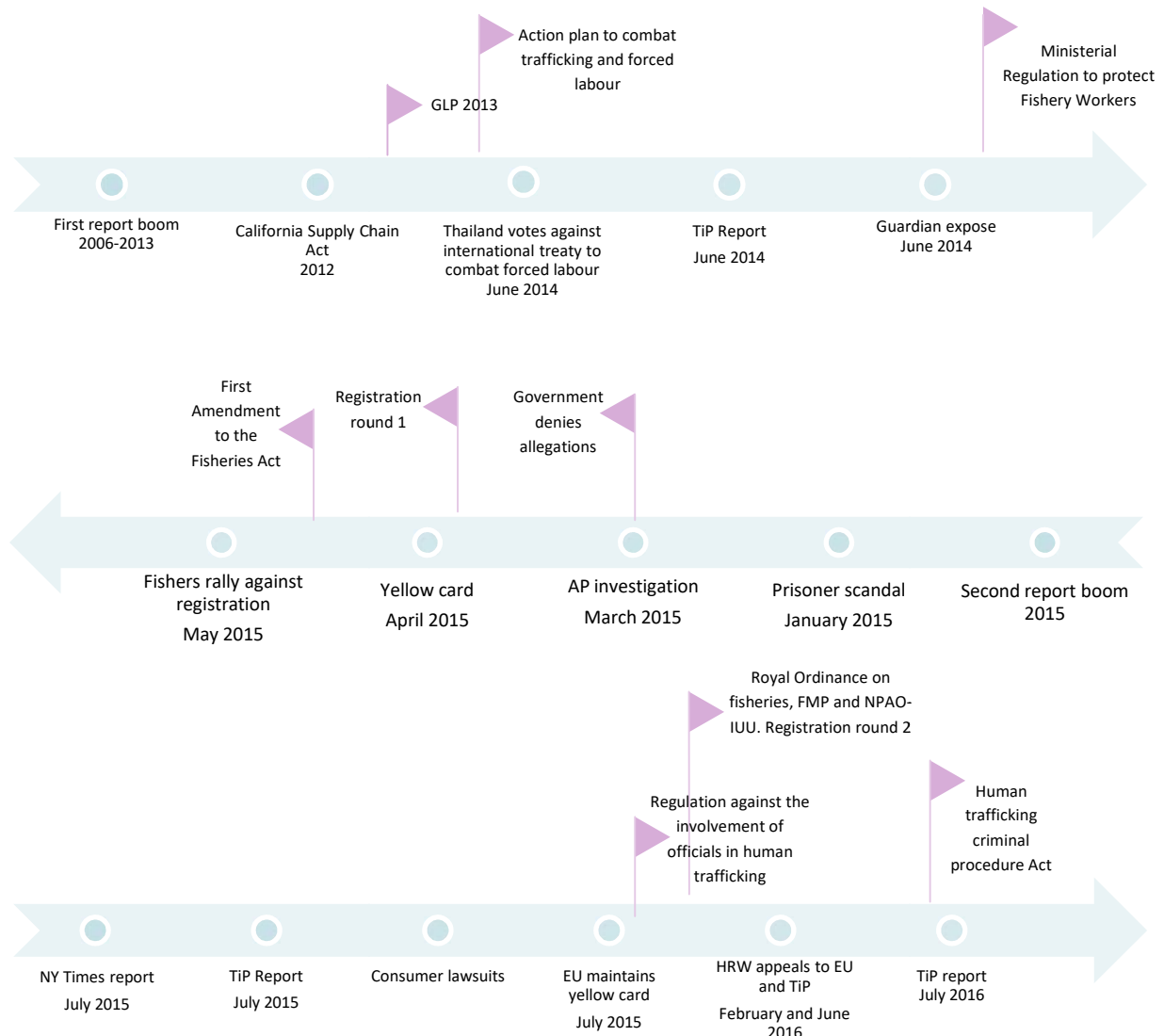
TABLE 2. INTERVIEWEE PERCEPTIONS OF PRESSURES

Pressure	Times listed
EU	11
US	8
Media	8
TiP	7
Yellow card	6
Trade	6
Retailers	4
NGOs	3
AP	3
Guardian	3
UK	2
Sweden,	2
Finland,	
Norway	
Australia	1
California Supply Chain Act	1
Modern Slavery Act	1

The pressure that garnered the most *responses* within a short time span from government was the EU yellow card, as becomes visible in the timeline below (Figure 11) of events and governance efforts. The EU was considered a big pressure due to its direct impact on trade. The pressure from US TiP report was considered less of a pressure due to its 'lack of teeth' or lack of trade sanctions. Trade therefore plays a large role as a driver for reform. Media and NGOs were also pressures that actors considered. It should be noted that the EU pressure was sudden, focused on IUU and not on labour, and provided the Thai government with a deadline that pressures reform within a timeframe. Media and NGO pressures on the other hand have been present since 2006 and have increased over time. Their main topic may be labour issues, but reports and media have no direct economic sanctions or timeframe. During certain periods of time there are sudden increases of NGO reports and media. Such report booms are seemingly responses to events or exposes. For example, after the EU gave Thailand a yellow card the number of media articles increased. NGOs published several reports after the expose by The Guardian in 2014. These and other relevant events over the past years, as well as media, and report coverage by NGOs and intergovernmental organizations on

labour issues and similar topics in the Thai fishing industry, are highlighted in the timeline on the following page.

#### 4.2.1 TIMELINE OF EVENTS



**FIG. 11 TIMELINE OF EVENTS AND GOVERNANCE EFFORTS. ALONG THE TIMELINE ARE EVENTS AND PRESSURES; FLAGS INDICATE RESPONSES BY THE GOVERNMENT**

#### 2006-2013: EXPLORATORY RESEARCH AND REPORTS

From 2006 until 2013 a group of innovative NGOs and intergovernmental organizations researched labour issues in the Thai fishing industry (ILO, 2006, 2013a, 2013b; IOM, 2011; Robertson, 2010; Solidarity Centre, 2009; Szep & Marshall, 2013). These reports exposed labour issues such as long working hours, forced labour, bad working conditions, low wages, recruitment, and employment practices. In 2013 the Thai government collaborated with ILO to create the Good Labour Practices programme in order to address working conditions mostly in factories (ILO, 2013b).

#### 2014: MEDIA SCANDALS

In 2014, the language in NGO reports and media articles started shifting from labour practices and working conditions to slavery and trafficking. This is visible in EJF's reports on the issue, with the

titles 'Slavery at Sea' and 'Seafood not Slavefood' (EJF, 2014a, 2014b). The Thai government piloted a policy to address trafficking in and forced labour in early 2014. But in June 2014 the Guardian released their expose on slavery in the Thai seafood industry, and the scandal got international media attention with the Guardian's expose being referred by various other media (Hodal et al., 2014).

### **Are media depictions viewed as different from reality?**

I asked interviewees whether they thought media depictions were fair or unfair, accurate or inaccurate, and how prevalent labour abuse issues are in the industry. The media and NGOs' displays of extreme cases create a violent picture of the Thai seafood industry. However, journalists select cases that have news-value and use language that catches the readers' attention. But these cases do not necessarily represent the entire industry. Some of the interviewees said that the media depictions were accurate, whereas most said extreme cases were over-reported. From the interviews with workers it would seem that non-extreme cases of labour issues are very common, but extreme cases are rare and took place years ago.

All in all, interviewees disagree on how prevalent labour issues are. It can be concluded that there is no precise data on how much and what sort of labour issues take place.

Various factors can have spurred this media attention. First, it can be noted that earlier in 2014 Thailand was the only UN country to vote against a treaty on combating forced labour. Then, Thailand was demoted to tier 3 in the US TiP report (TiP, 2014). And lastly the Guardian's exposé linked the reported slavery to Western retailers.

At the end of December, the Thai government released a new policy to address work in marine fisheries, aimed at workers on vessels specifically (Ministry of Labour, 2014). The amendment to the Labour Act included law on contracts, minimum working age, and working hours.

### **2015: A MOST EVENTFUL YEAR**

2015 was a most eventful year, as can be seen by the amount of media coverage Thailand had in international media concerning seafood. NGOs like EJF and Greenpeace published reports that used terms of slavery, confirming a shift in the discourse from working conditions to slavery (EJF, 2015a, 2015b; Greenpeace, 2015b). The Associated Press launched the second big media expose, titled 'Are slaves catching the seafood you buy?' , that exposed issues in the supply chains of Western businesses and tracked the supply chains to specific Western stores and restaurants like Walmart and Red Lobster (McDowell et al., 2015). The AP won a prize for their investigation. The investigation was covered by other media because the connection with Western products and retailers made the investigation relevant to buyers and consumers in Western countries. Businesses began looking into their own supply chains.

Soon after the AP investigation, the EU issued Thailand a yellow card for their IUU fishing with a six month deadline for Thailand to clean up their IUU (European Commission, 2015). Though labour issues were not a part of the initial yellow card issued then, in the media the yellow card was mentioned together with the labour issues. Immediately after the yellow card was given, the Thai government released various policies addressing IUU, including the first amendment to their Fisheries Act since 1946 (Fisheries Act, B.E. 2558, 2015). Their immediate plans included revoking

fishing licenses and a temporary fishing ban. This caused outrage among boat owners ('Thai Fishermen Strike in 22 out of 76 Provinces over New Regulations', 2015).

At the same time, the department of employment launched registration rounds for illegal migrant workers to get ID cards and working permits.

In July, the New York Times came with their own reporter investigation into the Thai fishing industry. In the same month the TiP was issued which maintained a tier 3 position for Thailand (United States of America, Department of State, 2015; Urbina, 2015). Nestlé's collaboration with Verite to research their supply chain found issues and although Nestlé were transparent about their findings and launched a program to address the issues, they were sued by consumers (Fernquest, 2015). Other companies that were sued include Costco, CP, and Mars (Lawrence, 2015).

A couple of months into their six month deadline for the EU yellow card, the EU let Thailand know that the situation had not sufficiently improved to forgive the yellow card and that the deadline would be extended. This time, labour issues were included as a main worry. Soon after, the government launched their trinity of policy and enforcement: the Royal Ordinance on Fisheries (another amendment to the Fisheries Act), the NPAO-IUU, and the Fisheries Management Plan.

#### 2016: ON THE ROAD TO CHANGE

In 2016, Human Rights Watch gathered signatures of various NGOs among which the EJP and Greenpeace and lobbied with both the EU and US to maintain Thailand in their current position of pressure or to increase pressure (Abby McGill, 2016; "Joint Letter on Thailand to EU Commissioner for Fisheries, Maritime Affairs and Environment," 2016). They were disappointed when the EU maintained the yellow card rather than increase pressure through enforcement of a red card, and when the July TiP report upgraded Thailand to the tier 2 Watchlist (United States of America, Department of State, 2016). With the immediate responses to the EU yellow card in place, the government produced the Human Trafficking Procedure Act to combat trafficking (Josh Stride, 2016). Overall, media coverage on labour issues in Thailand in 2016 decreased. Main media topics in 2016 were the TiP upgrade, labour issues in the Thai poultry sector, and a lawsuit of allegedly trafficking Cambodians against Thai seafood suppliers affiliated with US companies. In December 2016, Greenpeace published a new report 'Turn the Tide' about Thai vessels that travel far out of Thai waters to avoid regulation (Greenpeace, 2016). The report argues in favour of a connection between IUU fishing and labour abuses. It argues besides for a ban on transshipment. A similar but temporary ban was put in place with the Royal Ordinance in 2015 and which lasted at least 150 days.

#### 4.2.2 CONCLUSION: PRESSURES AND PRIORITIZATION

Pressure from the socio-technical landscape shows an increased interest in addressing labour issues, including slavery and human trafficking, as well as addressing IUU and unsustainable fishing practices. Some NGOs and media groups argue for a connection between IUU and labour issues, or even between overfishing and slavery. Pressure by the EU over IUU fishing in Thailand instigated policy and enforcement changes. The Thai government implemented these fast due to the risk of economic sanctions if they did not improve within a few months. The EU yellow card is considered by many to also be a pressure with regards to labour issues. Therefore the yellow card demonstrates the inter-linkage of the discourses on IUU and unsustainable fishing practices with the discourse labour issues. Pressure for labour issues however is less pressing than the EU yellow card and does



not provide actors with the risk of sanctions, nor a timeline for improvements. Actors are therefore less pressed to change fast. Progress on labour issues might therefore be slower than progress on IUU and unsustainable fishing practices. . It is also demonstrated that over a longer time the international discourse about labour has shifted from working conditions (mostly in factories) towards slavery (on vessels and in factories).The political agenda seems to move from working conditions, then to addressing the EU yellow card with IUU regulations and fisheries policy, and now towards combating human trafficking.

### 4.3 THE STRENGTHS AND LIMITATIONS TO CURRENT EFFORTS

In the previous two sections I explored (4.1) the discourse on labour issues in the Thai seafood industry and (4.2) external pressures that create a need for change and influence pathways to sustainability. In this section I will discuss (4.3.1) the strengths of current efforts and (4.3.2) their limitations. In the final section (4.4) opportunities and challenges for alternative pathways will be discussed. Current efforts are the pathways to sustainability being implemented. Table 3 provides an overview of responses and summarizes their main points with regard to labour issues, as well as their strengths and limitations. This overview is based on the insight by interviewees into limitations and challenges for current efforts and their own pathways. Other strengths and limitations noted in the table are based on the findings by Marschke and Vandergeest, and Stride (Marschke and Vandergeest, 2016; Stride, 2016).

TABLE 2 GOVERNMENT, PRIVATE SECTOR AND CIVIL SOCIETY EFFORTS AND THEIR MAIN POINTS

Effort	Category	Summary	Strengths	Limitations	Sources
<b>Good Labour Practices</b>	Government, civil society and private sector collaboration	<ul style="list-style-type: none"> <li>- Government issued guidelines in collaboration with ILO for businesses' CSR and labour practices, including forced labour, safety, child labour and wages</li> </ul>	<ul style="list-style-type: none"> <li>- Tripartite</li> </ul>	<ul style="list-style-type: none"> <li>- On voluntary basis</li> <li>- No sanctions</li> </ul>	(ILO, 2013)
<b>Labour policy reform:</b> <b>-Ministerial regulation to protect workers in the marine fisheries, 2558 BE</b> <b>-Regularization rounds</b> <b>-Allowing employer changes</b>	Government	<ul style="list-style-type: none"> <li>- Working hours and rest</li> <li>- Working age (18)</li> <li>- Contracts</li> <li>- Annual employee documentation</li> <li>- Minimum wage</li> <li>- Safety training</li> <li>- Migrant worker identity and migration history database</li> <li>- Provides ID cards and working permits to irregular migrant workers</li> <li>- Allowing migrants to change employers without negative effects</li> </ul>	<ul style="list-style-type: none"> <li>- Improved working conditions</li> <li>- Addresses child labour</li> <li>- ID card and working permits improve migrants status</li> <li>- Changing employees</li> </ul>	<ul style="list-style-type: none"> <li>- Difficult to monitor</li> <li>- Registration rounds are only periodic</li> </ul>	(Director-General Peeraphat Pornsirilertkit, 2014; Stride, 2016; Ministry of Labour, 2014)
<b>Trafficking policy reform:</b> <b>-Amendment to the Anti-human trafficking Act</b> <b>-National Plan of Action to combat Trafficking in Persons</b> <b>-Anti-money laundering Act</b>	Government	<ul style="list-style-type: none"> <li>- Database on trafficking information</li> <li>- Fines and prosecution of offenders</li> <li>- Investigating up the hierarchy</li> <li>- RTP victim screening</li> <li>- MSDHS victim protection and humanitarian aid</li> <li>- Training and standardized inspections</li> <li>- Education on rights for</li> </ul>	<ul style="list-style-type: none"> <li>- Sanctions provide incentive</li> <li>- Some corrupt officials discovered and pursued</li> <li>- Financial and humanitarian help for victims</li> </ul>	<ul style="list-style-type: none"> <li>- Difficult to enforce and monitor</li> <li>- Corruption</li> <li>- Lack of political will</li> <li>- Victimization</li> </ul>	(Stride, 2016)

		<ul style="list-style-type: none"> <li>migrants</li> <li>- MoL hotlines</li> <li>- Seizure of assets for victim compensation</li> </ul>			
<b>Fisheries policy reform:</b> <b>-1st Amendment to the Fisheries Act (April 2015)</b> <b>-Royal ordinance on fisheries (November 2015)</b> <b>-FMP (November 2015)</b> <b>-NPAO-IUU (November 2015)</b> <b>-National Council for Peace and Order (NCPO) Directive No. 10/2558 and 24/2558</b>	Government	<ul style="list-style-type: none"> <li>- PIPO controls in port centres that check various issues among which worker contracts, crew list and logbook</li> <li>- Vessel Management Scheme (VMS)/traceability (Fisheries Monitoring Operation Centre)</li> <li>- Port State Measures</li> <li>- Good governance</li> <li>- Improve worker/fisher welfare</li> <li>- Introduces administrative and criminal sanctions</li> <li>- Reducing fishing capacity</li> <li>- Freeze vessel registration and detain illegal vessels</li> <li>- Command Centre for Combating Illegal Fishing (CCCIF)</li> </ul>	<ul style="list-style-type: none"> <li>- PIPO controls are strict and especially effective against IUU</li> <li>- Traceability system</li> <li>- Sanctions provide incentive</li> <li>- Reduced fishing capacity</li> </ul>	<ul style="list-style-type: none"> <li>- No consistency among regional PIPO offices</li> <li>- Checklist mentality</li> <li>- Corruption and influential fishing families/port leadership</li> <li>- Traceability and database system too complex</li> <li>- VMS is expensive for boat owners</li> </ul>	(Department of Fisheries, 2015; "Thailand NPOA-IUU 2015-2019," 2015, "Royal Ordinance on Fisheries, B.E. 2558," 2015)
<b>Demonstration Boat</b>	Government and private sector collaboration	<ul style="list-style-type: none"> <li>- Training about working conditions, fishing and labour practices on an exemplar boat</li> </ul>	<ul style="list-style-type: none"> <li>- Provides an example and educates on various topics</li> </ul>	<ul style="list-style-type: none"> <li>- On voluntary basis</li> <li>- Provides no tangible change on boats themselves</li> </ul>	
<b>Business (CSR) policies</b>	Private sector	<ul style="list-style-type: none"> <li>- Cutting suppliers</li> <li>- Bringing everything in-house</li> <li>- 1<sup>st</sup> and 3d party audits</li> <li>- Welfare committee</li> <li>- Education (for children)</li> <li>- Factory conditions</li> <li>- Collaborations with civil society (see NGO types)</li> </ul>	<ul style="list-style-type: none"> <li>- Cutting suppliers provides incentive</li> <li>- Increases monitoring capabilities</li> <li>- Increased focus</li> <li>- Improved conditions</li> <li>- Increased voice for migrant workers</li> </ul>	<ul style="list-style-type: none"> <li>- Puts workers in a vulnerable position when supplier is cut</li> <li>- Welfare committee lacks true influence within company</li> <li>- Education is one-sided</li> <li>- Largely effort is on voluntary basis</li> <li>- Inter-migrant mafia's</li> </ul>	(Charoen Pokphand Foods, 2014; Stride, 2016; Thai Union Group PCL, n.d.)
<b>Supply chain analysis organisations</b>	Civil society	<ul style="list-style-type: none"> <li>- UL audits</li> <li>- Supply chain transparency for single chains/companies</li> </ul>	<ul style="list-style-type: none"> <li>- Provides in-depth analysis of a company's supply chain</li> <li>- Collaboration of strongly-positioned actors</li> <li>- Plenty of funding and support</li> </ul>	<ul style="list-style-type: none"> <li>- Air of secrecy/lack of organisational transparency</li> <li>- Does not include migrant workers</li> </ul>	(Stride, 2016; Shrimp Sustainable Supply Chain Task Force, 2015)
<b>NGO A</b>	Civil society	<ul style="list-style-type: none"> <li>- Hotlines and database</li> <li>- Improvement project</li> </ul>	<ul style="list-style-type: none"> <li>- No name no shame policy</li> </ul>	<ul style="list-style-type: none"> <li>- No name no shame policy</li> </ul>	

		<ul style="list-style-type: none"> <li>for businesses</li> <li>- Media presence</li> <li>- Education</li> <li>- Lobbying for union</li> <li>- Mobile app</li> </ul>	<ul style="list-style-type: none"> <li>creates business trust</li> <li>- Provides action plan for businesses</li> <li>- Increase in funding and support</li> <li>- Vessel/captain database</li> </ul>	<ul style="list-style-type: none"> <li>decreases pressure on businesses</li> <li>- Hotlines not well known among migrant workers</li> <li>- Call centre does not include rescue, legal or humanitarian aid</li> <li>- Competes with other NGOs</li> </ul>	
<b>NGO B</b>	Civil society	<ul style="list-style-type: none"> <li>- Legal and humanitarian aid</li> <li>- Welfare committee</li> <li>- Audits and research</li> <li>- Education</li> <li>- Rights promotion</li> <li>- Media influence</li> </ul>	<ul style="list-style-type: none"> <li>- Strong media strategy</li> <li>- Welfare committee improves workers' voice and confidence</li> <li>- Provides hands-on legal and humanitarian aid</li> <li>- Provides businesses with unfiltered information on labour practices</li> </ul>	<ul style="list-style-type: none"> <li>- Lacks funding and understaffed</li> <li>- Competes with other NGOs</li> <li>- Few businesses are willing to risk public scrutiny</li> <li>- Legal issues</li> </ul>	
<b>NGO C</b>	Civil society	<ul style="list-style-type: none"> <li>- Hotline</li> <li>- Rights promotion</li> <li>- Education</li> <li>- Lobbying for union</li> <li>- Media presence</li> <li>- VMS technology</li> </ul>	<ul style="list-style-type: none"> <li>- Mediates between various actors</li> <li>- Promotes rights and educates workers</li> <li>- Trafficking focus</li> <li>- Supports traceability projects</li> </ul>	<ul style="list-style-type: none"> <li>- Competes with other NGOs</li> <li>- Lack of funding</li> </ul>	
<b>NGO D</b>	Civil society	<ul style="list-style-type: none"> <li>- Health care</li> <li>- Investigative aid</li> <li>- Trafficking focus</li> </ul>	<ul style="list-style-type: none"> <li>- Collaborates with government</li> <li>- Provides aid in health issues and access to hospitals</li> </ul>	<ul style="list-style-type: none"> <li>- Lacks funding</li> <li>- NGO not well known among actors</li> </ul>	

### 4.3.1 SUMMARY OF CURRENT EFFORTS

In this section I will provide descriptions of the current efforts from table 3.

#### GOOD LABOUR PRACTICES

The Good Labour Practices program was started in collaboration with ILO in 2012 and was the first known effort to respond to reports on trafficking and labour abuse (ILO, 2013). It is a collaboration of civil society (ILO), private sector (businesses) and government (Department of Fisheries and Department of Labour and Welfare Development). As an ILO initiative, it adheres to international labour standards.

#### FISHERIES POLICY REFORM

The most influential efforts by the government have been the reform on fisheries legislation in the form of the Royal Ordinance and its management counterpart, the Fisheries Management Plan (Department of Fisheries, 2015; Royal Ordinance on Fisheries, B.E. 2558, 2015). As part of the direct response to the yellow card, the Fisheries Act was amended for the first time since 1946 in April 2015 (Fisheries Act, B.E. 2558, 2015). With the first amendment the registration of vessels was frozen and unregistered vessels were detained. Immediate action was undertaken to address IUU, and was met with resistance from boat owners throughout Thailand (“Thai Fishermen Strike in 22 out of 76 Provinces over New Regulations,” 2015). The first amendment however was only a temporary measure leading up to the larger amendment of the Fisheries Act: the Royal Ordinance on Fisheries. The Ordinance was released together with the Fisheries Management Plan (FMP) and the NPAO-IUU (Department of Fisheries, 2015; “Draft: Thailand National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Thailand NPOA-IUU) 2015-2019,” 2015, Royal Ordinance on Fisheries, B.E. 2558, 2015). Within the FMP the PIPO centres were set up and at-sea inspections brought in, a transshipment ban and VMS were set up, under the cooperation of various governmental departments.

#### LABOUR POLICY REFORM

The second influential governmental effort concerns the labour policy reform. First, the Ministerial Regulation to Protect Fishery Workers includes an age restriction, the efforts to control migrant workers through registration rounds and a database system, providing pink ID cards, coloured working permits, and fingerprint scans (Minister of Labour, Thailand, 2014). The Ministerial Regulation to Protect Fishery Workers includes safety trainings for workers. The Ministerial Regulation was released by the Department of Labour and Welfare Development. The ministry has also set up hotlines for migrants to call regarding trafficking and labour abuse. New enforcement includes PIPO checks and government audits of working conditions and trafficking.

#### TRAFFICKING POLICY REFORM

The NCPO released a group of other policies and regulations not directly connected to a department but focused primarily on trafficking and corruption: primarily the Anti-Human Trafficking Act, its counterpart plan, and separate regulations on regularization of migrant workers (Stride, 2016). This was part of a strategy they labeled as the ‘5 P’s’: policy implementation, prosecution, protection, prevention and partnership. The Anti-Human Trafficking act prescribes education on worker rights for migrants when they register and before starting work on a vessel. These efforts are connected to the Anti-Money Laundering Act, which allows officials to freeze assets of traffickers and use funds for compensating victims (Stride, 2016). The government has promised to investigate involvement with trafficking up the hierarchy, including investigating officials. As a result of increased policies and efforts to combat trafficking, the government found several suspected traffickers and worked on cases with the cooperation of civil society groups (Associated Press, 2016). An example is the Benjina case where the government cooperated with NGOs to find victims and bring them back to Thailand from the island in Indonesia where they were trapped.

#### DEMONSTRATION BOAT

A tripartite collaboration, the demonstration boat is an effort of government, business and civil society. The boat provides education on topics like working conditions and worker treatment. The demonstration boat is aimed at training boat owners and captains on safety conditions on vessels, fishing practices, and labour practices. It will travel across Thailand to nine docking stations during a

three year project and hand out pamphlets. Boat owners and captains are welcomed on board for training and education, as if it were a floating school. Though the project is set out to last three years, one of the involved persons said that it should become an ongoing project once established. “You need this education if you want to commercialize your catch, so the government will be mandating this.” (interviewee national business 2a).

#### BUSINESS (CSR) POLICIES

The efforts by Thai businesses have been most notably the increase in collaborations, with the government in the Demonstration Boat, civil society like the various NGOs and supply chain analysis organisations. Second, Thai businesses have been auditing suppliers, breaking contracts and bringing workers and factories in-house. In 2015, Thai Union cut its ties with a supplier suspected of slavery (Associated Press, 2015a). They aim to only cut extreme offenders or offenders that do not solve their issues. CP took a different strategy in 2014 with a crackdown on its suppliers by auditing worker contracts, but they chose to keep contracts (“2015 timeline,” n.d.). Among businesses there is a normative discussion that either you cut suppliers and lose the ability to create change, or you keep contracts in order to influence the supplier but run the risk of being accused of labour issues in the supply chain. Businesses have their own audits but often also involve a third party for audits. Combined with the government audit (2<sup>nd</sup> party), there are various options with each of them their strength and limitations. In private sector collaborations like the Shrimp Sustainable Supply Chain Task Force (SSSCTF) businesses collaborate to create audit systems that look at whole supply chains and that do not target or shame individual businesses but create options for change.

#### SUPPLY CHAIN ANALYSIS ORGANISATIONS

Supply chain analysis organisations are multi-actor collaborations or service organisations that analyse a single business’ supply chain to identify issues. Some supply chain analysis organisations like the Shrimp Sustainable Supply Chain Task Force are initiated by seafood businesses, suppliers and retailers themselves. They have strong network positions, funding and a broad base of support. Service organisations get hired by businesses to analyse the supply chain, as was the case with Nestlé, which hired Verité. Thorough analysis of single companies’ supply chains identifies issues.

#### NGOs

Lastly, Thai businesses are investing in migrant empowerment through provisions of education, schools for migrant children, rights promotion, and welfare committees. This is often in collaboration with civil society. Civil society groups offer their services and collaboration to businesses for several causes, becoming a sort of ‘package deal program’. The first NGO aims to give migrant workers in fisheries a voice through data services and hotline. Though other organizations also have a hotline, and even the government, NGO A has gathered media attention, credibility, and a high success rate with their businesses. The hotline is meant to gather data but does not imply rescue service. They also work with education and are in the progress of creating a mobile app where workers can rate employers. The project has a ‘no name no shame’ policy in their collaborations to investigate labour issues in factories which reduces risk and increases trust for businesses. NGO B on the other hand requires full transparency in their collaborations to audit factories, which creates risk for businesses but increases credibility towards consumers and buyers. They also provide legal and humanitarian aid, work on creating welfare committees, and education. This NGO aims to work close with migrants and to intervene in risk situations, rather than to gather data. They are promoting ethical recruitment among businesses. NGO C has a hotline, just like NGO

A and the government, but is less known for it. They also work on education and collaborate with other parties for VMS data systems. NGO D works on education and protecting fisheries workers. Their offices vary in the country: their Bangkok office has collaborated with the government on the Benjina case, the Songkhla office has a program for health care funded by Worldbank.

### **How are policy responses reflected in interviews with workers?**

During a fieldtrip to Songkhla some workers were interviewed about their contracts, access to health care, how they were recruited, whether they had heard of or experienced violence and whether they were aware of the existing hotlines. To get a general idea of the working conditions of migrant workers a fieldtrip was conducted to a large port in Thailand, where we spoke to workers in the port. The interviewed workers were almost all Cambodian and almost all lived in facilities in the port. Since Burmese are considered a group vulnerable to discrimination and since regions can vary greatly in their conditions, these interviews should not be generalized to all worker groups across all regions. During an extra fieldtrip one Burmese factory worker was interviewed as well. The one Burmese worker was more critical the recent regulation changes than the Cambodian workers and indicated there were still many unresolved issues. Secondary interviewers from other researchers with primarily Cambodians in different areas expressed the same sentiments as the Cambodian workers during this fieldtrip. Within the port there were both males and females. Men mostly did fish carrying as their work, and the women mostly worked in processing factories. Many of the men started working on vessels when first coming to Thailand and then got a job on land. They often lived on the premises and had families there. Little children were carried around by the women or ran around in the port area. There was an education facility on the premises for children of migrant workers. From the interviews with workers it would seem that non-extreme cases of labour issues are very common, but extreme cases are rare and took place years ago. Examples of non-extreme cases are that almost none of the workers reported having contracts. Because they did have permits and IDs we argued later that they must have signed contracts at some point and perhaps forgot about it. It is likely then that the employers or boat owners hold their contracts. The boat owners we spoke to noted that they did not give workers contracts because they would lose them. Moreover, they admitted that notes were scribbled in Thai on the contracts, even though most workers do not read the Thai writing and it is legally required to provide the contract in the language of the worker. Another example of the prevalence of abuse was the response of one worker when he was shown the list of hotlines: he wanted to look at it to help his friend who did not always get paid for his work. Though there are various hotlines available none were known by the interviewees, excluding two interviewees who presumably referred to the government hotline. On education, some workers said they got some training concerning safety. But most workers had not had any training, workshops, or education on safety or their rights. The Regional Recruitment Office official clarified that they held an annual training with 700 migrants in one space. Therefore it can be argued that the educational program is at best a top-down, inadequate program; at worst it is not being enforced at all. In a same manner, when asked how workers knew about legal changes, some said they did not know, or they were informed by their fellows. Some said they knew about legal changes from TV. One interviewee said information gets spread during a popular music event that draws many migrant workers. The dissemination of information on law and rights therefore also seems at best top-down, but nonetheless insufficient to inform migrant workers. The accessibility to NGOs and hotlines also seems low.

*There was violence on boats before, but now he has stopped hearing about it. Maybe it is because of the new government, or new laws, not sure. – Exert from worker interview notes*

Workers seemed positive about the recent changes in regulation, most notably the registration (and pink ID card), health care access, payment of wages, prevention of human trafficking and IUU checks. Some business and civil society interviewees even argued that migrants working in factories at times have more voice than Thai working in factories due to the increased attention on migrant worker rights. This was disputed by an interviewed factory worker who argued that the laws do not protect workers, are not communicated clearly to workers, depend on employers and are not enforced. This particular factory worker was more informed on working conditions and human rights than the workers in the port. This could explain why none of the workers in the port expressed similar sentiment. Instead, when there was negative sentiment towards work in the seafood industry from the interviewees in the port it often had to do with working on the fishing vessels.

*The first time he worked on a transfer boat. He would get paid 500 baht more if he stayed and worked longer. The owner was afraid he would run away. He was not used to being seasick. He spent 4 years on the boat. Then he changed to work on land because the conditions at sea were very hard. - Exert from worker interview notes.*

Workers considered working on vessels uncomfortable; they experienced seasickness and got little sleep. These workers that were interviewed had moved from working on vessels to working in the port, often carrying the fish. Work on land is considered better than work on the vessel, also because work on land pays more than fishing and regularly. They seemed content with their pay, their employers, and their working conditions. However, some reported that before the migrant worker registration, violence against migrants was common, even from the police.

*In the past he had no card. The police came and arrested him. He spent 10 days in jail until his employer paid to bail him out. In jail he had bad treatment, they took his shirt. He has been to jail 3 times for being illegal. Owner has to pay to release him every time. – Exert from worker interview notes*

Their situation improved significantly with the introduction of the migrant registration rounds, the ID card and working permits. These interviews however raise a set of questions: in how far do workers dare to express a negative opinion on their situation against strangers when they fully depend on their employer for their livelihoods and housing? Do these workers settle for a low standard of working conditions because they are off worse in their home countries? And if all workers who previously worked on vessels explained that the work was not good, then what does that tell us about the conditions on the fishing vessels? Are Cambodians and Burmese treated differently by each other and by Thai? Do workers follow orders to sign and do not ask questions, because they are simply happy to have found work? To look into these questions an ethnographic study could be done into the migrant worker communities living in port, and also into the life on a fishing vessel. Though the workers expressed that they missed their home country they expressed they would not be going back. Because in Thailand they make money, and back home there is no work. Some expressed that they preferred their children to go back some day.

Some of the interviewees from civil society and government expressed the fear that when the NCPO (the current political regime) leaves and a new democratic civilian government take its place, things



will return back to the earlier state of corruption and lack of law enforcement. One of the interviewees who said this was a law enforcer himself. An independent researcher and supply chain consultant had heard a boat owner express the hope of the NCPO leaving and things turning back to normal. For boat owners the earlier, unregulated status quo was more profitable since they made fewer costs in administrating workers, fuel was cheaper, and migrant labour was illegal and unregulated. As such, options for exploitation were varied.

#### 4.3.3 CONCLUSION: STRENGTHS AND LIMITATIONS TO CURRENT EFFORTS

In this section I expounded the current efforts by government, private sector and civil society actors to combat labour issues. Then using insights from interviewees and existing analyses I demonstrated the strengths and limitations to these efforts. Stride, and Marschke and Vandergeest provide an overview and criticism of current responses. Interviewees provided useful insights into the strengths and the limitations to current efforts as well. Table 3 provides a comprehensive overview of these strengths and limitations. Overall, it can be concluded that in the past years efforts have improved the working conditions and status of migrants, especially due to the migrant worker registration rounds and the PIPO offices. There are also still many limitations to current efforts, especially because there is little inclusion of migrant workers into projects and there are only a few groups talking with and listening to migrant workers. Corruption and bribery also remains an issue within current efforts, especially audits. Current efforts also fail to provide enough (economic) incentives for businesses to go beyond the tickbox with audits, CSR strategies, or ethical recruitment of workers. So can alternative pathways provide a way to address these limitations? And how can we identify the best opportunities for these alternative pathways? In the final results section I will argue that a small group of businesses are in a perfect position to show leadership and drive change through experimenting with alternative pathways, as I discuss opportunities and challenges to alternative pathways.

## 4.4 THE CHALLENGES AND OPPORTUNITIES FOR ALTERNATIVE PATHWAYS

In section 4.1 pathways to sustainability were identified within eight categories. Those pathways that are already being enforced are assessed for their strengths and limitations in section 4.3. Having identified the limitations to current efforts, one can wonder which alternative solutions to prioritize and how to promote these alternative solutions for combating labour issues. What chances do they have to be implemented effectively, what are their challenges and where are their opportunities? In this section it will be discussed (1) what is the range of promising initiatives among the alternative pathways (2) what are their opportunities and (3) what are their challenges. Based on this assessment, actors can make informed decisions on where to focus their funding, with whom to collaborate, and where to focus their communicative strategies.

### 4.4.1 PROMISING INITIATIVES AMONG ALTERNATIVE PATHWAYS

Among the range of solutions suggested by interviewees, many were political action and international pressure. Instead, in this section, it is more relevant to look at tangible initiatives from Thai groups. Local initiatives emerge from a need that is not being fulfilled by the existing governance. Hotlines for example emerged after labour issues were exposed from the need for a voice platform for and data on workers in seafood supply chains. The traditional way to obtain supply chain data, audits, are criticized for only providing snapshot data and are moreover vulnerable to corruption. Hotlines therefore emerged as a way for businesses to obtain information on their supply chains over longer periods of time and at random through a mechanism that is much less vulnerable to corruption, namely through phone calls from workers. Unlike government action and international pressure, local initiatives depend on support from other actors for funding and the resources to develop. In Thailand, some of the efforts that have arisen are tangible bottom-up innovations: hotlines, mobile applications and other voice platforms, innovative traceability technology, welfare committees and exposure of Thai to migrants. Voice platforms, especially hotlines and phone applications, and traceability technology have garnered interest from various actors. I will refer to these pathways as data-driven approaches. The other efforts like welfare committees and exposure of Thai to migrants are not part of the dominant discourse, especially not among Thai officials. I will refer to these as social dialogue-based approaches. In the following two paragraphs I will describe the opportunities and challenges to data-driven approaches and social dialogue-based approaches.

### 4.4.2 OPPORTUNITIES AND CHALLENGES

Opportunities for innovations to break through depend on the alignment of several factors. First, there has to be a need to which bottom-up groups respond. In the case of labour issues in Thailand, this is for example the emancipation of workers, the improvement of working conditions, or getting accurate data on workers in the seafood sector. Next, internal or external factors pressure the status quo until it becomes apparent that something needs to change. In Thailand, pressure from the EU yellow card provides an incentive for businesses to engage with groups that provide innovative solutions. Another possible driver might be that international retailers considered they were at risk of exposure of labour issues in their supply chains and therefore became interested in supply chain transparency and traceability. Another factor might be that governance of global fisheries has become increasingly complex and knowledge might provide actors with more security and decreased risk. Either way, the EU yellow card provided a direct incentive within a timeframe for the

Thai government to take action. As such this pressure opens up what is considered the status quo for changes. In the case of Thailand businesses and government are especially interested in hotlines, supply chain transparency and traceability technologies, which provide data on supply chains without structurally harming the Thai seafood industry or undermining people's values. The government benefits from creating and organising data and the cultural sensitivity of hotlines, traceability technology and transparency services is low. For businesses, risk is low when these services can provide anonymity and confidentiality. An example of a data-driven innovative approach is the service provided by NGO A. NGO A taps into the need for a worker voice platform, data, and supply chain transparency and is therefore popular with various businesses and funders. However, the data generated by a hotline is not a strong method by itself, because it only records worker complaints to businesses. NGO A realizes this and therefore combines the hotline and supply chain transparency services with hands-on consultancy to businesses on how to improve the situation of workers in their supply chains. NGO A also provides functions to empower. As such, data driven approaches and social dialogue-bases approaches complement each other.

The empowerment services by some of the other NGOs provide a more direct inclusion of migrant workers and build the capacity of workers to stand up for themselves. Social dialogue-based approaches arrive from a need to change a culture and history of discrimination and improve the welfare and position of migrant workers, and quite possibly human rights in Thailand. Human rights are a sensitive issue between the USA and Thailand, especially since the military coupe. As argued by some of the interviewees, cultural change needs to come from the Thai themselves and can only in so far be influenced by international pressures. The Thai prosecution of non-Thai critics and human rights researchers is an example of the resistance that international pressure in cultural sensitive issues is faced with. In terms of economic incentives for businesses especially, the results shed light on how integration of labour into seafood sustainability faces resistance on a global level from the market drive towards artificially low prices of seafood. Like is the case with data-driven approaches, social dialogue-based approaches find an opportunity in the EU yellow card and the international attention for the migrant workers in the Thai seafood industry. But, unlike data-driven approaches, social dialogue-based approaches are culturally sensitive and potentially harmful to the seafood industry. Moreover, the EU yellow card does not focus on social indicators, only on ecological indicators. Therefore there are currently no economic sanctions in a given timeframe that the Thai seafood industry faces over labour issues. By improving the position of migrant workers, the industry loses a cheap workforce. Not to mention that discrimination against migrants appears to be deeply rooted in the Thai culture and therefore social dialogue-based approaches face much resistance. Therefore welfare committees, but also migrant worker unions, migrant children's and worker schools, are very innovative but alternative pathways. Current pressure on Thailand that focuses on migrants' rights and empowerment is perhaps not strong enough to rattle the status quo and create more interest in and funding for these innovations.

So what can actors do to create space for these innovations? First, it should be acknowledged that some actors can become innovation leaders and form an example to other actors. These actors experiment with innovative solutions and drive change by creating network connections, funding, and protective spaces for innovations to experiment and develop. Creating these protective spaces can be done by private sector actors, civil society actors and the government. However, projects require funding and support and as such a strategic actor-network position. Innovation leaders or

key actors as they will be named from here on out, often already have a powerful position. They have built coalitions and access to networks to create funding, support, and protective spaces.

### ACTOR-LINKAGE MATRIX

In table 3 an actor-linkage matrix demonstrates how the actors that were interviewed communicate with each other. A strong communication connection (s, green) includes back-and-forth communication, collaborations and roundtables. A medium communication connection (m, yellow) is a one-sided communication, and includes 1<sup>st</sup> party audits and visits. A weak communication connection (w, red) is little to no communication, often one-sided, 3<sup>d</sup> party audits, competitiveness or conflict. A blank communication connection implies there is no(t enough) information available on this connection. 1<sup>st</sup> party audits are considered medium communication because staff of the actor themselves go to the concerning actors, whereas in third party audits a separate actor is in contact with the actors, therefore there is no direct communication between the primary and the concerning actors. The vertical axis on this table represents the communicator, the horizontal actor the receiving actor. As such, national NGOs have a strong communication connection to workers, but workers have a medium communication connection with national NGOs. This difference has to do with capacity – though national NGOs include workers and are often made up of workers, they cannot cater to all workers. So even if they receive large amounts of communication from workers through hotlines or Facebook, not all workers receive responses or inclusive, two-sided communication from national NGOs. Even if for the national NGO their communication with workers is strong, for workers the communication with national NGOs is only medium. Strong networks between actors provide options for collaboration and knowledge exchange which can increase the momentum of an innovation.

**TABLE 3: ACTOR-LINKAGE NETWORK: THE COLUMNS REPRESENT THE COMMUNICATING PARTY, THE ROWS REPRESENT TO WHOM THEY COMMUNICATE.**

Actors	Local NGOs	Local businesses	Local officials	Local associations	Boat owners	Captains and crew masters	Workers	National Businesses	National NGOs	International retailers	Thai government	International government	Inter/transnational NGOs
Local NGOs	w	m	s	m			m	s	m	w	m	w	w
Local businesses	m	s			s			m	m				
Local officials	s		m	s	s		m		s		m	w	
Local associations	m	s	s	m	s		w				s	w	
Boat owners			s	s		s	m				m		
Captains and crew masters							m	w	w	w	w		
Workers	s		m	w	m	m	m	m	m	w	w		w
National Businesses	m	m	w		m	w	m	s	s	s	s		m
National NGOs	m	m	w		w	w	s	s	w	m	m	w	w
International retailers	w	w			w	w	w	s	m	m	w	m	w
Thai government	m		s	s	m		w	s	m	w	m	s	
International government			m		w	w	w				s		
Inter/transnational NGOs	w	w	w	w	w	w	w	m	w	m	w	m	m

Workers communicate most with local NGOs when there are drop-in offices, and otherwise with national NGOs, local officials. Workers communicate with businesses only if such a business has

migrant worker-led welfare committees. Captains and crew masters deal directly with workers, but otherwise their communication is not well researched. Boat owners have many connections, especially on the local and regional level, due to what has been described as the network of wealthy Thai families. Local associations represent their interests in an organized way and also have strong connections. International retailers are mostly concerned with the Thai national businesses and national NGOs for CSR reasons. National businesses have broad communication, especially when there are welfare committees and collaborations with national and local NGOs and government. Local businesses, small suppliers for example, are strongly connected with each other and with boat owners. Sometimes their relation with certain businesses can go back years. Though, at the same time it is understood that the supply chain can be so complex that not all parties are well known or have two-sided communication with each other, especially when hired parties arrange the suppliers or vessels mix their catches. The Thai government has strong communication with business, international government, and associations. Associations and boat owners are represented in decision-making processes and are able to lobby or gather in protests. Associations are the communicative mediator between government and boat owners as well. However, migrant workers are never represented, and are not consulted or spoken with. Between government departments communication is improving, but between regions communication is problematic. Local officials can be very involved in the actors at their port, including workers and definitely boat owners.

An actor linkage matrix can identify innovation leaders or even actor clusters. Actor clusters are groups of actors with strong communication links and therefore have opportunities of collaboration and co-learning which are essential in creating space for change. In this actor-linkage matrix there is one large actor cluster, and one small actor cluster which is based around a key actor. In the case of the Thai seafood industry, national businesses have developed into key actors through their elaborate network of collaborations and communication channels. They are connected to the Thai government, national NGOs, and some have shown willingness to engage migrant workers. They have business connections with international retailers, other national businesses and suppliers.

The second, larger actor cluster concerns the close community of actors that work in and around the port. Local associations, boat owners, and local officials have close communication connections. This cluster of actors can be challenging for governance because their strong connections could complicate enforcement procedures. For example, boat owners and their representative associations went on strike after the sudden and strict fishing regulations in April of 2015. Similar resistance can be expected when they lose even more profit by increasing their costs for labour. If port community actors are benefitting from exploitation there is little incentive to check each other on following regulations. Therefore, in order to create tangible change on the ground it is relevant to engage port communities. Therefore engaging local businesses and suppliers, fishing associations, boat owners, local officials, local NGOs, captains and crew masters is important combating labour issues. Currently there seems to not be many efforts that engage these actors. There is little knowledge on these groups, and such this cluster can provide a wealth of knowledge, communication and various options for innovation.

It stands out that NGOs of all types, which are often piloting niche innovations, are not strongly positioned among actors and would benefit from increasing their network relations. Especially the competition between NGOs I argue is counterproductive.

“[...] It's incredibly challenging because the local actors just don't want to get [...] in my team and (NGO) like enemies, I mean, they're just people. Fighting it's just to such a degree [...] this can't work, people are just not willing to sit down and work and crossover. [...] you have confidentiality and competition so everyone is [...] limited by this confidentiality and this competition so how can you ever move forward when you have these two issues pushing you back, it's like that between NGOs even.” - Interviewee NGO B

NGOs compete over funding, support and capacity, but also due to small differences. Such narcissism of small differences means that groups with similar goals emphasize their differences rather than their similarities, possibly in order to justify why businesses or funders should choose them and not the other NGOs.

“It hasn't been negative but as mentioned territorial. Working with one group is like being claimed by one organization.” – interviewee national business 2B

This competition was striking in the interviews, as most NGO interviewees spoke of the similar goals and similar solutions but often seemed indifferent or negative about the work of other NGOs.

### **The business case: recapping the efforts and network of one Thai seafood business**

Two large Thai businesses were interviewed, from one of the two we obtained two in-depth interviews which clarified much on their efforts (national business 2). Large businesses have been under media scrutiny as well as NGO pressure, and pressure from their buyers. Communicating corporate social responsibility therefore has become important to businesses. How businesses seem to retailers and consumers can determine behaviour of the business' buyers and shareholders. As such, national business 1 mentioned an extreme drop in their shares. Although businesses are subject to scrutiny, interviews with their employees and with NGOs demonstrated that the large, national Thai seafood businesses are involved in various projects. National business 2 is therefore an example of a key actor with innovation leadership. Their leadership is not evident just in their actions, but also in the way they talk about issues and how they define sustainability.

First, the business collaborates with NGO A, NGO B and NGO C, with intergovernmental organisations, as well with the Thai government. They have business relations on local and national levels, and with international buyers/retailers. Therefore the business has become central in the network of actors and is mentioned by other interviewees as a driver for change. Most of the collaborative projects concerned education and rights promotion, as well as schools for migrant children in order to address the migrants' mobility, and spreading hotline numbers.

“It is better to have a third party than police and industry handle migrant worker complaints, which is important. Worker voice hotline is a game changer and puts the audit system on its head.” – interviewee national business 2B

The business is the only business which has started welfare committees and has given NGOs full access to their factories and files without need for confidentiality. As such, they are putting their business at tremendous risk of being scrutinized for any abuses found. Nestlé got sued after researching their supply chains and openly admitting to have found abuse. Similarly, national business 1 is said to have taken similar risks and it backfired tremendously. Businesses willingness to

take the risk of transparency stands in contrast to the many companies that choose confidentiality. Especially for small and medium businesses, the risk of any organization or auditor finding abuses in their chains is likely larger than the benefits they hope to gain. As such, big businesses are considered by various actors and by themselves as sustainability leaders or ‘whipping boys’ in the fight against labour abuse.

Second, in the interviews with national business 2 they gave a broad view on sustainability

“Sustainability for (national business 2) is social, environmental and economic. Continuing capacity of our business to contribute positively to the long term development of society and conservation of natural resources” – interviewee national business 2A

The inclusion of labour into their definition of sustainability and their willingness to contribute to migrant empowerment comes forward in various aspects of the interviews with both of the employees that were interviewed.

“Policy and law enforcement cannot solve 100%, education and economy are important. Enough education and economic status for migrants will help them prevent abuse themselves.” – interviewee national business 2A

The welfare committees consist of elected Thai and migrant workers from different nationalities and exist in order to promote and negotiate rights and provide a social dialogue between employers and employees. We spoke to the president of one such committee who explained that since their case against the factory happened they were able to bargain for enough wages, rest, and payment when they get sick. They were advised and educated by a local NGO and able to create change.

#### 4.4.2 CONCLUSION: CHALLENGES AND OPPORTUNITIES FOR ALTERNATIVE PATHWAYS

Innovative ways to combat labour issues are provided by both data-driven and social dialogue-based approaches. Data-driven approaches are easier to assimilate in the Thai seafood industry than social dialogue-based approaches because the latter face resistance from culturally-embedded discrimination and the profitability of worker exploitation. However, focusing on one approach and not the other can allow abuses to continue. Data driven approaches and social dialogue-bases approaches complement each other. Since these approaches are relatively new to the system they still require experimentation and improvement. By creating protective spaces the approaches can be developed. Civil society groups, mostly NGOs, often provide these innovations. Business actors are currently in the best position to create safe spaces for experimentation because they 1) have adequate networks and communication with other actors and 2) have incentive to improve from the risk of losing buyers and shares and 3) provide an example to other businesses. Successful integration of labour into seafood sustainability requires collaboration between all actors, and at least between business actors and civil society actors.

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## DISCUSSION AND INTERPRETATION

In this thesis I researched the discourse surrounding labour issues in the Thai seafood industry to identify dominant and alternative framings of solutions to labour issues and their interplay with the environmental discourse in the current reform of the Thai seafood industry. I expected to find that actors, especially government actors, would interchangeably use an environmental frame and a labour frame. Instead, most actors were quite distinct in their perceptions over environmental aspects and labour in the Thai seafood sector. However the discourse on labour did seem to intersect significantly with that of IUU and of the enforcement of fisheries law.

First, I researched the variety of frames in the discourse on labour issues in the Thai seafood industry. I found that actors when talking about labour issues in the Thai seafood industry often reflected on issues within the following themes: enforcement, policy, migration, culture, workers' affairs, economy, data ambiguity and environment. Migration is considered one of the main causes of labour issues. Solutions are looked for mostly within enforcement and addressing data ambiguity. Surprisingly this demonstrates a broad and deep understanding of labour issues among actors that includes elements of Derks' statement on bonded labour in Southeast Asia: *any analysis of bonded labour arrangements needs to be embedded in a broader social, cultural, political, economic and legal context and to take into account the ways in which bonded labour arrangements are ambiguously characterised by exploitation and mutual obligation* (Derks, 2010b: p. 850).

Similar to the work of Derks, and of Marschke and Vandergeest on the framing of migrant workers as victims rather than as active change agents, the findings of this research indicate that migrant workers are considered victims (Marschke and Vandergeest, 2016; Derks, 2010a). But by going deeper into why migrant workers are framed as victims it became clear that migrants are perceived as passive and submissive. Thereby, migrant workers are not only considered to be in need of help, but to some extent considered *incapable* of helping themselves. Similar to Derks who argues that migrants are seen as unruly and mobile, interviewees mentioned migrants as unreliable, escaping before vessels leave, and as highly mobile (2010a). Derks argues that in a response to migrants' mobility in their quest for labour, migrants are being immobilized by debt bondage and other forms of labour abuse.

To understand why certain solutions or ideas in the discourse around labour issues were more dominant than others I then researched the events and pressures on the Thai seafood industry in recent years. Enforcement and addressing data ambiguity are likely high on the agenda of the government due to the risk of economic sanctions from the EU yellow card. However, solutions that focus more on societal change are not as popular among government officials because there is not a similar high risk pressure on the Thai government in terms of addressing discrimination or migrant worker empowerment. Next, I wondered whether current efforts were sufficient in improving labour issues and whether alternative solutions could address potential limitations. As such I researched strengths and limitations to current efforts. Regularization of migrant workers, PIPO offices, and the increased enforcement of policy have improved the situation for migrants. However, there is no social dialogue on culturally sensitive issues such as discrimination, and migrant workers are not included and barely represented in current efforts. Alternative solutions that do include and



represent migrant workers or otherwise improve their standing therefore provide opportunities to improve efforts in combating labour issues.

Finally I wanted to understand what challenges and opportunities such alternative solutions to labour issues face. Data-driven approaches such as hotlines are increasingly popular and have many opportunities. However, the alternative solutions that create social dialogue, like unions, welfare committees, and exposure of Thai to migrants are likely to face resistance due to cultural sensitivity. Besides, there is little incentive for government or businesses to invest in these innovations because the current, marginalised status of migrant is more profitable than an empowered working force is. Large, national businesses are connected to various groups and therefore positioned well to gain support and funding for innovative solutions. They also have a larger incentive to improve their supply chains due to pressure from international buyers and consumers. National businesses have shown willingness and capability to improve labour issues in their supply chains with their cooperation, willingness to risk scrutiny, and various collaborations. They can provide protective spaces for projects by civil society to experiment with creating social dialogue and migrant empowerment. As such their leadership in innovation can become an example to other Thai businesses.

The main research question inquires into how in discourses among civil society, government and private sector actors labour is integrated into seafood sustainability. Initially it was meant to yield findings that could be generalized to the global seafood sector. However, the findings of this research are perhaps not easy to apply to the seafood industry on a global scale. Though discrimination is not exclusive to Thailand and treatment of migrants has globally become a point of contestation, the cultural issues identified in this research are based on the case of Thailand. In order to assess the best cause of action in other countries, similar research into those countries' regulations and challenges to innovation is needed. I will discuss now which lessons can be learned from the Thai case and what questions and discussions the findings to this research provoke.

First, the relation between civil society as a producer of innovative solutions and businesses as protectors and users of these innovative solutions can possibly be applied to other countries but requires a careful consideration of seafood value chains. Attributing such a role to the private sector raises a discussion on business ethics, consumer responsibility and the economic dynamics of seafood. As often becomes an issue in innovation, high costs of change fall upon small groups of actors. In the Thai case, boat owners are currently being charged for the IUU regulations. In terms of labour when they are losing shares or being boycotted, their economic options to become seafood leaders are diminished. One can wonder where and how in the chain of consumption costs for change should, ethically, be dispersed. Up until this point, everyone including consumers, retailers, and Thai businesses and government have prospered and benefitted from labour abuse. It can be argued that it is a responsibility of all these actors to increase investments, and the price consumers are willing to pay for seafood, in order to create funds for change and balance the relation between market price and actual product value. Veldhuizen and colleagues raise similar questions with regards to consumer interest in the social sustainability of their seafood, and claim that recognizing the value of social sustainability is crucial in the market position of businesses (2015). However, in a society that is increasingly demanding towards consumers in terms of certification, health foods, organic and superfoods, retailer labels, environmental factors and food safety, it is arguably unethical to ask consumers to constantly be informed and educated about every single step in

products' supply chain in order to make responsible consumption choices. Does the responsibility therefore lie with the retailer to be knowledgeable about its own products and supply chains and to provide consumers with (transparency on) products that are not subject to blatantly unethical practices? Besides from the question on who should pay for change, an increase of the price of seafood does not indicate that this surplus ends up benefitting workers (and not disappearing into some business' pockets).

On the link between IUU regulation and labour there is currently little data that backs up theoretical claims that solving and regulating IUU will aid in combating labour issues. Scenarios are thinkable where legal vessels are not paying workers. Unless proper payment and other indicators of labour issues are part of the criteria that qualify a vessel as legal, presuming the connection between IUU and labour is not desirable. Currently, one can argue whether identifying crew on board of an illegal vessels as victims of labour issues cuts wood – is a well-paid and happy crew on an illegal vessel truly victim? The risk with the connection between IUU regulation and labour lies in the reality that government can claim to be addressing labour issues in the fishing industry in a robust way while not truly identifying and combating labour issues, due to a presumed connection between IUU and labour issues. There are still many aspects of labour in the fishing sector which are not sufficiently researched in academic literature. Degrees of labour issues are a large vagueness within discourses, where frames of slavery, exploitation, trafficking, forced labour, exploitation and abuse are used interchangeably. Derks (2010) provides insights into the geographical and social aspects of bonded labour. Derks discusses on a more fundamental note the meaning of bonded labour. As such she dives into topics such as debt bondage, which have not been discussed in this document.

Finally, the competition between NGOs in Thailand raises questions on the narcissism of small differences of these specific groups, and the role of funders in creating competition. Small NGOs lacking capacity need supportive environments and funding to be able to develop projects. In how far can small, developing NGOs in a hostile environment adhere to systematic requirements and standards of international funders? Moreover, the findings of this research on NGO competition raise the question whether NGOs can and should set aside their competition over funding in order to collaborate with other NGOs towards communal goals.

#### LIMITATIONS

The data collection was limited to a small group of interviews and outcomes are influenced by the flow of individual interviews, language and cultural barriers. Thailand is a country of hierarchy and face, which meant access to various potential interviewees was restricted. Data can also be influenced by cultural subtleties that I missed. We did not interview small or medium businesses or international retailers even though these groups could provide interesting insights. It was not doable within the scope of the project to interview these groups and as such other groups were prioritized, like government officials, large national businesses, and NGOs. Only a few government officials were interviewed and as such the interview group is perhaps too small to provide discursive data representative of the Thai government. The interviews with workers were with almost exclusively Cambodian workers, and some Thai, which means data is not representative for the diversity of migrant workers in Thailand. The coding system that provided the central themes in discourse is open to interpretation and scrutiny as many of the topics within categories are connected and overlap. However, discourse is not set in stone, and the research is aimed to show a general direction of the discourse around labour in the Thai seafood industry. In terms of the conceptual

framework I found that the STEPS Pathways to Sustainability approach lacks a proper defining of discourse, framing, frame and narrative which creates confusion on concepts and in practice leaves room for researchers' interpretation. Researchers can use the approach in various settings and for practical uses, which is positive, but the theoretical grounding and internal consistency can be confusing. Other conceptual frameworks that could have provided insights are within the realm of transition management. Haxeltine and colleagues (2013) provide a framework for social innovations which could be useful to address the complexity of cultural resistance and sensitive issues in social innovation. The Multi-Level Perspective by Geels and Schot (2007) is another example of an applicable theory to the innovations that emerge in the Thai seafood industry. I would argue that such theories of innovation can provide actors with practical advice on how to develop and protect innovations.

#### RECOMMENDATIONS FOR FURTHER RESEARCH

A categorization of the various types of labour issues present in the fishing industry, ranging from the details on worker contracts, to extreme cases of violence, should help policy-makers and civil society actors identify relevant interventions. An in-depth research into agenda setting processes by the media and by lobbyists can provide a deeper understanding of why Thailand has garnered so much media attention; why labour issues in the seafood industry are in the media specifically; and what effect this has on various actors. Besides, much still can be researched by interviewing small businesses. Moreover, a research into the interest and perceptions of social sustainability among international retailers and seafood consumers would provide insight into whether or not social sustainability initiatives are lucrative. During our fieldwork we considered how incredibly interesting it would be to remain in a port area for a longer time to get a deeper insight into port communities. Focus groups could be held with migrant workers against compensation to get deeper insight into their welfare. Such ethnographic study could also probe migrant workers' capacity for empowerment, since among some actors they are considered passive and submissive. All in all, social aspects of sustainability still have a long way to go in the global seafood industry. Thailand may have been at the eye of the storm, but recent reports have demonstrated that labour issues exist in the seafood industry of Western countries as well. For social scientists within the seafood sector it is becoming relevant to understand and discuss economic aspects of social sustainability of seafood; to understand supply chains as well as value chains; and to create data on consumers and retailers' willingness to pay more for seafood.

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## 5. CONCLUSION

In this study, the discourse on combating labour issues in the Thai seafood industry was researched to find the dominant and alternative pathways to sustainability supported by actors. Environment, enforcement, data ambiguity, workers' affairs, culture, policy, economy and migration were found to be common themes among civil society, private sector and government interviewees. In the discourse, traceability technology, supply chain transparency, audits, and collaboration are the dominant ways to combat labour issues. The Thai government prioritizes law enforcement, regularization of migrants, control of IUU and reducing fishing capacity. Economic sanctions from the EU over IUU fishing in Thailand and a drive in the global seafood sector for traceability have helped shape the discourse. In response to the yellow card and other pressures the Thai government implemented various new regulations. Due to these regulations the working conditions and status of migrants have improved, especially due to the migrant worker registration rounds and the PIPO offices. But the new regulations and the efforts by other actors are arguably limited in their efficiency, especially because there is little inclusion of migrant workers into projects and there are only a few groups talking with and listening to migrant workers. Corruption and bribery also remain issues within current efforts. Most businesses do not have enough incentive to improve the recruitment and welfare of migrant workers. I suggest that alternative pathways have the potential to address some of the limitations to current efforts. Data driven approaches and social dialogue-based approaches complement each other by addressing both the drive for traceability and culturally embedded enablers of abuse. Examples are migrant empowerment in the form of unions, welfare committees and education, creative ways to address discrimination, exposing Thai to migrants and hotlines for worker complaints. Large Thai business have the connections among NGOs, government, international retailers, other businesses, and workers, that are needed to provide these alternative solutions with space and funding to experiment. Over the past years a few Thai businesses have shown to be willing and capable of sustainability leadership. They form examples for smaller businesses and pave the way by their experimentation with innovative pathways.

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## APPENDIX I: INTERVIEW QUESTIONS

### LIST OF INTERVIEWEES

National Business 1 (NB1)

National Business 2A (NB2A)

National Business 2B (NB2B)

NGO A

NGO B

NGO C

NGO D

Large Scale Fishing Association (LSFA)

PIPO

Regional Recruitment Centre/Office (RRO)

Intergovernmental organization 1

Intergovernmental organization 2

Department of Fisheries 1 (DoF1)

Department of Fisheries 2 (DoF2)

President of Welfare Committee (WFC)

10 informal port worker interviews

## GENERAL QUESTIONS

Organisation:
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Type/Level:
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Focus area(s):
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Contact Name:
---------------

Position:
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Contact information:
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Interviewer:
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Interview date:
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ORGANIZATION	ACTIVITIES	LABOUR ABUSE	SOLUTIONS AND CHANGE	TRADE AND BUSINESS	COLLABORATION	TRENDS
<p>Could you tell me about the vision of your organisation? Why do you do what you do?</p>	<p>Could you tell me more specifically what activities your organisation is involved in?</p>	<p>What are the causes or enabling circumstances of labour abuse in the fishing industry?</p>	<p>How would you want the fishing industry to change in the coming (circa 5) years?</p>	<p>What is your opinion of the international attention that labour abuse issues are getting?</p>	<p>With what other organisations or groups do you collaborate on these issues? For each collaboration:  What activities are you undertaking?  How much potential for change do you see in this collaboration?</p>	<p>What other trends or shifts in trends have you noticed since the emergence of labour exploitation in fishing as a prominent (international/trafficking/other) issue?</p>
<p>What are your main priorities as an organization? Have project priorities changed?</p>	<p>What is it about the activities your organisation is involved in that is new or exciting?</p>	<p>What is labour abuse? (Small discussion on terminology - labour abuse, trafficking, migration, unfree labour, exploitation)</p>	<p>What opportunities and/or challenges do you see in addressing labour abuse in the fishing industry or contributing to this change?</p>	<p>(How) Do you think that this international attention influences the reform/Do you think this international attention has an impact on how the government or Thai businesses are responding to labour abuse?</p>	<p>What is the government doing to combat labour abuse in the fishing industry? (Especially: the DoF, the DoL and the Navy)  What do you think of these responses, and what else could/should they be doing?  What are industry actors doing to combat labour abuse in the fishing industry?</p>	<p>Have you noted or experienced any funding shifts that you think may be caused by the attention on fisher exploitation?</p>
<p>Where does labour exploitation in fisheries fit</p>	<p>Was your organisation working on labour</p>		<p>What do you consider to be an 'innovative'</p>	<p>What impact do you see private sector and</p>	<p>What impacts do you think that the reform has on</p>	<p>Has there been a shift away from</p>

in your organisation?	abuse in the fishing industry a couple of years ago as well? When did you get involved and why?		trafficking response?	international trade having on trafficking responses in this sector?	migrants? And on fishers?	addressing labour issues of other trafficked groups?
			If funding (or other obstacles) were not an issue, what solutions would you like to implement?	Do you experience pressure from this? If so, what are these pressures? What is your opinion on these pressures - do you find them to be fair/unfair?	Do you collaborate with (representatives of) fishers and migrant workers in your activities/ Why/why not?	
				(How) Do you think that these pressures influence the fisheries reform?		

## INTERVIEWS WITH WORKERS

### Introductory Questions

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[Take note of male or female]

What is your name?

How old are you?

When did you come to Thailand?

Is this your first time in Thailand?

For how long have you worked in fisheries?

How long have you been in Songkhla [or other port area]?

Do you speak Thai? Would it help you if you did? How do you think you can learn Thai? Would your boss provide you with support for learning Thai?

### Recruitment

---

How did you get to Songkhla? i.e. what was the recruitment process (someone helped them from home, informally; they went through a company or agency; a friend called; they by themselves).

Who paid the expenses for travel and other costs? If employer, are costs deducted? How much was the cost?

Are you in debt due to recruitment fees, costs from the employer, or other? How long do you think it will take you to repay?

### Fishing as an Occupation

---

What was your main job before coming to Thailand?

Have you ever fished before?

What type of boat do they work on (i.e., a crab boat or a squid boat or a larger boat that collects all kinds of small fish or a tuna boat)?

Are certain boats better to work on than others? If so, why?

### Contracts and Agreements

---

Do you have a contract? Did you know that this is a government requirement?

What is the length?

What language is the contract in? Do you read/speak Thai? How would you rate your level of Thai?

If without a contract, do you have a working agreement with your employer? What is it?

### Job Flexibility

---

If a worker wants to change boats or jobs, can they? Have they ever done so? Have you done so? What was involved?

Why did you change boats? Is this common among other fishers you know?

### Registration

---

Do you have a pink card (are you registered)?

How did they register? And was it easy or difficult?

How much did it cost to register? Who paid? Did the employer deduct costs?

Do you think registration is worthwhile?



## Access to Support

---

If you feel you are in trouble or you feel treated badly, who would you contact?

If you need information on working, where do you go or who do you ask?

What organizations do you know of that help fishers or workers like yourself?

Do you know the various hotline numbers? Which? [Provide a printout of hotline numbers and services]

Have you ever called a hotline? Would you call a hotline to solve a problem? What do you think would happen if you call?

Do you have a smartphone?

Do you use smartphone apps such as Facebook, the Internet, Line, or other to keep in touch with family and friends? What about with other migrant fishers? What about organizations that provide support and services for migrant workers?

## Health Services

---

Have you used public health care system? For what?

Did you find the services to be adequate?

## Personal Life

---

Is your family here? Wife? Children?

What does wife do?

How old are your children?

Are they in school? In Thailand or back home? Are they learning Thai?

Do you plan to stay in Thailand? If not, when do you plan to leave?

Can you compare what life is like in Thailand compared with your home country?

## Perceptions of discrimination

---

Have you heard of abuse or use of violence on other boats, or of other workers not being paid?

How are the Thai bosses different from bosses back home?

## Perceptions of changes

---

Have you been educated in any way about your rights as a worker?

What do you know about Thai fisheries and labour laws?

In the past few years, have your working conditions gotten better?

Do you have documents now that you used to not have access to, like your identification, contract, and information on your rights and the laws?

Have people checking the boats asked you about your working conditions and checked out the worker documents?

In what aspects would you like your job to change, for example, more pay, more communication in your language, more safety?

If you could speak for other workers to the government, what would you say?

## For Organizations

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What does training and advocacy actually mean?

Who of your staff speaks Thai? Other?

Do you check contracts?

Thumbprint contracts required by PIPO – do workers know about this?

## APPENDIX II: INTERVIEW INFORMATION LETTER

Interview participant information (optional)

Yavanna Puts

Project: Reform of the Thai fishing industry

Wageningen University and Research Center

This document aims to inform you of your rights as a participant. Please read it through and if you have any questions or requests, feel free to contact me. I am a Master student in Applied Communication Science. My research involves how communication by international groups has helped shape the reform of the Thai fishing industry, and how this reform includes migrant workers and fishers.

During the interview, which should last about half an hour to an hour, I will be asking you some questions. With your consent, I would like to record our conversation. If you feel uncomfortable with this, I will take notes instead. Any recordings or notes will be stored behind encryption to ensure that no one but I have access to them. I will not share the information you provide me with any other person or group, unless you give your explicit content, or unless required by law.

In order to provide confidentiality, your name will not be used in the report unless you explicitly state that you wish to be named in the report. I also state in the report that the views of an individual do not fully represent the views of an organization.

You are free to stop the interview at any time. You are free not to answer questions if you wish. If you wish to withdraw from the research, I will destroy the recordings or notes taken during the interview. These actions will have no negative effect on your relation to me, the university, or anyone else. Your participation in this research is entirely voluntary and can be terminated at any time without consequence. I do not expect this interview to make you uncomfortable, but if it does, please notify me so I can improve. There is no foreseen risk in participating in this research to you or your organization.

If you have any questions regarding the interview, your role in my research or the information you have provided, feel free to contact me (Yavanna Puts) by e-mail: [yavanna.puts@wur.nl](mailto:yavanna.puts@wur.nl).

Thank you for your participation.

Kind regards,

Yavanna Puts

Yavanna.puts@wur.nl

### APPENDIX III: TIMELINE OF EVENTS AND THAI NATIONAL POLICIES, ADMINISTRATION AND ACTION PLANS

Date	Title	Category	Actor
<b>2006</b>	The Mekong challenge: underpaid, overworked and overlooked	report	ILO
<b>2009</b>	Solidarity Center Report	Report	Solidarity Center
<b>2010</b>	All at sea	Report	EJF
<b>2010</b>	From the tiger to the crocodile	Report	HRW
<b>2011</b>	Trafficking in Thailand	Report	IOM
<b>2013</b>	Employment Practices in Thai fishing sector	Report	ILO
<b>2013</b>	Regulating recruitment	Report	ILO
<b>2013 December</b>	Report on slavery in Thailand	Report	Reuters
<b>2013</b>	Sold at Sea	Report	EJF
<b>2014</b>	Slavery at Sea	Report	EJF
<b>2014</b>	Seafood not Slavefood	Report	EJF
<b>2014 April</b>	Action plan to combat trafficking and forced labor	Policy	Thai government
<b>2014 June</b>	Expose: slavery in Thailand (EJF)	Media	The Guardian
<b>2014 June</b>	Slavery in Thailand/w Steve Trent (EJF)	Media	AP
<b>2014 June</b>	Thailand only UN country to vote against international treaty to combat forced labour	Event	Media
<b>2014 June</b>	Responding to the Guardian	CSR	CP Foods
<b>2014 June</b>	TiP report (tier 3)	Report	US
<b>2014 July 30</b>	Supermarket giants in Thailand for prawn slavery talks	Media	The Guardian
<b>2014</b>	Industry invites supply chain inspection	Media	The Nation
<b>2014 September</b>	Industry coalitions with Issara	CSR	Issara
<b>2014 September 25</b>	Fishermen complaints on ban	Event	Bangkok post
<b>2014 December 4</b>	Thai shrimp industry fears EU ban	Media	Media
<b>2014 December 22</b>	Protection in sea fishery work	Policy	Ministry of Labor Thailand
<b>2015 January</b>	Thailand announces plans to implement new regulations to address concerns of forced labor in its fishing industry	Statement	Media
<b>2015 January</b>	International condemnation hits Thailand over plan to use prisoners in fishing industry	International pressure	Media

<b>2015 January</b>	Thailand scraps plan to put prisoners to work on fishing boats	Statement/policy	Media
<b>2015?</b>	NFI and US appeal to Thailand to save trapped slaves	International pressure	US
<b>2015</b>	Why Thailand should stay on tier 3	Media	EJF
<b>2015 February</b>	Pirates and slaves	Report	EJF
<b>2015</b>	Thailand's seafood slaves: Kantang case	Report	EJF
<b>2015 February</b>	Reporting on EJF report	Media	Guardian
<b>2015 March 3</b>	AP investigation	Media	AP
<b>2015 March 26</b>	Deputy Prime Minister and Minister of defense deny slavery/forced labour allegations	Statement	Media
<b>2015 March</b>	Thai Union cuts suppliers	CSR	TU
<b>2015 March 11</b>	human rights groups Finnwatch and MWRN announced a three-year collaborative project, in a bid to empower migrant workers in Thailand to negotiate better working terms and conditions, and improve their quality of life in Thailand.	Civil society	NGOs
<b>2015 April 1</b>	Thailand announced it had partnered with Indonesia to form a fisheries working group to tackle IUU	Statement	Thai government
<b>2015 April</b>	Registration Round 1	Policy	Thai government
<b>2015 April</b>	Rescue of 320 fishermen freed by Indonesian officials	Event	Indonesian government
<b>2015 April</b>	Documentary of escaped fisher slaves called "Ghost Fleet" released	Report	
<b>2015 April 21</b>	Yellow Card	International pressure	EU
<b>2015 April 28</b>	Fisheries Act	Policy	Thai government
<b>2015 May 13</b>	seven people from an Indonesian fishing firm arrested	Event	
<b>2015 May 19</b>	Trapped workers rescued from shrimp processing facility in Thailand	Media	Media
<b>2015 May 28</b>	SSF rally against registration of trawlers	Event	Fisheries associations
<b>2015 June 1</b>	Thailand's government adopted IUU sanctions in the	Policy	Thai government

	first update to its fisheries act since 1947		
<b>2015 June 17</b>	the Freedom Fund donor to tackle forced labor in Thailand by developing tools to boost supply chain transparency	Civil society	Freedom Fund
<b>2015 June 23</b>	more than 3,000 mid-sized Thai vessels were warned by the government that they would have to stop fishing on Jul. 1 under measures designed to curb IUU	Policy	Thai government
<b>2015 July</b>	TiP report (tier 3)	Report	US
<b>2015 July 17</b>	EU warns Thailand that they need to do more	International pressure	EU
<b>2015 July 20</b>	Revealed: how the Thai fishing industry trafficks, imprisons and enslaves	Media	The Guardian
<b>2015 July 27</b>	'Sea Slaves': The Human Misery That Feeds Pets and Livestock	Media	NY Times
<b>2015 August 19</b>	Lawsuits against Costco and CP	Event	Consumers
<b>2015 August 24</b>	migrants' rights activist Andy Hall was indicted by a Bangkok court relating to defamation case brought by pineapple processing company, Natural Fruit Company.	Event	Civil society
<b>2015 August 28</b>	Nestlé sued	Event	Consumers
<b>2015 August 28</b>	CP Foods reasserts its strong commitment to human rights and a sustainable supply chain	Media	The Guardian
<b>2015 August 25</b>	"lawsuit was filed in California accusing Thai Union Group and its US subsidiaries of selling products to consumers from a supply chain containing slave labor.		
<b>This was the first lawsuit over alleged slave labor filed directly against Thai Union and its Chicken of the Sea US subsidiaries"</b>	Event	Consumers	

<b>2015 October 7</b>	NPAO-IUU	Policy	Department of Fisheries
<b>2015 October</b>	Regulation against officials' involvement in trafficking	Policy	Thai government
<b>2015 October</b>	Greenpeace launched a global campaign against Thai Union over its perceived labor abuses as well as harmful fishing method	Report	Greenpeace
<b>2015 October</b>	Maritime labour Act	Policy	Thailand government
<b>2015 October</b>	Supply Chained	Report	Greenpeace
<b>2015 October 10</b>	Thai Union begins education program for migrants	CSR	Thai Union
<b>2015 October 12</b>	US-based pet food supplier Big Heart Pet Brands announced it was conducting "aggressive" review of all its suppliers	CSR	Big Heart Pet Brands
<b>2015 November</b>	Official circulation to labour offices on employer changes	Policy	Thai government
<b>2015 November</b>	Registration Round 2	Policy	Thai government
<b>2015 November</b>	Verite and Nestlé report	Report	Nestlé
<b>2015 November</b>	NPAO-IUU	Policy	Thai government
<b>2015 November</b>	Marine Fisheries Management Plan	Policy	Thai government
<b>2015 November</b>	Thai officials arrested eight people -- including Sompol Jirotemontree, the head of the Trang Fishing Association-- in connection with human trafficking allegations.	Event	Thai government
<b>2015 November 13</b>	Royal Ordinance	Policy	Thai Government
<b>2015 November</b>	Nestlé released an ambitious action plan aimed at dispelling doubts that parts of its supply chain for pet food relied on human trafficking in Thailand	CSR	Nestlé
<b>2015 December 10</b>	Thai policeman investigating corruption in trafficking flees with fear for his life	Event	Media
<b>2015 December</b>	Walmart, Whole Foods, and Slave-Labor Shrimp	Media	The Atlantic
<b>2016 May</b>	The Human Trafficking Criminal Procedure Act	Policy	Thai government
<b>2016 January</b>	BAP certified plants are not allowed to outsource	CSR	BAP
<b>2016 January</b>	NPCI	Policy	Thai government
<b>2016 February 17</b>	HRW letter to EU	Civil society	HRW

<b>2016 March 29</b>	One-year visa for foreign victims of human trafficking	Policy	Ministry of Interior, Thai Government
<b>2016 May</b>	New criminal court division for human trafficking cases is now enforced	Policy	Thai government
<b>2016 May 24</b>	Human Trafficking Criminal Procedure Act came into effect	Policy	Thai government
<b>2016 June 30</b>	HRW letter to TiP	Civil society	HRW
<b>2016 July</b>	TiP report (tier 2 Watch List)	Report	US



## APPENDIX IV: CODING TABLES OF DISCOURSE ANALYSES

	Causes	Solutions
<b>Migration</b>	<ul style="list-style-type: none"> <li>- Poverty or issues in home country</li> <li>- Border protection</li> <li>- Misinformation</li> <li>- Recruitment/brokers</li> <li>- Irregularity</li> </ul>	<ul style="list-style-type: none"> <li>- Regularization of migrant workers/Pink ID card</li> <li>- Cooperate with neighbouring countries</li> <li>- Trafficking and recruitment research and intervention</li> </ul>
<b>Economic</b>	<ul style="list-style-type: none"> <li>- Market competition/low price of fish</li> <li>- Labour shortage</li> <li>- Economic boom and development/industrialization in the 60s</li> <li>- High cost of fishing (fuel, boats, labour)</li> </ul>	<ul style="list-style-type: none"> <li>- Collaboration and tripartite</li> <li>- Business action and CSR</li> <li>- Consumer interest and buyer action</li> <li>- Economic and trade pressure</li> <li>- Increase the price of fish</li> </ul>
<b>Policy</b>	<ul style="list-style-type: none"> <li>- insufficient law</li> <li>- Failure to recognize problem/denial culture</li> <li>- Political instability</li> <li>- discriminative law (inability to form unions)</li> </ul>	<ul style="list-style-type: none"> <li>- Political stability</li> <li>- International pressure</li> <li>- Labour policy</li> <li>- International laws, ILO ratification and Western law standards</li> </ul>
<b>Culture</b>	<ul style="list-style-type: none"> <li>- Cultural history with neighbouring countries</li> <li>- Superiority or discrimination</li> <li>- Negative association with finding issue cases</li> <li>- Face</li> <li>- Thai are more educated and get paid more/unwilling to work in fisheries</li> <li>- Lack of civil society</li> <li>- nature of fishing work/3Ds</li> <li>- the storm and superstition</li> <li>- Lack of social dialogue</li> <li>- Hierarchy</li> </ul>	<ul style="list-style-type: none"> <li>- Make fishing work more attractive (working conditions and raising wages)</li> <li>- Going beyond the tickbox/political will</li> <li>- Meaningful social dialogue</li> </ul>
<b>Data ambiguity</b>	<ul style="list-style-type: none"> <li>- Checklist/Standard/CSR mentality</li> <li>- Audit fatigue</li> <li>- Data gaps</li> <li>- Supply chain complexity</li> <li>- Lack of collaboration</li> <li>- Unethical business conduct</li> </ul>	<ul style="list-style-type: none"> <li>- Audits and patrols</li> <li>- Hotlines</li> <li>- Supply chain transparency/traceability/technology</li> </ul>
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>- insufficient enforcement/implementation issues (especially from boat owners)</li> <li>- discriminative enforcement (police violence, obstruction from health care, opportunities)</li> </ul>	<ul style="list-style-type: none"> <li>- Terminating contracts with offenders</li> <li>- Internal governmental communication and integration of departments/provinces</li> <li>- PIPO and checking boats</li> <li>- Training for boat owners and</li> </ul>

	<ul style="list-style-type: none"> <li>for extortion, and forced shelter)</li> <li>- Laws are difficult to follow</li> <li>- Lack of training of and communication to boat owners and captains</li> <li>- Insufficient communication to and with migrants</li> <li>- corruption and bribery, powerful people with many relations</li> </ul>	<ul style="list-style-type: none"> <li>captains</li> <li>- Eradicating corruption</li> <li>- Law enforcement and punishment of criminals</li> </ul>
<b>Environment</b>	<ul style="list-style-type: none"> <li>- Distance/time at sea</li> <li>- Open access fishery system</li> <li>- Transshipment</li> <li>- Overfishing/overcapacity</li> </ul>	<ul style="list-style-type: none"> <li>- Stations out at sea</li> <li>- IUU regulation</li> <li>- Ending overfishing/reduce capacity</li> </ul>
<b>Workers' affairs</b>	<ul style="list-style-type: none"> <li>- Migrant mafia and inter-migrant discrimination (Rohingya)</li> <li>- Language issues</li> <li>- Escaping workers</li> <li>- No permanent place</li> <li>- Lack of trust</li> <li>- Submissive culture</li> </ul>	<ul style="list-style-type: none"> <li>- Victim recognition and rehabilitation</li> <li>- Migrant empowerment and listening to migrants</li> </ul>

## SOLUTIONS TABLE

Solutions	In	NB2A	NB2B	NB1	DoF2	IR	IO2	IO1	NGOB	NGOA	NGOA	PIPO	RRO	LSFA	DoF1	NGOD	WFC	Total
	13	7	5	4	12	13	6	9	5	13	9	8	4	7	13	3		
<b>Migration</b>	0	0	1	1	0	2	0	1	0	1	1	1	1	0	2	0	11	
Regularization of migrant workers/Pink ID card			x	x						x	x	x	x					6
Cooperate with neighbouring countries						x									x			2
Trafficking and recruitment research and intervention						x		x							x			3
<b>Environmental</b>	1	1	0	0	1	1	0	0	0	1	2	1	1	2	2	0	13	
Control IUU will solve labour										x	x		x	x	x			5
End overfishing/fishing capacity/fishing for juveniles	x	x			x							x	x		x	x		7
Create stations out at sea to fight long haul risks						x												1
<b>Policy</b>	2	0	0	0	1	2	1	1	0	2	2	0	0	0	3	0	14	
Political stability					x			x			x				x			4
International pressure	x					x				x					x			4
Labour policy	x					x				x	x				x			5
International laws, ILO ratification and Western law standards							x											1
<b>Enforcement</b>	3	1	1	1	2	1	0	1	0	4	4	4	2	3	3	0	30	
Terminating contracts with offenders	x				x													2
Internal governmental communication and integration of departments/provinces										x		x	x					3
PIPO and checking boats	x	x									x	x		x	x			6
Training for boat owners and captains										x	x	x		x				4
Eradicating corruption				x				x		x	x				x			5
Law enforcement and punishment of criminals	x		x		x	x				x	x	x	x	x	x	x		10
<b>Data ambiguity</b>	3	2	2	1	1	3	2	0	2	2	0	1	0	1	0	0	20	
Audits and patrols	x	x	x			x	x						x		x			7
Hotlines	x					x			x	x								4
Supply chain transparency/traceability/technology	x	x	x	x	x	x	x		x	x								9
<b>Workers' circumstances</b>	1	1	0	0	1	1	1	2	2	1	0	1	0	0	2	1	14	
Victim recognition and rehabilitation								x	x			x			x			4
<b>Migrant empowerment and listening to migrants</b>	x	x			x	x	x	x	x	x					x	x		10
<b>Cultural</b>	1	1	0	0	2	0	1	1	0	0	0	0	0	0	0	0	6	
Make fishing work more attractive (working conditions and rx					x		x											3
Going beyond the tickbox/political will					x													1
Meaningful social dialogue	x							x										2
<b>Economic</b>	2	1	1	1	4	3	1	3	1	2	0	0	0	1	1	2	23	
Collaboration and tripartite	x	x	x	x			x	x		x					x	x		9
Business action and CSR					x	x		x	x							x		5
Consumer interest and buyer action	x				x	x		x		x								5
Economic and trade pressure					x	x												2
Increase the price of fish					x										x			2

## MIGRANT EMPOWERMENT TABLE

	In	NB2A	NB2B	NB1	DoF2	IR	IO2	IO1	NGOB	NGOA	NGOA	PIPO	RRO	LSFA	DoF1	NGOD	WFC	Total
<b>Migrant empowerment and listening to migrants</b>	x	x			x	x	x	x	x	x					x	x		10
Platform for migrant worker voice:hotline		x				x				x	x							4
Platform for migrant worker voice:welfare committee	x	x								x								3
Platform for migrant worker voice:various						x			x	x	x							4
Representation and listening	x							x	x	x								4
Understanding between employer and employee	x	x						x	x									4
Rights promotion	x								x	x	x					x	x	6
Education/access to education	x	x				x			x		x					x	x	7
Platform for workers voices:union						x	x	x			x							5
Platform for workers voices:digital			x			x				x								3
Societal change towards a rights-based society							x		x		x							3
Exposure to migrant workers							x											1
Platform for workers voices:under existing union																x		1
Health care/mental health care																x		2
Legal support and scrutiny of legal system									x		x							2
Strength, confidence and power to negotiate									x									1
Support mechanisms									x									1
Civil society									x									1

## CAUSES TABLE

Causes/vulnerabilities	In	NB2A	NB2B	NB1	DoF2	IR	IO2	IO1	NGOB	NGOA	NGOA	PIPO	RRO	LSFA	DoF1	NGOD	WFC	Total
<b>Environmental</b>		3	1	0	0	2	3	1	0	0	0	1	0	2	3	1	0	17
Distance/time at sea	x					x	x								x	x		5
Open access system in the fishing industry	x					x	x								x	x		5
Transshipment and at-sea worker exchange												x		x				2
Overfishing and stock decline	x	x				x	x								x			5
<b>Cultural</b>	0	0	3	1	0	3	2	2	6	3	1	0	0	0	1	1	0	23
Cultural history with neighbouring countries									x									1
Superiority or discrimination		x				x	x	x	x	x						x		7
Negative association with finding issue cases						x					x							2
Face									x	x								2
Thai are unwilling/too educated for fisheries work			x															1
Lack of civil society									x									1
nature of fishing work/3Ds		x													x			2
the storm and superstition						x		x										2
Lack of social dialogue							x		x									2
Hierarchy		x							x	x								3
<b>Migration and recruitment</b>	0	1	3	1	0	4	2	1	1	0	1	1	3	0	4	4	0	26
Poverty or issues in home country	x	x				x		x							x			5
Border protection		x				x							x			x		4
Misinformation						x	x						x		x	x		5
Recruitment/brokers		x				x	x		x			x			x	x		7
Irregularity				x							x		x		x	x		5
<b>Workers' attitudes and capabilities</b>	0	1	0	0	0	1	0	0	1	2	0	1	0	2	2	2	0	12
Migrant mafia and inter-migrant discrimination														x		x		2
Language issues															x			1
Escaping workers												x		x	x			3
No permanent place	x															x		2
Lack of trust										x								1
Submissive culture						x			x	x								3
<b>Policy</b>	0	1	0	0	1	4	2	3	4	0	1	1	0	0	1	2	0	20
insufficient law	x					x	x	x	x						x	x		7
Failure to recognize problem/denial culture						x		x	x									3
Political instability					x	x			x			x				x		5
discriminative law (inability to form unions)						x	x	x	x		x							5
<b>Enforcement</b>	0	1	0	0	2	2	2	2	4	2	4	3	0	3	1	2	0	28
insufficient enforcement/implementation issues	x					x	x	x	x		x			x	x			8
discriminative enforcement									x		x					x		3
Laws are difficult to follow														x				1
Lack of communication to boat owners and captains											x							1
Insufficient communication to and with migrants					x			x	x	x	x							6
corruption and bribery, powerful relations					x	x	x		x	x	x			x		x		9
<b>Economic incentives</b>	0	1	0	2	0	3	3	2	1	0	0	0	1	1	1	0	1	16
Market competition/low price of fish	x		x			x	x	x	x						x		x	8
Labour shortage			x			x		x					x					4
Economic boom and industrialization in the 60s						x	x											2
High cost of fishing (fuel, boats, labour)							x							x				2
<b>Monitoring</b>	0	1	2	0	1	2	2	2	3	2	3	0	0	0	0	0	0	18
Checklist/Standard/CSR mentality		x				x	x	x		x	x							6
Audit fatigue										x								1
Data gaps						x	x	x	x		x							5
Supply chain complexity	x	x		x														3
Lack of collaboration											x							2
Unethical business conduct									x									1