

Thailand's Fisheries Reform: An Analysis of Institutional Responses and Degrees
of Social Protection for Migrant Workers

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A thesis submitted in partial fulfillment of the requirements for the
Master's degree in International Development and Globalization

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ABSTRACT

In 2015, Thailand implemented a comprehensive fisheries reform to address allegations of forced labour, trafficking, and illegal fishing. This paper conducts an institutional landscape review of the actors involved in the reform and their responses, mapping out the successes and gaps using a Social Protection Framework. The impact the reform has had on social protection for migrant workers is then examined through interviews with port workers and trafficked fishers. Close attention is paid to Burmese migrants who were trafficked onto Thai vessels to highlight the varying degrees of social protection (or lack thereof) for workers in the fishing sector. The paper argues that the policies of the Thai fisheries reform impact workers unevenly, and that vulnerability often depends on where the migrants work and where they are from. Not enough is being done to assist trafficked victims, particularly past the rescue stage.

I would like to thank everyone who generously participated in interviews with me; I (literally) could not have written this thesis without you. I would especially like to thank the Issara Institute for their incredible work and all of Burmese men who shared their stories and demonstrated astounding resilience and hope. I also could not have completed my research without the support of the New Directions and Environmental Governance (NDEG) project, in particular Dr. Peter Vandergeest and my research partner/partner in crime, Yavanna Puts. Finally, my deepest gratitude to Dr. Melissa Marschke, who not only provided crucial guidance for my thesis, but supported me unconditionally during my degree and helped me reach opportunities and achievements I only could have dreamed of.

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1. INTRODUCTION

Shocking slavery scandals have plagued Thailand in recent years. Termed ‘sea slavery’ or ‘modern day slavery,’ journalist and NGO reports have revealed the various manifestations of forced labour on offshore Thai fishing vessels. From cheated pay, working over 18 hours a day 7 days a week, beating, and confinement to extreme cases of beheadings and casting the sick overboard, these reports painted a horrific picture of what was happening to migrant fishers trapped far out at sea (EJF, 2015; Stoakes et al., 2015; Urbina, 2015; ILO 2013). The Environmental Justice Foundation (EJF)’s “Seafood, not Slave Food” campaign and subsequent media reports caught the attention of international seafood companies and importing nations whose Asia-sourced seafood had been traced to forced labour (Chantavanich et al., 2016). The United Kingdom and the United Nations threatened sanctions, with the UK concerned by a lack of fisheries management practices that not only threatened the sustainability of marine resources but degraded fisher labour conditions, while the US condemned Thailand for being a hub for human trafficking. Under possibility of economic repercussions and the tarnishing of its international reputation, the Royal Thai government embarked on an ambitious plan in 2015 to regulate the fishing sector – a sector that had been virtually devoid of any regulation or enforcement prior. The strong reaction from the government and the private sector raises questions as to whether responses are genuine efforts to clean-up supply chains or whether they are short-term investments to regain the trust of buyers and consumers.

Human trafficking has been the most internationally visible public scandal facing the Thailand’s seafood industry. However, human trafficking in itself is a complex issue. Although actors often portray trafficking as a priority issue, many initiatives focus more on combatting illegal, unreported, and unregulated fishing (IUU) or general widespread labour abuses common in seafood-processing factories. Pervasive IUU is believed to be linked to higher levels of abuse because fishing vessels are not regularly inspected and monitored, and are therefore more likely to participate in illegal and unsuitable fishing practices, as well as other illegal activities such as money laundering and human trafficking. While this logic makes sense, there is not as of yet any data confirming this correlation. Actors also tackle the issue from varying angles: crime, labour, migration, sustainability, trafficking, or other. This thesis explores the changes taking place due to Thailand’s fisheries reform, the various responses of actors, and the impact this has had on combatting labour abuses and human trafficking in the fishing industry.

1.1. Relevance

Despite media attention and the political will to address the issue, little academic literature on migrant labour and exploitation in Southeast Asian fisheries has been conducted (notable exceptions include Chantavanich et al., 2016; Marschke and Vandergeest 2016; Derks, 2010; and Sylwester, 2014). However, with increased international pressures, the institutional landscape surrounding labour exploitation and trafficking is changing, with new initiatives focusing on the fishing sector emerging. Marschke and Vandergeest (2016) note that in Southeast Asia, fisheries seem to have displaced sex work as the main sector of concern for anti-trafficking organizations. In addition, labour exploitation in fisheries is not a problem exclusive to Thailand or to the developing world. Other hard-hitting cases of labour abuse have been reported in countries with strong fisheries management regimes such as New Zealand, Ireland, and Hawaii (Stringer et al., 2016; Lawrence, 2015; Mendoza and Mason, 2016). Thus, there seems to be a gap in literature connecting labour issues in fisheries management to issues in migration management (Marschke and Vandergeest, 2016).

Due to mounting pressures and threat of economic sanctions, Thailand's fisheries reform was swiftly planned and implemented. It regulates a previously unscrutinized, unregulated, yet massively lucratively industry on the open ocean. The policy impacts of Thailand's fisheries reform are an interesting case study that may hold some important lessons for other nations who are also attempting to curb illegal fishing and labour exploitation at sea. With existing organizations responding to the reform as well as new initiatives rapidly emerging, this is a timely moment to research and to better understand these shifts.

1.2. Research Questions

My thesis research examines how organizations working on labour exploitation and human trafficking in the Thai fisheries sector are responding to the intense international pressures and subsequent policy reforms in fisheries. Taking a step back to analyze the institutional landscape of organizations involved will allow for an engaging overview of the challenges and opportunities in addressing the intersection of labour and sustainability, labour and migration, and help understand where human trafficking fits in amidst this landscape. This thesis aims to answer the following questions:

1. What does the institutional landscape surrounding the Thai fisheries reform look like? What areas are being addressed and most importantly, what are the gaps?

2. After the launch of the Thai fisheries reform, are there varying degrees of social protection for migrant workers, including those who were trafficked?

1.3 Walkthrough

This research builds upon the work of Marschke and Vandergeest (2016) in which they outline the four types of responses to the scandals of slave labour in Thailand's fisheries sector: anti-trafficking, IUU enforcement, buyer supply chain requirements, and government action. My research breaks down these categories even further, and sorts stakeholder responses under narrower sub-categories: *policy and regulations* (research, national/intergovernmental processes, migration management, law/enforcement), *eco-sustainability* (fisheries management, sustainable sourcing), and *social sustainability* (ethical labour, worker empowerment, worker assistance, societal awareness, human trafficking) as shown in Appendix B.

The first part of this thesis begins with a background on the Thai fisheries sector. Following the context is an overview of the wide-ranging policy changes that have been implemented as part of the 2015 Thai fisheries reform. The thesis notes both the improvements and limitations of these policies, which cover fisheries management, labour, migration, human trafficking. The thesis then describes Gallagher's (2015) conceptualization of exploitation as a migration issue, and uses her framing to help better understand the impacts of Thai fisheries reform on migrant workers and victims of trafficking into the sector. Gallagher's framework is useful as it draws on over a decade of her experience working with Thailand and other ASEAN nations to strengthen their human rights and anti-trafficking legislation to help explain why migrants are exploited and why states treat migrants the way they do. These questions and her reflection on their answers are greatly important to understanding the migration-trafficking-exploitation complex in Thai fisheries.

Sabates-Wheeler and Waite's (2003) social protection framework, which categorizes policy measures as preventative, promotive, protective, or transformative, is also used to analyze the extent of the Thai fisheries reform. This framework is useful because it designates a broader 'purpose' for each policy. For example, does the policy protect or prevent migrants from further vulnerability, does it promote livelihoods and capabilities, or does it contribute to the transformation of imbalanced power structures in which the vulnerable are at the bottom rung? According to the framework, when woven together well, these four types of measures create a strong foundation of social protection for the vulnerable. Analysing the Thai fisheries reform through this lens allows this thesis to systematically determine whether there are any gaps within the series of

policy changes meant to improve the lives of migrant fishers and provide them with basic rights and social protection.

The next section delves into the results of my fieldwork and analyses the institutional landscape of the Thai fisheries reform, with particular attention to gaps in anti-trafficking responses. I argue that the government and the private sector are less invested in protective and transformative measures of social protection, which includes worker empowerment, and anti-trafficking initiatives compared to fisheries management solutions. The government has made significant efforts to improve the working conditions of migrant fishers, but is still lagging in the area of worker empowerment due to issues of cultural discrimination and singularly viewing irregular migration as a crime. Although some solutions may seem progressive particularly compared to poorer neighboring states, progress has been limited. A good example of this has the periodic registration of irregular migrants. Although the granting of 'pink cards' to register migrants, these have been followed by crackdowns on irregular migrants by Thai authorities, leading to thousands of migrants who, in precarity and panic, return to their country of origin out of fear of arrest (Radio Free Asia, 2016; Sony and Hawking, 2016).

Still, conversations with port workers revealed that the government fisheries reform were viewed favourably. While those interviewed may not have been working as fishers, they also noticed impacts due to their everyday work due to new regulations to port operations and hiring practices. Their perspectives are in line with research by Marschke and Vandergeest (forthcoming), who found that fishing workers generally considered the fisheries reform to have had improved working conditions. Although working conditions have improved, this thesis argues that improved conditions does not equal empowerment. Rather, the thesis views empowerment as changes that seek to "alter the bargaining power of various individuals and groups within society" as per Sabates-Wheeler and Waite's (2003) definition of transformative measures. Therefore, in this thesis, references to transformative measures or policy means that they must also aim to empower migrants by shifting power dynamics.

The most vulnerable fishing workers are those who have been trafficked. Interviews with trafficked Burmese fishers conducted on behalf of the Issara Institute, a prominent migrant worker NGO working in the fisheries sector in Thailand, indicated that anti-trafficking responses have been sorely inadequate. Although the reform assisted in the rescue of the men in 2015, this was the same year that the Thai fisheries reform was undertaken and so they were unable to benefit fully from the suite of anti-trafficking policies passed as part of the reform. Still, the case study demonstrates how the experiences of trafficked

fishers are particularly serious and require specialized policy interventions separate to the policies passed to improve labour conditions for those working in the fishing and seafood sectors more generally. I argue that the social protection framework is a useful tool to form strategic and comprehensive policies to improve working conditions and the livelihoods of migrants; however, a separate set of policies must be developed for land-based workers, fishers, and trafficked workers/fishers. Since these three categories of workers face vastly different work conditions and levels of vulnerability, a separate series of policies using the social protection framework should be developed under the umbrella of the Thai fisheries reform. Only then can the reform be considered comprehensive and beneficial to all seafood and fishing sector workers.

Finally, the paper provides recommendations on how to improve responses to benefit the most vulnerable migrant workers, especially those who have been exploited. Recommendations include reforms to the justice system to improve prosecution and restitution mechanism, engaging the private sector in victim rehabilitation, innovating trafficking victim rescue programs, strengthening an integrated, regional approach to migration management, fisheries management, and anti-trafficking, and mastering new technology to regulate the fishing industry. An analysis of the institutional landscape is timely and can help to better understand the roles and contributions of stakeholders as the issue evolves. This thesis uses applies the concept of social protection to the Thai fisheries reform to analyse the policy impacts on migrant workers, with special attention to the most vulnerable.

2. LITERATURE REVIEW

2.1. Environmental Decline of the Fishing Industry

Southeast Asia features some of the fastest growing economies in the world, and fisheries is an important sector for economic growth and a crucial component of food security for the region (Witter et al., 2015). The continent produces approximately 60% of the world's fish, making it particularly vulnerable to the environmental, economic, and labour consequences of declining fish stocks (Stobutzki et al., 2006). Thailand is the third largest exporter of fish products in the world, behind China and Norway (FAO, 2014). The top export destinations of these products are, in order to greatest percent share, is the United States (22.8% share), Japan (20.4%), Australia (5.4%), Canada (4.4%), and the United Kingdom (3.9%) (Agriculture and Agri-Food Canada, 2015). As the fourteenth largest fish producer in the world, Thailand has not been immune to the impacts of fish decline (FAO, 2014). Although its seafood industry produced US\$ 7 billion worth of fishing exports, Thailand's marine capture decreased by almost 40% in nine years from 2003 to 2012 (FAO, 2014; ILO, 2013).

The decline of fisheries throughout Southeast Asia can be explained by a multitude of factors, namely overfishing, environmental degradation, high population growth, and pollution, compounded by the economic agendas of nation-states as well as political and territorial disputes in the South China Sea (Witter et al., FAO, 2014). In Thailand, the rise in global demand for seafood products has created an industry plagued by overfishing and IUU fishing, resulting in the rapid degradation of marine fish stocks (Chantavanich et al., 2016; Sylwester, 2014). Deep-sea trawling, which pulls a weighted net across the ocean floor, smaller net hole sizes, larger ships, and other developments in fishing technology have exacerbated marine exploitation. Fishing operators are increasingly catching low value or juvenile fish, as well as unwanted "by-catch" fish. As a result, they are forced to reduce operating costs in order to turn a profit (Sylwester, 2014; Pauly et al., 1998).

2.3. Labour Migration

According to the World Bank (2016), Thailand became an upper-middle economy in 2011. As a result, the number of migrants from Cambodia, Myanmar and Lao PDR have increased in Thailand, influenced by uneven economic development in their home countries and the possibility of better wages (Sylwester, 2014, Chantavanich et al., 2016; Derks, 2010). In the Asia Pacific, Thailand has the fifth highest number of migrants, estimated at around 3 722, 000 migrants in 2013 (UNESCAP, 2015). The number of irregular migrants in

Thailand fluctuates widely because of periodic changes in policies and regularization programmes (Ibid).

Despite its deviant connotation, irregular migration to other countries for work is a common phenomenon (Douglass, 2006). Around 40% of irregular migrants end up in the agricultural or fishing sectors (UNESCAP, 2015). Many studies cite that the vast majority of offshore fishers in Thailand are illegal or “irregular” migrants (Chantavanich et al., 2016; Derks, 2010; ILO, 2013). However, these statistics were calculated prior to the Thai fisheries reform’s efforts to regularize fishing workers, so it is unclear if many offshore fishers remain unregistered.

Burmese migrant workers are also more likely to face worse discrimination and working conditions than their Laotian, Cambodian, and Vietnamese counterparts (Meyer et al., 2015; Eberle and Holliday, 2011; Mon, 2010). This is likely due to negative public perceptions originating from the 1767 war between the Thai and Burmese (Chutintaranond, 1992). While migrants are more likely than locals to be trafficked or forced into labour, Burmese migrants are especially vulnerable to these exploitative situations.

2.3. The Intersection of Sustainability and Labour

The intersection between marine sustainability with social sustainability has come under increased scrutiny since reports of slavery scandals involving fishers in Southeast Asia came to light (McDowell et al., 2015; EJF, 2015; Stoakes et al., 2015; Urbina, 2015). The scientific world has been slow to incorporate aspects of social sustainability in their efforts to improve the environmental sustainability of fisheries and aquaculture, and efforts to do so have often been reactive to events such as Thailand’s slavery scandals (Kittinger et al., 2017). Recent efforts are being undertaken by practitioners and academics to align the two fields into an interdisciplinary approach that provides sound evidence for policy action by 1) better linking issues of agency, social justice, and inequality to sustainability, 2) contributing to bodies of evidence on the scale of social abuses in the seafood sector and the efficiency of efforts to eradicate such abuses, and 3) increasing the commitment of researchers to work with policy makers to better integrate the two fields (Ibid).

Where the intersection of social and environmental sustainability is most often explored is in the context of coastal communities and their right to fish and manage their own fishing territories. Very few papers study the intersection between sustainability and social issues (i.e. poverty, migration, livelihoods) in context of workers in offshore fishing. Events in Thailand demonstrate how the two subjects are potentially linked and merit closer research. As the scarcity of

quality marine life worsened in Thai waters, so did labour conditions at sea. Fishing trips lengthened and ships started travelled further, often in precarious conditions, to sustain catch levels (Sylwester, 2014). The difficult working conditions made jobs in offshore fisheries undesirable among Thais (Derks, 2010). As a result, migrants from the poorer neighbouring countries of Myanmar, Laos, and Cambodia now occupy most jobs in fisheries (Chantavanich et al., 2016; EJF 2014; EJF 2015; Derks, 2010; IOM, 2011). Difficult working conditions at sea have resulted in a high turnover among migrant fishers, even among those with irregular legal status (ILO, 2013). The shortage of workers in fisheries has also led to more coercive recruitment practices such as human trafficking (Ibid). In 2012, it was estimated that the Thai fishing sector faced a labour shortage of 50,000 workers (Ibid). It was around that time that the issue of ‘slave labour’ of migrant fishers became more publicly known. Although it is unclear whether improvement of fishing stocks through elimination of IUU would actually reduce instances of labour exploitation, the two issues have been related to each other by the media and environmental NGOs (McDowell et al., 2015; EJF, 2015; Stoakes et al., 2015; Urbina, 2015; Greenpeace, 2016). According to the Environmental Justice Foundation, “the collapse of fishing stocks in Thailand’s marine capture fisheries has directly contributed to the widespread use of modern slavery” (EJF, 2015).

2.4. Modern Slavery and Associated Discourse

In his article, Ronald Weitzer (2015) explores the dominant narratives of human trafficking and slavery. He points out the subtle differences between debt bondage, forced labour, and modern slavery, which are often used interchangeably. In the report Social Responsibility in the Global Seafood Industry by Fishwise (2016), the terms are defined as the following:

Forced Labour
Forced labour, sometimes also referred to as labour trafficking, encompasses the range of activities — recruiting, harbouring, transporting, providing, or obtaining — involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labour is exploited by such means, the person’s prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee a trafficking victim (USDOS 2016).
Human Trafficking
According to the U.S. State Department’s 2016 Trafficking in Person’s Report (hereafter, TiP report), ‘human trafficking’ and ‘trafficking in persons’ are umbrella terms for “the act of recruiting, harbouring, transporting, providing, or

obtaining a person for compelled labour or commercial sex acts through the use of force, fraud, or coercion” (USDOS 2016). Trafficking victims can include individuals born into servitude, exploited in their hometown, or smuggled to the exploitative situation as well as individuals who previously agreed to work for a trafficker or participated in a crime as a result of being trafficked (USDOS 2013). At the core of this issue is the trafficker’s intention to exploit or enslave another human being, and the coercive, underhanded practices they engage in to do so (USDOS 2013).

The international definition set forth by the United Nations Office on Drugs and Crime (UNODC) defines Trafficking in Persons as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (UNODC 2013).

Modern Slavery

This is a general term often used when referring to holding a person in compelled service, including trafficking, forced labour, involuntary servitude, and bonded labour as well as recruiting, harbouring, transporting, providing or obtaining a person for this labour through force, fraud, or coercion (USDOS 2013b).

While modern slavery and forced labour may involve human trafficking, it is not always the case, and the actual occurrence of these negative forms of labour varies by case, location, and severity (Weitzer, 2015). Derks (2010) uses the example of one of her interview subjects Yaa, a Cambodian migrant fisher, to demonstrate the fluidity of the migration experience. Throughout his years as a migrant, Yaa was smuggled, helped smuggle his friends, experienced forced labour, escaped and then worked freely (though still under unfair working conditions). Derks warns that categorizing migrants leads us towards “misleading dichotomies...of ‘victims’ vs. ‘agents,’ ‘force’ vs. ‘freedom’” where in actuality there are varying levels of ‘unfreedom’ that together shape migrant careers within wider social, historical, and economic contexts (Ibid, 916). Anti-trafficking practitioners generally reject notions of categorization. As David (2015) explains:

"Definitions do matter in some contexts but we must not lose sight of the facts that they are not the end in itself, and insistence on technical definitions does not always serve a purpose. If definitions help law enforcement officials recognize victims, or if they help legal systems

run more effectively, then they serve a purpose. However, if use of technical terms in public debate means we effectively speak to ourselves but fail to inform our audience, then definitions are not serving us well" (152).

Unclear definitions and lack of training to identify traffickers and trafficking victims can be potentially harmful to migrants when it comes to judicial protection or prosecution. One study of Cambodian traffickers in detention found that only 25% were justly incarcerated while 59% had been doubtfully convicted, meaning their case did not fit Cambodia's legal definition of trafficking (Keo et al., 2014). The study raises doubts as to whether existing numbers of incarcerated traffickers have been justly tried or are even culpable in the first place.

The prevalence of trafficking is difficult to quantify and is likely over-exaggerated (Weitzer, 2015). The inflation of human trafficking numbers, or "exploitation creep," driven by governments and activist interests reinforces the enforcement approach to trafficking, is seen as the only way to address a problem of such magnitude (Chuang, 2014). Marschke and Vandergeest (2016) point out that media and NGOs are successful at drawing worldwide attention to labour issues by using language such as 'modern day slavery' and equating such cases to trafficking. Thailand is known as a hub for human trafficking, although Weitzer's article would suggest that trafficking is not at the height and magnitude that is generally assumed. That is why data-driven, technological solutions are being pushed forward with such eagerness, since not only are they scalable and measurable, but they also fill an immense gap in sparse trafficking data.

Finally, anti-trafficking efforts do not address broader structural issues contributing to irregular migration and vulnerability to trafficking. Bélanger's 2014 study on Vietnamese migrant returnees found that the likelihood of returning to a potentially vulnerable situation was closely tied to debt, profits, and how others would view the success or failure of the migrant. Therefore, while human trafficking and labour migration are often considered independent processes, she found that trafficking is in fact a migration issue. As Marschke and Vandergeest (2016, 42) write:

"The trafficking frame by itself does not address broader labour migration problems, tends to position workers as victims or potential victims, and the brokers as criminal traffickers, in each case simplifying what are very complex processes that often do not fit these categories."

In conclusion, forcing migrants into inflexible categories, which in turn influences which enforcement systems they are put in contact with (i.e. criminal justice, immigration, other), may increase their vulnerability and do more harm than good.

2.5. Treatment of Victims

While Thai laws dictate that trafficked victims are not to be persecuted, enforcement on the ground tells a different story. Even among sex workers in Thailand, there have been cases of victims of trafficking being imprisoned and bailed out by their pimps, reinforcing victimization and exploitation (Bales, 2010). Men, even more so than women, are likely to be criminalized rather than be provided with appropriate trauma and support services (Kranrattanasuit, 2014). Those in trafficking shelters may also be prohibited from working, making them less likely to report abuses, or detained for prolonged periods while the court process unfolds (Gallagher and Pearson, 2010). In 2014, an incident involving migrants rescued from fishing boats in Kantang was reported by Environmental Justice Foundation (EJF). The migrants, who were placed in a government shelter, got into trouble by staff for using Wifi to access Burmese groups on Facebook. The leader of the migrants was beaten and threatened with a gun. Following the incident, the migrants demanded to be repatriated to Myanmar (EJF, 2015). Other victims from Kantang were kept in rescue shelters for 7-8 months in inadequate conditions. Although they felt safe in the shelters and did not fear being re-trafficked, also reported that they were not fed enough food, sometimes experienced discriminatory treatment, lived flimsy shelters that did not adequately protect them from the elements, and were unable to leave (Tran, Marschke, and Issara Institute, 2017).

The 2016 US TiP report notes that Thailand does not meet the minimum standards for eliminating trafficking but they have made significant efforts to do so (USDOS, 2016). According to the TiP, these efforts are mainly centered around strengthening criminal and civil penalties of traffickers and brokers, legal protection for whistle blowers, and the closure of businesses involved in trafficking networks. There is little indication that the treatment of victims improved. The report notes that proactive screening for victims remained limited, and officials often failed to identify trafficking cases involving non-physical coercion or debt bondage. Only 10 percent of trafficking victims in government shelters worked outside of shelters during the reporting period even though they should be legally permitted to do so. In addition, the government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries.

Marie Segrave's (2009) study on the repatriation of sex trafficking victims in Thailand and Australia found that returning victims home is considered "the natural and logical restoration of 'order'" and ensures "that the responsibility of destination countries begins and ends at the border" regardless of whether exploitation or risk of exploitation has been minimized for the whole of the return journey (258). This type of trafficking response continues to be the global response and does not allow for policy engagement in the frame of complex migrant realities. As the examples above demonstrated, migrants and human trafficking victims coming into contact with the anti-trafficking legal and enforcement system may be placed in an even more vulnerable position.

2.6. Human Trafficking, Labour Migration, and Debt

In many research articles and reports on trafficking, debt and debt bondage is mentioned as a contributing factor to forced labour. However, in reviewing debt migration literature, not all research established clear correlation between the two. The research examined in this section reveal that in some case studies, instances of trafficking were very low while instances of heavy debt and bonded labour were much more common.

Danièle Bélanger's (2014) study of 646 Vietnamese former migrants is a good example demonstrating the impacts of debt compared to trafficking. Her analysis focused on exploitative practices during the migration experience including trafficking. The majority of interviewees did not report severe experiences of abuse, deception, or exploitation duration. However, all of them had incurred a heavy debt in order to work abroad. She found that approximately 50% of interviewees based their perception of a positive or negative experience abroad on their post-migration financial situation. For those reporting negative experiences, their answers were largely influenced by debt, lack of savings, education, and employment. Interestingly, returnees who reported a very positive experience abroad did not question debt bondage or having to work 6–18 months to reimburse expenses incurred for the "privilege" of becoming a migrant worker (Ibid, 102). Bélanger concluded perception of failure or success of labour migration depended primarily on the economic outcome of the job and not the work experience, even if forms of forced labour and exploitation were present.

Another study on low-skill Vietnamese migrant workers in Malaysia found that even when participating in a government labour program, what began as 'voluntary' indebtedness slowly transformed into a modern form of indentured labour (Huong, 2010). For the opportunity to work abroad, they readily signed

contracts and shouldered heavy debt, which held them accountable towards their recruiter, the state, and their employer. This led to severe restrictions in their autonomy over life and work in Malaysia. While both Malaysian and Vietnamese recruiters earned a profit from migrants, they also encouraged the Vietnamese workers to accept lower pay, bad working conditions, and other undesirable aspects of the job. Meanwhile, migrants felt forced to accept these conditions because quitting and returning home meant returning to their families saddled with unpaid debt. The migrants also realized that repaying their debts would take much longer than believed – on average 11 months for a worker at an electronics factory making USD \$190 a month (Ibid). Workers only began to work for themselves in the second year of repayment, meaning the first year was entirely dedicated to debt repayment. The researcher's case study is an example of how even legal migrants participating in formal government programs can find themselves in exploitative and vulnerable situations through the manipulation of debt and contracts.

In Thailand, the majority of fishers entered working arrangements with brokers but frequently found themselves in situations where they are unable to leave as a result of incurred debt (ILO, 2013). Nearly a quarter of those who used a broker were having their wages deducted to pay this fee, and over 70% of those who reported to have paid their broker up front had in fact secured a loan either from their employer, broker or family (Ibid). Of the 32 individuals who reported to be have been deceived or coerced into working in the fishing sector, 30 were from Myanmar, one was from Cambodia (forced by parents) and one was from Thailand (tricked/forced by broker) (Ibid). The study's findings revealed that a disproportionate number of Burmese migrant fishermen were trafficked or forced into labour.

While trafficking is considered the violation and victimization of an individual, debt and debt bondage can also have a devastating impact on not only the individual but also their family and their community. Many migrants borrow from friends and family to be able to finance their migration and work abroad (Bélanger, 2014; ILO, 2013; Derks, 2010). Bélanger (2014) describes what can happen if a migrant fails to repay his debt and send money back home: the family may lose their land or property, which they re-mortgaged to fund the migration, the migrant may be too ashamed to return to the community a failure and permanently damage relationships with their children, spouse, and other close members, or the migrant may return but then enter into even more debt by buying items to make it appear as if they were successful and/or take out another loan to again return abroad in the hopes of having better luck and profits the next time.

For Filipino migrant fishermen, remittances are the only connection they have with their families as they may leave for many years. By paying debts instead of sending spending or savings money back home, they severely strain their relationships with their loved ones (McKay, 2015). In some cases, funding migration may even be seen as a survival mechanism or a retirement investment for elderly parents, placing extreme stress on the migrant to succeed (Alipio, 2015). If they fail, they risk “arousing bitterness and betrayal in the family,” being labelled as “ungrateful,” and a “dishonour” to kin (Ibid, 233). In misfortunes such as sickness and accidents, debt may also be exacerbated (Hoang and Yeoh, 2015). As these examples demonstrate, debt has far reaching impacts beyond just the migrant but to individuals in the transnational family as well (Ibid). They help explain why indebted migrants place themselves in vulnerable situations in the first place.

It should be noted that debt itself is not an automatic indicator of forced labour; this depends on the circumstances of each experience (Weitzer, 2015). In fact, incurring debt is very common and even expected among resource-poor migrants (Ibid). As Davidson (2013) summarizes: “Financing migration through debt can be an active choice without also being a ‘voluntary’ or ‘autonomous’ choice, and migrants’ decisions to take on debts that will imply heavy restrictions on their freedom are taken in the context of migration and other policies that severely constrain their alternatives.” Regulating the shouldering of debt before it turns into an exploitative situation or one that drives a migrant and their family into deeper poverty has important implications for worker rights and development.

2.7 Human Trafficking in Thai Fisheries

An estimated 45% of global trafficking victims are male in ‘three D’ [dirty, dangerous, difficult] jobs (Kranrattanasuit, 2014). Offshore fishing is considered a ‘three D’ occupation. Due to the exposure of harsh and exploitative labour practices at sea, fishers in Thailand are often referred to as victims of human trafficking for forced labour (Chantavanich et al., 2016). However, the spectrum of labour exploitation varies widely and not all work in fisheries constitutes forced labour. Some fishermen work on short haul-boats that return to shore every few weeks, while others work on long haul boats that can remain at sea as long as 2 years (ILO, 2013). Workers on these long-haul boats have much higher incidences of labour abuse due to their remote location and dependence on their captain (Ibid). However, while it is more common for fishers on long haul boats to face coercion, abuse and other forms of forced labour, they may have not been trafficked into their job.

The ILO conducted a study with 596 fishers in 2013. While their data is not representative nationwide, it provides a good indicator of the prevalence of extreme labour abuse. Only 4.9% were found to be unable to leave their job due to severe labour exploitation (ILO, 2013). Furthermore, 17.3% of fishers were threatened with violence and 10% were severely beaten (Ibid). Although the occurrence of forced labour and human trafficking among fishers may be rare, Stringer et al. (2014) argue that it is actually widespread and systemic when viewed through the lens of global value chains, in which the most poor and vulnerable are exploited to maintain low product prices and high economic returns. Gallagher (2015) also similarly argues that countries that seek to produce the cheapest products require the cheapest labour, which is often provided by migrant workers. To transform labour conditions requires more than changing the ways counties manage migration; it would also require a transformation of the global economy.

2.8. Thailand in the Global Context

Thailand, along with ten other countries, is responsible for the Regional Plan of Action Against IUU Fishing that promotes responsible fishing practices and combats IUU in the Southeast Asian region (Department of Fisheries, 2015). Prior to 2015, Thailand had ratified key legal instruments such as the UN Convention of the Law of the Sea (UNCLOS) and ILO conventions against forced labour and child labour. However, it wasn't until after the EU's yellow card that the Thai government ratified the ILO Promotional Framework for Occupational Safety and Health Convention in 2016, the UN Port State Measures in 2016, and the UN Fish Stocks Convention in 2017 (ILO, n.d., Thailand Ministry of Foreign Affairs, 2017, Royal Thai Embassy of Washington DC, 2016). It is likely that Thailand will also soon ascend to the ILO Work in Fishing Convention (Key informant interview).

Various foreign legislation also sets an example for Thailand to address labour issues in its fisheries sector. The UK's Modern Slavery Act ascended to law in 2015 and provides law enforcement with the tools to combat modern slavery, justly prosecute perpetrators, and enhance support and protection for victims (UK Government). The California Transparency in Supply Chains Act that went into effect in 2012, requires mid- to large-sized companies making over US\$100 million in worldwide revenue to provide consumers with information that enables them to understand which of the roughly 3,200 impacted companies located or operating in the state to manage their supply chains responsibly (US Department of Labor). The law required companies to disclose on their websites how they are eradicating modern day slavery and human trafficking from its direct supply chain of offered goods (Ibid). Furthermore, President Obama

signed the US Trade Facilitation and Enforcement Act in 2016, closing an 85-year old tariff legislation loophole that allowed the import of goods produced by forced labour if there was not sufficient supply to meet domestic demand (Mendoza, 2016).

Industry actors have also reacted to the allegations of slave-tainted products, especially due to the reporting requirements on slave-free goods required by California Transparency in Supply Chains Act. Seafood company Thai Union, the world's largest tuna canner that produces one-fifth of the world's tuna products, has partnered with government and civil society to improve labour standards in its factories and among their suppliers (Thai Union, 2016a). Retailers such as Whole Foods, Walmart, Red Lobster, and others, which were found to sell shrimp produced by slave labour, have vowed to investigate their own supply chains (Sheffield, 2015).

2.9. Thailand's Fisheries Reform

Seafood products play a crucial role in Thailand's export sector, but two main issues have plagued the industry: IUU and human trafficking (Siriprasertchok, 2015). As part of a program to stop imports from IUU fishing, the EU handed Thailand a 'yellow card' and threatened economic repercussions in six months if Thailand didn't reform its fishing industry (Le Fevre, 2015). Meanwhile, labour scandals surfaced in the media with horrific stories of human trafficking and the exploitation of fishers at sea. The Environmental Justice Foundation released a series of reports revealing the inhumane forced labour conditions of migrants in a human trafficking scheme run by corrupt local businessmen and authorities (EJF, 2014; 2015). Then the Associated Press and the Thai NGO the Labor Protection Network (LPN) covered a story that won the Associated Press the Pulitzer Award in Public Service. The article revealed how thousands of men, some in forced labour conditions, were working illegally on Thai vessels in Indonesia (McDowell et al., 2015). Hundreds of murdered trafficking victims were discovered in an island graveyard. Other articles by the New York Times and the Guardian also covered the slavery scandals, linking products in supermarkets to 'slave-caught' Thai seafood (Hodal et al. 2014; Urbina et al., 2015). Through the labour angle, the United States added even more pressure on Thailand to react. For two years in a row since 2014, the United States ranked Thailand as Tier 3, the worst tier in line with North Korea, in its annual Trafficking in Persons (TiP) report (EJF, 2015).

Reactions were swift: many Northern supermarkets and other seafood buyers set up programs to ensure that their supply chains were free of slave-associated products, and corporate buyers reviewed their standards and inspection

practices and began working with suppliers and local NGOs to eliminate unethical labour from their supply chains (Vandergeest, Tran, and Marschke, 2017). Thai military government embarked on a comprehensive fisheries reform in 2015 to stop IUU, which included policies to improve migrant fishers access to the legal status, health care, and treatment by employers, require all vessels install vessel monitoring systems (VMS), and strengthen anti-trafficking legislation (Royal Thai Embassy of Poland, 2016; Vandergeest and Marschke, June 2016). A detailed analysis of the changes part of the reform are explored in the Results section. One of the most notable changes was the implementation of the port-in, port-out (PIPO) inspection centers operated by the Thai Navy. PIPOs are located at every major port and inspect all vessels over 30 gross tons entering and exiting the pier for to ensure that they meet the standards of operation, possess the right fishing gear, and that the workers are registered and that the working conditions meet the legal requirement. These changes were not only meant to improve labour conditions at sea, but extended to seafood related workers at port and in processing factories.

3. CONCEPTUAL FRAMEWORKS

Due to the various cases of research presented in this essay, two main conceptualizations are utilized to help 1) better understand how migration is linked to labour exploitation and 2) how migration is conceptualized within a social protection framework. Understanding migrant vulnerability through a social protection lens will assist in the analysis of how the Thai fisheries reform has impacted the migrant workers on the ground, particularly those most vulnerable to exploitation.

3.1. Exploitation in Migration

Migration is becoming more perilous and expensive than ever. While the free global movement of goods is encouraged, the movement of people is not. The contemporary migration regime deliberately restricts the ability of people to obtain legal access to their preferred destinations. This is also experienced in Thailand. As a prime destination for migrants from poorer, neighbouring countries, the country has long struggled with the issue of irregular migrants entering its porous borders. Hiring a migrant smuggler helps facilitate the migration, and many arrive to their destination safely and consider it a worthwhile investment. However, for those who don't, the consequences can be devastating. To better understand migration management in the context of Thai fisheries reform, this thesis employs Anne Gallagher's (2015) conceptualization of exploitation within the current global migration and economic regime, which contains three main points.

The first is viewing irregular migration as a crime. Migrant smuggling and human trafficking were only incorporated as an international issue in 1998 when they were singled out as sectors of transnational organized crime. Although this allowed migrant smuggling and particularly human trafficking to gain specific attention and action from states, key problems have persisted with these responses over the last decades. Treaties oblige states to criminalize migrant smuggling and trafficking, but responses are inconsistent among countries and with international standards. Namely, trafficking victims are entitled to protection and support, but this is rarely provided, and even more rarely provided adequately. Prosecution of traffickers is also rare, given the supposed scale of the problem. In terms of migrant smuggling, smugglers are criminalized but migrants are considered "somehow complicit in their own misfortune, and thereby not to be "victims" deserving of protection and support" (57). The connection between migrant smuggling with transnational crime allows states to characterize the activity as a threat to public security, which has resulted in increasingly strict and militarized national migration management strategies.

While States are unable to use the UN Migrant Smuggling Protocol to criminalize and punish smuggled migrants, they are not prevented from doing so. This conceptualization helps explain why states do not often support migrant rights.

The second is debt, a factor that Gallagher says is often-overlooked and can be an indicator of exploitation. Debt-financed migration is highly linked to exploitative labour. Debt bondage, which “occurs when debt increases to take account of real or imaginary expenses in a way that keeps victims trapped for extended periods,” is the most common method of exploitation (37). As discussed in the literature, many migrants take on debt to finance their migration and employment, including in Thai fisheries. Even legal migrants take on debt, such as those employed through bilateral sponsorship agreements, and are therefore not immune to exploitation.

The third is that exploitation inextricably linked to our global economy and elimination is impossible. Ending irregular migration (where most exploitation occurs) can only happen with gross violations of human rights and violence, as witnessed in authoritarian regimes that attract very few irregular migrants. Despite the signing of Protocols and outrage towards ‘modern day slavery,’ governments have an interest in maintaining the system that provides cheap labour. In reality, the cheapest labour is illegal labour. Therefore, truly reforming migration management would require reforming the global economy. Although Gallagher admits that there is no effective migration solution, she firmly believes that steps can be taken to minimize vulnerability and harm for migrants. She also notes that studies trying to measure the global prevalence of exploitation are useless; instead, a sector or industry focus is more effective in terms of prevalence measurement and the implementation of solutions. Following the author’s recommendation, this thesis employs Gallagher’s conceptualization of labour migration and exploitation to better understand the labour migration situation in Thai fisheries.

3.2. Migration and Social Protection

To understand the impacts of the Thai fisheries reform on labour conditions for migrants in the seafood industry, the policies of the reform will be analyzed within Sabates-Wheeler and Waite’s (2003) Social Protection Framework. There are many definitions of social protection and ways through which to address vulnerabilities. For example, the World Bank frames vulnerability in terms of risk in relation to income and consumption instability while the ILO tends to define social protection in terms of living standards and human rights (Sabates-Wheeler and Waite, 2003).

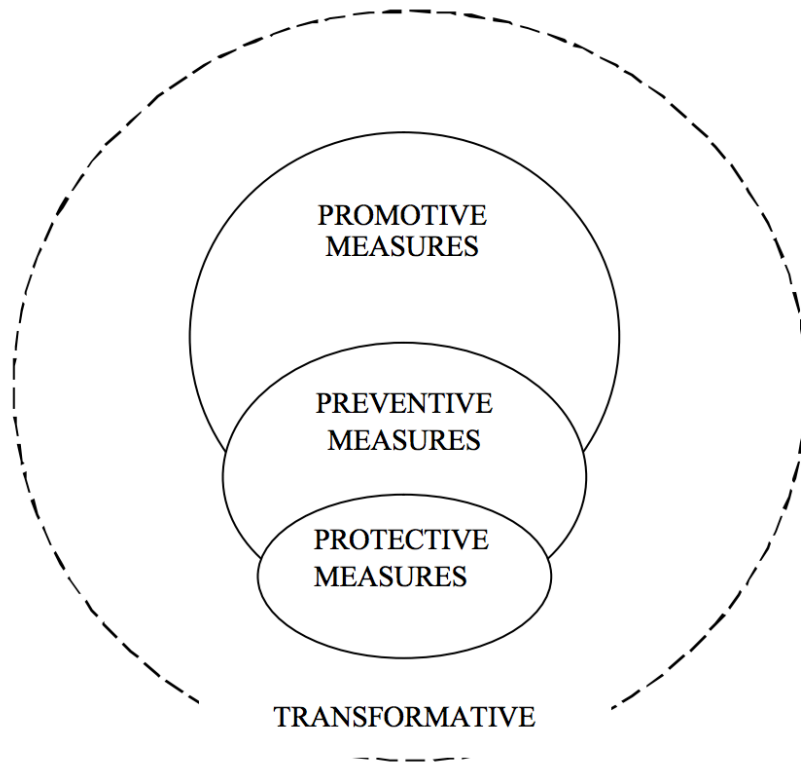
The authors define social protection as “all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalised; with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalised groups” (10). Their paper distinguishes the following elements of social protection and pays particular attention to how these measures are applicable to migrant populations (See Figure 1). They argue that migration in itself can be a form of social protection, or a form of vulnerability if the migrant encounters exploitation. They outline three specific categories of vulnerabilities that can occur: spatial/environmental, socio-political, and socio-cultural, noting that these can happen in the original country, in transit, at the destination, and to the family in the source country. However, these specific vulnerabilities are beyond the scope of this paper, and we instead focus on their framework around measures. There are four measures:

1. **Promotive measures** aim to 'improve real incomes and capabilities.' These may include macroeconomic, sectoral and institutional measures relevant to poverty reduction, such as improving primary education, reducing communicable diseases and facilitating access to land or sanitation.
2. **Preventative measures** aim to 'avert deprivation in specific ways.' These typically refer to both state and non-state social insurance provision.
3. **Protective measures** are even more specific in their objective of 'guaranteeing relief from deprivation,' which are narrowly targeted safety net measures aiming to provide relief from poverty and deprivation to the extent that promotional and preventative approaches have failed to do. Examples are cash transfers for the extreme poor or specific interventions for women in marginalized groups.
4. **Transformative measures** aim to alter the bargaining power of various individuals and groups within society, and ensure people are protected against social risks such as discrimination or abuse. A 'transformative' view extends social protection to arenas of equity, empowerment and 'social rights,' rather than confining the definition to targeted income and consumption transfers or insurance mechanisms.

The authors define various measures through a lens of poverty reduction and livelihood improvement. Although many agree that this framework, particularly the transformative aspect, is useful, critiques argue that the framework is ambitious rather than practical, and imposes interpretations of transformation by outsiders (Aoo et al., 2007). Despite these critiques, this framework was chosen because the transformative aspect is deemed important to understanding uneven power relations between various classes of workers and where they work in the

fishing sector, as well as where there are gaps in policies that could address inequalities. In this thesis, the meanings of each measure will be applied to specifically reflect the social protection of migrant workers in the Thai fishing industry.

Figure 1: Conceptualizing approaches to poverty and vulnerability



Sabates-Wheeler and Waite (2003)

With the many policy changes being undertaken in the Thai fisheries reform, my research focuses on 'transformative measures,' or rather, the lack thereof. As Figure 1 demonstrates, transformative measures are more difficult to achieve and lay beyond the primary nexus of other policy measures designed to promote a certain outcome. This transformative element is particularly pertinent for the study of migrants who "often find themselves in destinations where their rights are ill-defined and the process by which claims on states and public institutions are not transparent or even accessible" (7).

4. METHODS

The institutional landscape of the Thai fisheries reform was analyzed in three layers. First, government reform policies were reviewed in detail, noting the policy changes in migration, IUU, trafficking, and labour as well as the limitations of the policy changes. The policies and actor responses were then analyzed using the Sabates-Wheller and Waite's (2003) Social Protection Framework, and finally, supplemented by interviews with organizations working in the field of fisheries and labour.

Semi-structured, qualitative interviews took place primarily in Bangkok, Thailand, with a short trip to Songkhla, Thailand to interview local organizations. Contact was established with relevant organizations through existing connections with the New Directions in Environmental Governance (NDEG) project, of which this thesis is part of, and through connections made during the principal investigator's internship at the United Nations regional headquarters in Bangkok. Snowball sampling was a successful method to gain further interviews with other organizations or key informants.

Potential interviewees were sent letters of invitation and those who accepted interviews signed an ethics waiver that guaranteed participant confidentiality and anonymity. The interviews were recorded and transcribed where permission was granted; otherwise, written or typed notes were taken. Most of the interviews in Bangkok and Songkhla were conducted in collaboration with another NDEG student Yavanna Puts, a Master's candidate at the University of Wageningen, Netherlands, who was also conducting an institutional landscape study but from a communications science perspective. Interviews in Bangkok were conducted in English, while interviews in Songkhla were translated from Thai to English by a team of researchers from Prince of Songkhla University.

From small local NGOs, to prominent seafood businesses, to local and national governments, and to international agencies, a wide variety of actors were interviewed to provide a holistic overview of the various work and perspectives within the institutional landscape of Thai fisheries reform. In total, 18 organization/key informant interviews took place, with three organizations participating in second interviews either with a different respondent who possessed more knowledge on the topics at hand, or with the same respondent who wanted to elaborate on the previous discussion. Key informants are individuals who had produced significant work related to labour abuse in fisheries, but are not affiliated with a specific organization. The respondents were asked about their work activities, their collaborations, where they saw

challenges and solutions, and emerging trends. See Appendix A: Interview Guide for an overview of the interview topics.

Positionality

My positionality as a young, Asian, English-speaking student researcher facilitated my research and also hindered it in some ways. The interviews with organizations were, for the most part, were quite easy and culturally familiar to me. My appearance also helped me fit in during field work in Songkhla, Thailand and in Yangon, Myanmar. However, language barriers prevented the easy flow of information, although we had excellent translators to mitigate some of these effects. For the Burmese workers, the young and female status or my translator and I likely helped the men feel more comfortable as we seemed non-threatening, and their trust in the NGO the Issara Institute already allowed some level of trust with us. Still, when offered interview opportunities in remote villages or when suggested more private interview spots that were lower key and would have made the men feel more comfortable, we were unable to accept out of regard for our own safety. Interview questions were carefully analyzed in advance to make sure that we did not ask any questions that would re-traumatize the men (for example, prying about specific instances of exploitation) or triggering emotional distress (for example, asking about dreams and hopes when they have gone through very difficult, isolating situations). Working through the Issara Institute, whom the men had a strong connection with, as an essential factor in the success of the fieldwork.

While in Songkhla, Thailand for organization interviews, one day was spent interviewing workers at the main port located close to the city. These interviews were conducted spontaneously as we walked around the port because we did not have the time or resources to organize focus groups in advance; however, we felt that it was important to view the port area and get a general sense of work and life in there. Since it was the daytime and there was no seafood shipment at the time, the port was relatively quiet except for a few workers, most of whom happened to be Cambodian. Those interviewed were approached by the research team and described the research project and ethics. If they agreed to participate, they provided verbal consent. Their responses were written down in notebooks but not recorded. The questions centered on whether the workers had heard about the Thai fisheries reform and if they had observed or experienced any impacts on their work or work status.

Finally, a last set of interviews was conducted with the former fishing workers in Myanmar. The Issara Institute, a prominent local NGO working on migrant labour exploitation in fisheries, regularly commissions working papers from consultants; I was asked to conduct a study with trafficked Burmese fishers for a working paper that the NGO intended to publish. Dr. Melissa Marschke provided important field work and writing support and co-authored the working paper for the Issara Institute. The question guide was evaluated and approved by the Issara Institute prior to fieldwork to ensure that it was not potentially harmful or triggering for the men. Permission was granted to also use the data in this research thesis. The Issara Institute explained that the men had many insights to share but expressed feeling forgotten and unheard; conducting the study would provide an avenue for the men to constructively share their thoughts. In the best interest of the respondents, the men were never posed any specific questions asking them to detail their exploitation experience. The questions focused primarily on their rescue experience, the assistance they had received, and their thoughts on what could have been improved. However, many respondents were eager to share their story and did so regardless. This allowed for an overall depiction of their journey, from how these men were recruited into off-shore fishing, the conditions they faced at sea and at port, how the men were rescued, and what happened in terms of assistance provision and livelihoods once they returned to Myanmar.

The interviews were organized with the help of Issara's Myanmar Program Officer, who has a trusted relationship with the men. The interviews were completely voluntary, and conducted either one-on-one or in small groups based on the preference of the respondents. A translator provided Burmese to English translation and walked the men through Issara's ethics and consent form. On average, each interview lasted an hour and a half. The Yangon interviews took

place on a quiet café balcony located downtown that was easy to access for the men, while the Myeik interviews took place near the port area. The interviews were recorded with the respondents' permission and the English portions later transcribed. The focus of the interviews was to understand life post-rescue and about how to better support these men as they re-integrate into Burmese society.

All interviews conducted for this thesis were analyzed for themes and trends using the qualitative analysis software NVivo (See Appendix B for a detailed analysis of the institutional landscape). Ethics approval for this research project was granted by the University of Ottawa and York University under the NDEG project. Interviews with trafficked fishers were conducted under the ethical guidelines of the Issara Institute, the NGO that commissioned interviews for a working paper.

Research Limitations

Data collection was limited to those who accepted interviews. Therefore most, but not all, key actors were included in the institutional landscape study. Secondly, the interpretation of some interviews may have been influenced by cultural, language or professional barriers, despite the presence of translators, due to varying levels of English fluency, or the need to present the right 'face' of the organization. Alternatively, while a person may work for an organization, the personal viewpoints shared during an interview may not accurately reflect the organization as a whole.

The data collected in Songkhla provides an insider perspective from seafood industry workers themselves. However, our interviews were conducted with migrants who felt safe and had legal status, and fluent in Thai so were already well-integrated into the Thai work force. The interviews were also conducted informally and with those workers who were available for interview, so the data collected is not representative of a population (i.e. port workers or migrant workers) or an issue (i.e. working conditions). Based on the informal interviews at Songkhla port, the interviews suggest that the Thai fisheries reform has had positive impacts reaching even workers at port, but makes no claims that this would represent a broader aggregate sample.

Due to limitations of time and location, only fifteen men were interviewed for Myanmar case study. Therefore, the findings cannot be generalized for all Burmese trafficked fishers, though they do corroborate the findings of other journalistic accounts, NGO reports, and academic/IO studies on the issue (c.f. Mendoza et al, 2015; ILO, 2013; EJF, 2014; EJF, 2015; Chantanavich et al., 2016). Secondly, most of the men lived and were interviewed in Yangon. Re-

integration experiences of men in the capital city may be very different from those who resettled in rural villages. Finally, there may have been discrepancies in meaning common during translation activities; the Burmese translator chosen possessed exceptional English fluency to mitigate occurrences of mistranslation as much as possible.

5. RESULTS

5.1 Review of the Policies and Limitations of the Thai Fisheries Reform

A wide range of policy changes were implemented as part of the Thai fisheries reform. In this section, they are organized in the following categories: policies that address IUU, labour, migration management, and trafficking. The following tables summarize the main legislation, changes, and limitations of the fisheries reform, adapted from Puts (2017) and Stride (2016), along with my own analysis drawn from field interviews.

Addresses IUU

Policies and Legislation	Changes	Limitations
Fisheries Act B.E. 2558 (2015) Royal Ordinance on Fisheries B.E. 2558 (2015) Marine Fisheries Management Plan (FMP) Port State Measures National Council for Peace and Order Directive No. 10/2558 and 24/2558	<ul style="list-style-type: none"> • Stricter penalties and administrative sanctions for infractions and unlawful activities • Ban on destructive fishing gear • Stricter vessel tracking and marking • Reform of the fishing license regime (introducing e-licensing, number of licenses will not exceed catch permitted by max. sustainable yield) • Buy-back scheme for affected fishers • Stricter requirements for overseas fishing boats • Every vessel equipped with vessel monitoring system (VMS) • Temporary ban of at sea transshipments (until June 2016) 	<ul style="list-style-type: none"> • Database and tech systems have a habit of being unmaintained and unused (too complex) • Inconsistency among PIPO offices • VMS is expensive for boat owners • Inspections conducted with a checklist mentality • Bribery of PIPO inspection officers

	<ul style="list-style-type: none"> • Fisheries observer required to be stationed on board • 28 port-in port-out (PIPO) stations established for inspection of vessels • Intensified at-sea inspections • Strengthen traceability (e-database, catch certification scheme) 	
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(Puts, 2017; Stride, 2016; Royal Thai Embassy of Poland, 2016)

To address IUU, changes included the enactment of the Royal Ordinance on Fisheries law, the adoption of the Marine Fisheries Management Plan, the approval of the National Plan of Action to Prevent, Deter, and Eliminate IUU fishing, and the establishment of the Command Center for Combating Illegal Fishing (Royal Thai Embassy of Poland, 2015). Thai Cabinet approved a budget of 810 million baht (about 22.5 million USD) to be used in the fight against IUU fishing that year, including the creation of a specialized unit to combat IUU fishing (Ibid). The fisheries reform addresses IUU fishing through an overhaul of fisheries legislation and management, tackling overfishing and overcapacity in Thai waters, stricter control over Thailand’s overseas fishing fleet, upgrading monitoring, control and surveillance (MCS), ensuring traceability of fishery products, and strict law enforcement and sanctions for those violating fishing and labour-related laws. However, while there have been the most changes in this area, implementation and consistency of enforcement seems to be an issue (Stride, 2016). Bribery and other tactics to evade or manipulated inspections have been used to get around the new rules (Interviews). Technological improvements are also in their infancy, and have not been utilized to their full potential. For example, VMS technology to track detailed activity of a ship while at sea is still being piloted even though it is required to be installed on all ships now.

Addresses Labour

Policies and Legislation	Changes	Limitations
Ministerial Regulation to Protect Workers in	<ul style="list-style-type: none"> • Improved health, safety, and sanitation standards • Mandated rest periods, 	<ul style="list-style-type: none"> • Difficult to monitor • Registration to

<p>Marine Fishing (2014)</p> <p>Ministerial Regulation to Designate Places of Work Prohibited from Employing Workers Under the Age of 18 B.E. 2559 (2016)</p>	<p>min. wage</p> <ul style="list-style-type: none"> • Multilingual contracts signed by employer and employee • All crew required to return to port every 12 months for inspections • Crew must be registered to a vessel • Greater flexibility to change employers • Workers must be over 18 years old • Training on safety, rights, and welfare 	<p>vessel can increase worker dependence on their employer</p> <ul style="list-style-type: none"> • Registration and paperwork changes require fee payment • Ineffective training (approx. 800 participants in a room) • May exclude smaller seafood suppliers who need support to implement new standards
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(Puts, 2017; Stride, 2016; Royal Thai Embassy of Poland, 2016; Mission of Thailand to the EU, 2015; *Key Informant Interview, 2016)

To address labour issues, Thailand has implemented policies that meet international labour standards. For example, they have implemented a suite of occupational health and safety standards and training, and stated that workers must be over the age of 18. An interesting strategy has been to register workers to vessels to ensure accountability of the fishers to their captains, whose vessels are inspected every time they return ashore. This ensures that the number and identities of the fishers have not changed since the last inspection, unless paperwork is provided to show a legal change of employer. Once again, however, implementation is inconsistent and the quality is questionable. For example, when pressed to describe the government-offered training on occupational health and safety, an interviewee revealed that it was a one-day, 800-person training. It is unclear if the policy changes have made real impacts on the lives of workers on the ground, in particular those who work on ships far out at sea, especially since PIPO officers are bribed to allow infractions to continue (Interviews).

While major seafood companies are cooperating with the new labour laws, especially with the support on NGOs who conduct third party audits and support workers, it also does not mean smaller, secondary seafood plants are implementing the new regulations. A Harvard Business Review case study by

Perez-Aleman and Sandilands (2008) noted that the rise of social movements targeting multinational companies has generated new supply chain standards and the growth of partnerships between companies and NGOs. However, these standards may unintentionally exclude small-scale firms from global supply chains, therefore affecting the poorest producers, who are therefore more likely to not meet labour standards. Therefore, one of the limitations of the reform is that large multi-national seafood companies such as Thai Union and Charoen Pokphand have been quick to showcase their uptake of reform policies, but smaller local suppliers may be unable to keep up which either excludes them from global supply chains that require that minimum standards are met and/or inhibits their ability to address labour abuses without outside support. The authors suggest that partnerships between multinational firms and NGOs need to foster inclusion among smaller forms and assist in the upgrade of small-scale producers in supply chains.

Addresses Migration Management

Policies and Legislation	Changes	Limitations
Regularization schemes and MoUs by the Ministry of Labour	<ul style="list-style-type: none"> • Registration rounds (pink cards) for illegal migrants working in seafood/ fishing from Laos, Cambodia, and Myanmar • Extension of work permit length to two years, renewable up to eight years • The Ministry of Labour conducting a survey to estimate the number of migrant workers needed in the Thai fishing industry and adjust policies accordingly • Policy Committee on Migrant Workers planning reform of the labour migration system, including elimination of illegal labour brokers 	<ul style="list-style-type: none"> • Registration rounds are periodic; illegal migrants outside of registration periods cannot be legalized • Registration dependent on payment of fees and employer cooperation • Early indications that fishers are not renewing their legal permits despite pink card registration

	<ul style="list-style-type: none"> • MoU development with other countries 	
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(Royal Thai Embassy of Poland, 2016)

In terms of managing irregular migration, neighbouring countries are innovating their migration management processes too, with Thailand’s worker registration scheme being piloted in partnership with the Cambodian government at the Cambodian consulate in Thailand (Kunthea, 2017). Internally, the Thai government has introduced legal mechanisms (the pink card) to allow formerly illegal migrants to become registered workers. Although initial registration numbers demonstrated the initiative was a success, now that permits are soon set to expire, work permit renewal has been low. Out of 146,000 legal fishing workers, only 27,000 have renewed their permits, leaving 99,000 at risk of deportation by March 31, 2017 (The Nation, 2017). Bylander and Reid (2017) found in their study of Cambodian migrants that despite regularization periods, most Cambodian migrants in Thailand remain in irregular and live in constant precarity and fear of deportation. Waves of mass deportations are common in Thailand (Ibid). One month Thai authorities may be encouraging the formalization of irregular workers through special programs, and a few months later, the newspapers could report a crackdown on thousands of migrants. In the summer of 2016, for example, Thai authorities arrested and deported an estimated 10,000 Burmese workers in 10 days (Radio Free Asia, 2016). Most of the workers had work and residency permits, but the name of their employer did not match the one on their formal documents, indicating that the safety net of formal registration may not be worth it due to flexibility to switch employers. In July 2017, thousands of Cambodian migrants fled home from Thailand after Thai police initiated a crackdown on migrant workers (Sony and Hawkins, 2017). These crackdowns have occurred in the past few years since the reform, resulting in an exodus of migrants who would rather return home rather than face arrest. Social protection for irregular migrants that goes beyond periodic registration periods should therefore be explored and may provide better understanding as to why fishers are not registering to work legally in Thailand.

Addresses Human Trafficking

Policies and Legislation	Changes	Limitations
Amendment (2015) to the Anti-Trafficking in Persons Act (2008)	<ul style="list-style-type: none"> • Harsher criminal and civil penalties on traffickers • Allowing the closure of businesses involved in forced labour 	<ul style="list-style-type: none"> • Strong on paper, weak implementation • Failure to prosecute high-

<p>Order of the Office of the Prime Minister on Measures to Prevent and Suppress Human Trafficking in Places of Business, Factories and Vehicle, B.E. 2558 (2015)</p> <p>National Plan of Action to Combat Trafficking in Persons</p> <p>Anti-Money Laundering Act</p>	<ul style="list-style-type: none"> • Legal protection provided for whistle blowers • Interagency human trafficking database system • Strengthened capabilities of the Royal Thai Police for prosecution, investigation, and interception on vulnerable workers • Increased capabilities to combat money laundering of traffickers, and seizure of assets for the compensation of victims • All relevant agencies to have their own specialized and dedicated Anti-Human Trafficking Division • Non-deportation policy for rescued undocumented workers; they are provided shelter, matched with new employers, and regularized 	<p>level corrupt officials</p> <ul style="list-style-type: none"> • Raids conducted to prove action, with little concrete action in terms of prosecution and justice • Protection and compensation for victims remains inadequate (strong potential for re-victimization) • Reports of rescued workers still being deported with no effort of regularization
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(Puts, 2017; Stride, 2016; Royal Thai Embassy of Poland, 2016; Mission of Thailand to the EU, 2015; TiP Report, 2016)

One of the main criticisms of stricter human trafficking policies has been that high-level officials involved in trafficking activities have not been prosecuted. Corruption plays debilitating role in anti-trafficking efforts. Corrupt Thai authorities are known to allow, facilitate, or even run trafficking operations in exchange for bribe money or profit (Kranrattanasuit, 2014; EFJ, 2015). Organized crime, politics, and the elite class at the borderlands are often deeply intertwined (Munro, 2012).

In a high-profile case that found thousands of migrant workers under forced labour and human trafficking conditions in remote islands in the Andaman Sea, eight men were sentenced to only 3 years in prison (The Jakarta Post, 2016). However, in March 2017, an influential local official was sentenced to 14 years in

prison for running a human trafficking network (Bangkok Post, 2017). It seems that even at the time of writing this thesis, Thailand is gradually following through on their policy implementations. However, the area in which they have not progressed is the protection and restitution for human trafficking victims, a topic this thesis explores through interviews with trafficked Burmese fishers.

Collaborations and International Agreements

With the many policy and operational changes taking place to combat IUU fishing and related labour issues, Thailand is making progress. In 2016, the United States rewarded Thailand's efforts by upgrading the country to from Tier 3 to Tier 2 in the annual TiP Report (Bangkok Post, 2016). In addition, Thailand is forging new partnerships with civil society, the private sector, and international organizations particularly the International Labour Organization (ILO) and the Food and Agriculture Organization (FAO) (Royal Thai Embassy of Poland, 2016). For example, with Thai Union and Nestlé, the Thai government launched the 'Demonstration Boat' which serves as a capacity building model for fishing boat owners, captains and workers (Ministry of Foreign Affairs of Thailand, 2016). A training course jointly developed by the partners, including the Department of Fisheries and the Ministry of Labour, is provided in tandem. These types of collaborations demonstrate the goodwill to improve labour conditions from all parties.

Since 2015, the Thai government has ratified the U.N. Fish Stocks Agreement and the FAO Port State Measures Agreement, the ILO Work in Fishing Convention, and the Protocol of 2014 to the Forced Labour Convention (Mission of Thailand to the EU, 2015; Key Informant Interview, 2016; ILO, n.d.). However, progress on paper must be carefully considered in conjunction with progress happening on the ground to ensure that the policy changes are effective and sustainable. Thailand seems to be serious about improving its fisheries sector, with the policy landscape in fisheries looking significantly different than it did a few years ago. However, questions remain as to whether these changes will be significant and long lasting.

5.2 Social Protection for Migrant Workers in the Thai Fishing Industry

Using the overview of government policies undertaken as part of the Thai fisheries reform and the responses of various organizations to the fisheries scandals gathered from interviews, the institutional landscape is analyzed through Sabates-Wheeler and Waite's (2003) Social Protection Framework (See Figure 2). A key feature of the Social Protection Framework is the classification

of policies under four different measures: promotive, preventative, protective, and transformative.

Promotive measures are those that “improve real incomes and capabilities” (8). The authors say that this could include macroeconomic, sectoral and institutional measures relevant to poverty reduction, such as improving primary education, reducing communicable diseases and facilitating access to land or sanitation. In the case of Thai fisheries, this includes government policies on improving working conditions and standards (i.e. minimum wage, mandated rest and vacation days, minimum working age, etc.), training on occupational health and safety, providing access to free education for migrant worker children, and improving the police’s investigative capabilities to investigate fisheries-related crimes such as human trafficking.

Preventative measures “seek to avert deprivation in various ways” (8). In fisheries, for example, government policies seek to prevent deprivation by regularizing workers through the pink card registration scheme, handing harsher sentences for charged traffickers and brokers, and installing VMS on all vessels, and providing health insurance for registered workers.

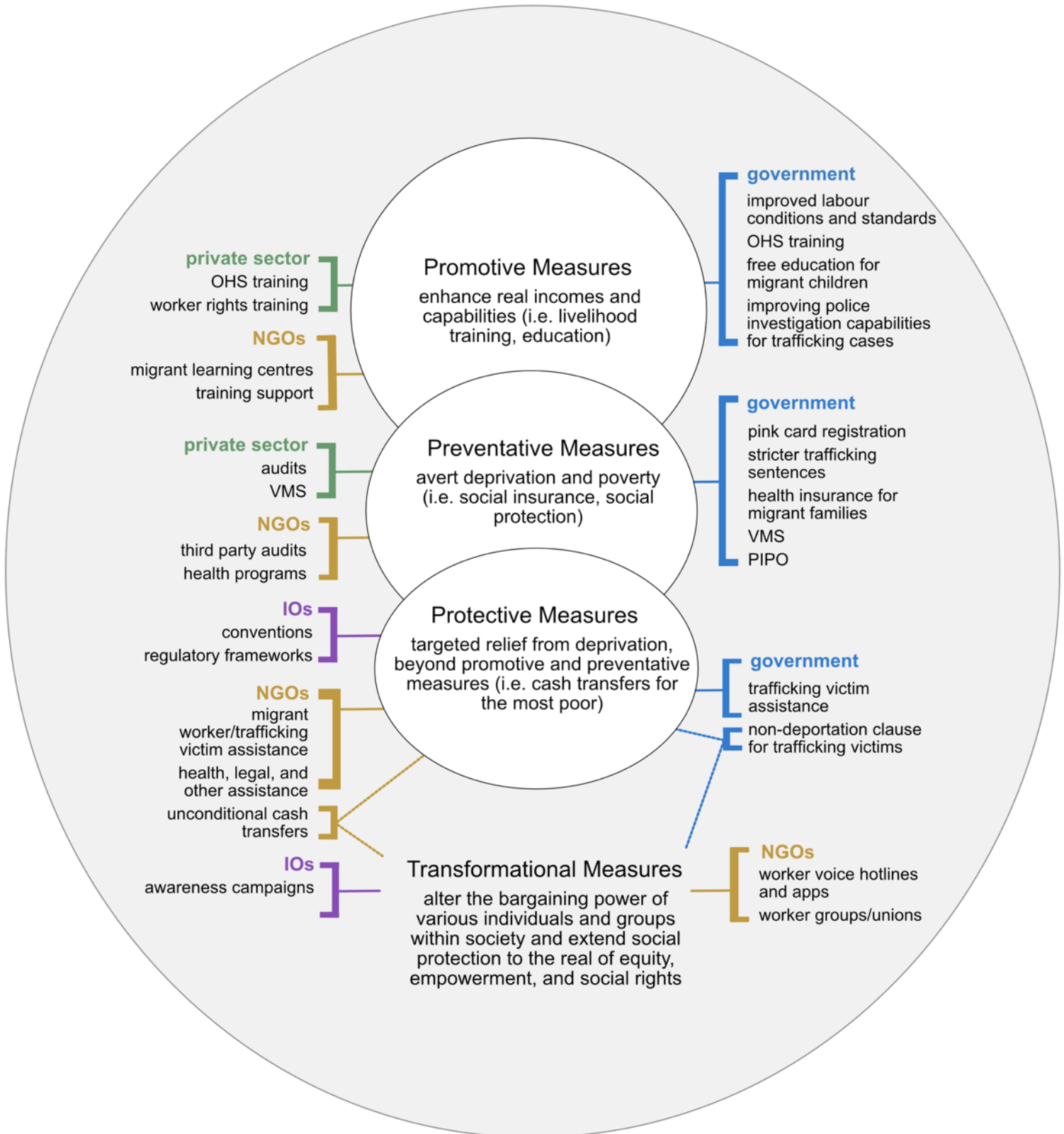
Protective measures aim provide more targeted attempts to provide social protection that promotive and preventative measures were unable to provide. This could be, for example, cash transfers for the ultra-poor, or incentives for girls to stay in school. For workers in Thailand’s fisheries sector, the equivalent would be government assistance for trafficking victims.

Transformative measures extend social protection to the real of equity, empowerment, and social rights. In Thailand, international organizations do this by running awareness campaigns to fight negative public stereotypes of migrants, and NGOs do this by implementing innovative and anonymous hotlines or apps that aim to empower and protect worker voices as well as worker groups (a form of unionization) to increase their bargaining power.

Responses can be a mix of various types of measures depending on interpretation, so this categorization is not always clear cut (Devereux and Sabates-Wheeler, 2004). However, categorizing responses in this way can help governments and organizations identify gaps in social protection. Another caveat of the model is that it does not make assumptions that because the policy exists that it is effective or actually ‘transformative,’ ‘preventative’ or other in practice (Ibid). However, the framework is useful tool for analyzing and planning comprehensive and effective social protection policies for the vulnerable.

The following responses part of the Thai fisheries reform are grouped by actors: government, international organization (IO), NGO, and the private sector (defined mainly in the purpose of this thesis as large multinational companies). Grouping them in this way reveals what types of responses and measures are generally implemented by which actors, and suggests that different measures are the subject of more focus by some actors than others.

Figure 2: Social Protection Framework Applied to Workers in Thai Fisheries



Preventative measures “seek to avert deprivation in various ways” (8). In fisheries, government policies that fall into this category are: pink card registration, which seeks to reduce exploitation and illegal activity by regularizing workers, handing harsher sentences for charged traffickers and brokers, installing VMS on all vessels, setting up 28 PIPO inspection centres at major ports in Thailand, and providing health insurance for registered migrants and their children. The private sector implements preventative measures by supporting VMS technology and conducting audits on clean supply chains and exploitation-free labour. One NGO partnered with companies to conduct third party audits and build trust with migrants to report work grievances.

The pink card registration scheme and the PIPO system are the most ambitious and large-scale programs implemented as part of the reform. The aim of the pink card was to regularize the 100,000 fishers in Thailand (Vandergeest, Tran, and Marschke, 2017) and the PIPO system aims to inspect every vessel over 30 gross tons entering and exiting Thai ports to eliminate IUU and labour exploitation. The efforts to regularize the fishing sector, which was described as “the Wild West” prior to the reform (Interview) are important and much needed. However, as previously mentioned, the PIPO system does have its own struggles in terms of bribery of officials and consistency of inspections (Stride, 2016).

Thailand has a history of attempting to regulate migrants with disappointing results, but regularization in itself does not necessarily protect migrants (c.f. Austin, 2012). Already, the pink card scheme has not registered as many migrants as hoped and not all of who have registered are renewing their permits (The Nation, 2017). In addition, the NGO that provides health assistance noted that irregular migrants still had a very difficult time accessing healthcare. In some cases, the case workers had to beg hospitals to accept sick migrants, and hospitals were reluctant to even accept legal migrants with insurance because they were not profiting from treating them (interviews). Finally, the prosecution of high levels officials for trafficking has been a welcome development, but the treatment of victims remains sorely inadequate. Despite the court sentences, Burmese trafficked workers still remain uncompensated for their years of forced labour (Tran, Marschke, and Issara Institute, 2017).

Protective Measures

Protective measures aim provide more targeted attempts to provide social protection that promotive and preventative measures were unable to provide. Governments provide some of protective measures through assistance for trafficking victims, but major flaws remain in providing appropriate and

empowering assistance as detailed in the case study in the next section. The 2016 TiP report also noted that only 10 percent of trafficking victims in government shelters worked outside of shelters during the reporting period, suggesting that trafficking victims were not often offered legal alternatives although these are options outlined in Thai anti-trafficking policies (USDOS, 2016).

NGOs provided the bulk of protective measures such as worker, migrant, and trafficking victim assistance including health and legal assistance. The Issara Institute also offered unconditional cash transfers specifically for victims of trafficking. However, interviews revealed that unsurprisingly, resources and staff were incredibly stretched impacting the scope and quality of assistance. One case worker described receiving calls at all hours of the night requiring her to provide psychological counselling for trafficking victims because she was the only staff member available, even though this was beyond the tasks required of her position. Even if funds were available to hire more staff, there is also an acute shortage of local, specialized staff to take on roles such as legal experts and trauma therapists for trafficking victims (Interview).

Transformative Measures

Transformative measures aim to address social inequalities and extends social protection to the real of equity, empowerment, and social rights (8). NGOs attempted to do this by implementing innovative solutions such as anonymous hotlines or apps that aim to empower and protect worker voices. Even though unions are illegal in Thailand, another NGO worked with migrants to form 'worker groups' to increase their bargaining power.

International organizations (IO) like the UN and the ILO conducted high-level work to protect vulnerable workers. They lobbied for the signing of conventions and regulatory frameworks that ensure the rights of fisheries workers and migrants, such as the ILO Work in Fishing Convention and the Occupational Health and Safety Convention. They also conducted awareness campaigns aiming to shift negative public perception of migrants and counter tolerance towards labour exploitation, but the impact of these programs were difficult to quantify. The high-level work of IOs is important to align Thailand to international standards, but their progress (along with that of the government) were criticized by civil society including those working within the IOs as being extremely slow and overly bureaucratic (Interviews).

Two measures that this thesis considers to be both transformative and protective are the government's non-deportation clause for trafficked workers and the Issara Insitute's (an NGO) unconditional cash transfers (UCT) for victims of

trafficking. They are promotive because they target a specific, vulnerable group but conceptually, they are also transformative because they return ‘power’ back to the victim. Instead of being deported, a trafficking worker has the right to decide whether they would like to be regularized and assisted in finding another job in Thailand. However, as noted, the application of this policy has been low (USDOS, 2016). Meanwhile, the UCT empowers the victim to use the cash as they see fit, without paternalistic conditions requiring for example training enrollment, typically required of cash transfers.

In Summary

The bulk of promotive and preventative measures were undertaken by the government and the private sector while the bulk of protective and transformative measures for the most vulnerable were undertaken by IOs and NGOs. The government of Thailand is involved in all four measures, but efforts and implementation is considerably weaker for protective and transformative measures. The private sector is not involved in protective or transformative measures at all. This raises questions of responsibility among actors; does the private sector and the Thai government have the responsibility to provide more transformative and protective measures, or is what they are doing enough?

This thesis takes the position that the government does have the responsibility to better serve the most vulnerable and should strengthen protective and transformative measures. Not only is it the right thing to do, but NGOs are currently stretched thin and cannot adequately provide assistance to migrants especially those who have been exploited. Current government efforts to reform the industry and regulate labour are commendable, but significant gaps remain for exploited workers. Although the private sector does not have to become more involved in transformative and protective efforts since it primarily concerned with its own supply chains and generating profit, as donors and important economic actors that can more easily influence government than civil society, they can increase their role as by implementing more initiatives targeted towards the most vulnerable workers as part of their corporate social responsibility programs or through public-private partnerships. The private sector is a relatively new, influential actor that could be leveraged to fill the gap in resources for worker empowerment and trafficking assistance efforts.

5.3 Additional Insights from Institutional Landscape Interviews

Interviews with organizations for the institutional landscape study provide a deeper analysis, revealing the organizational views, biases, collaborations, and

other information that is not available to the public. Appendix B provides a visual summary of the interview themes along with a detailed analysis.

The NVivo analysis of the institutional landscape interviews by theme added further depth to these findings. It revealed that government initiatives were more concerned with fisheries management rather than labour rights (See Appendix B for data analysis of interviews). Government actors primarily focused on IUU and environmental sustainability versus NGOs who are primarily focused on labour and social sustainability. The private sector acts as a bridge between both environmental and social sustainability goals, and therefore is a crucial player in holistic fisheries reform. Business is also the driver of technological initiatives; from worker voice apps to traceability schemes, technology is allowing for new solutions that were previously impossible.

While conducting organization interviews, many organizations admitted that addressing widespread labour abuse was a much more effective use of money and time given how hundreds of thousands of migrants are impacted by sub-par working conditions, while only a small fraction of that number will experience trafficking. In addition, working with the government was described as painstakingly slow and therefore less effective given the widespread nature of labour abuse and immediate need for worker assistance. For this reason, the private sector has been such an important actor when partnering with organizations at all levels to eliminate exploitation from supply chains. As described by NGO A, working with the private sector has enabled solutions to be implemented much quicker and impact tens of thousands of workers at a time. Waiting for the government to implement such solutions would have taken much longer, if at all.

This difference in scale makes labour improvement initiatives in supply chains initiatives more attractive to donors, especially businesses who view trafficking as a problem outside of their control. One NGO lamented at how their projects related to labour and IUU were moving along well, but how their human trafficking and victim empowerment projects received significantly less traction from donors. Respondents acknowledged that human trafficking is horrible and must be stopped, but the occurrence was so rare that logically it made sense to invest in easier to fix and more widespread labour issues.

These sentiments translate on the ground, where the Cambodian migrants who were interviewed informally (some of whom were former fishers) felt that overall, conditions in the seafood and fishing sector had improved. These sentiments are echoed by Marschke and Vandergeest's work (forthcoming). It would seem that migrant workers working in the seafood sector on land are much more likely to benefit from the reform. This is partly due to logistics, since

training, regulation, and enforcement are much easier to implement and monitor on land. However, the migrant workers on land were also more likely to be well adapted to Thailand; they were able to speak the national language, were able to negotiate employment terms and conditions, and were more likely to possess legal documentation. Some already had legal papers prior to the fisheries reform pink card registration program.

To demonstrate the contrast between migrant worker experiences, the following chapter shares the experiences of trafficked Burmese fishers. Although the reform assisted in the rescue of the men in 2015, this was the same year that the Thai fisheries reform was undertaken and so they were unable to benefit fully from the suite of anti-trafficking policies passed as part of the reform. Based on interviews with NGOs assisting trafficking victims and my participation in national workshops organized by the UN quarterly, it seems that anti-trafficking organizations have little faith that the anti-trafficking policies part of the fisheries reform will have a great impact on the victims themselves. Regardless, the case study demonstrates how the experiences of trafficked fishers are particularly serious and require specialized policy interventions separate to the policies passed to improve labour conditions for those working in the fishing and seafood sectors more generally.

5.4 The Experiences of Trafficked Burmese Fishers

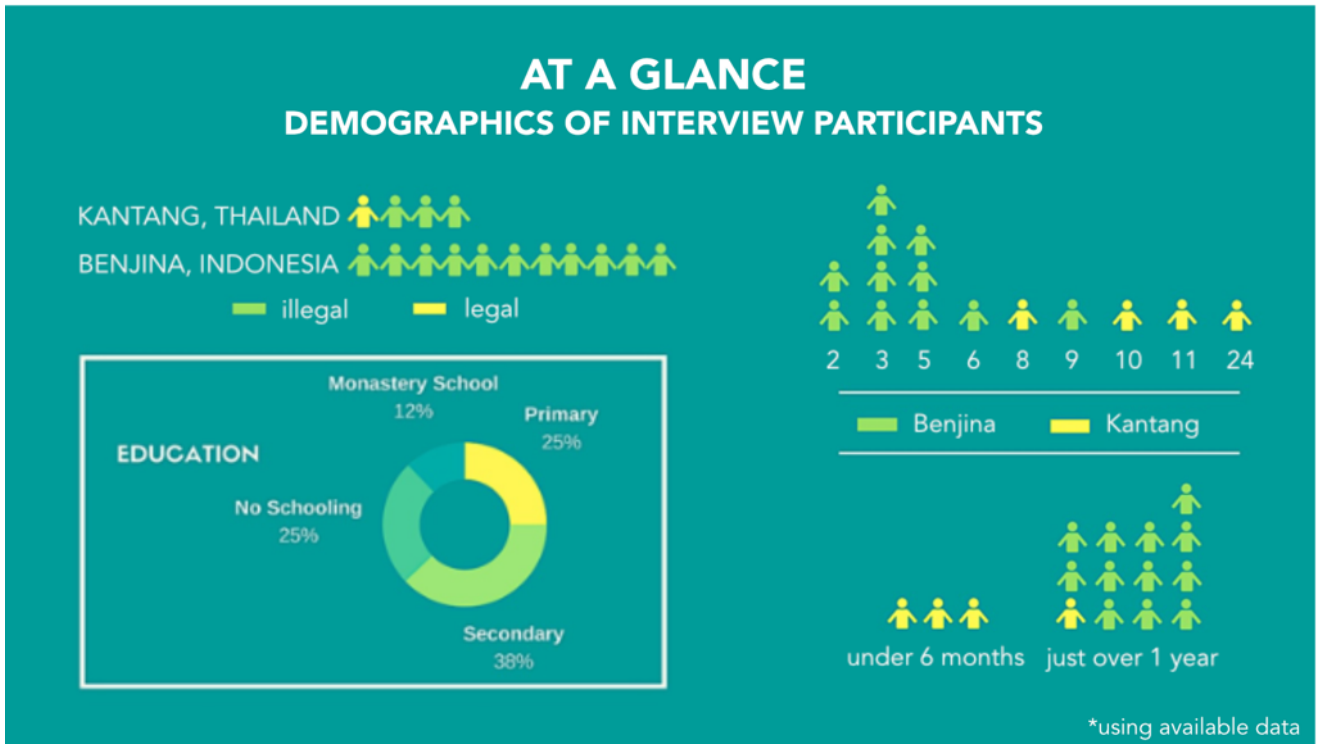
This chapter draws from the research brief [“From Trafficking to Post Rescue: Insights from Burmese Fishers on Coercion and Deception in \(Anti\)Trafficking Processes”](#) authored by Olivia Tran and Prof. Melissa Marschke, published by the Issara Institute in July 2017. It draws on the experience of trafficked fishers do shed led on the extreme end of labour abuse and the difficulties in addressing social protection gaps. Note that I was the lead researcher and author on this publication.

This section focuses on the stories of fifteen men who became victims of human trafficking on Thai commercial fishing vessels. We examine how these men were recruited into fishing work, the conditions they faced at sea and at port, how the men were rescued, and what happened in terms of assistance provision and daily livelihoods once they returned to Myanmar. Noteworthy were the forms of deception and coercion they experienced, not only from their traffickers (a mix of brokers and boat owners), but also from the authorities and other actors tasked with helping them. While many organizations have good intentions, and some support has likely been helpful, the feedback from these men also highlights how an anti-trafficking assistance framework can harm and disempower the trafficked persons that it is designed to help, specifically through repeated deception and coercion throughout the assistance process.

The respondents were rescued from Kantang, Thailand or Benjina, Indonesia at a time when labour abuses at sea and fisheries reform were receiving increased attention by the Royal Thai Government and seafood importing nations. All but one of the men were illegal migrants, and their years in forced labour ranged from two years to 24 years. Only 2 men had attended secondary school. See Figure 3 for a breakdown of demographic information.

English-language media covered the brutal cases of ‘sea slavery’ in these two locations, which prompted rescue efforts and spotlighted labour exploitation in Thailand’s seafood sector. Once the men were rescued and repatriated, however, little follow up by the media, national governments, or non-governmental organizations (NGOs) was conducted, even as the men continued to struggle emotionally, psychologically, and financially with the after-shocks of their trafficking experience. The findings to follow have been borrowed from the paper I prepared for the Issara Institute.

Figure 3: Demographics of Interview Participants



Recruitment

All men experienced some form of deceptive practice at the recruitment phase. They were drawn to the economic livelihood opportunities Thailand offered. Desperate for work opportunities, some men trusted village acquaintances who knew of a broker or people they had met when migrating internally in Myanmar for work that eventually connected them with someone who knew of a broker. Some brokers were directly connected with boat owners in Thailand’s fishing industry, whereas others were connected to a series of brokers in Thailand who could find works jobs. As such, workers passed through various hands, incurring debt along the way. Some interviewees claimed they had no idea that they would cross a border or that their documents were fake. Others thought they were going to be working at a land-based job. Two respondents were trafficked as children (10 and 14 years old).

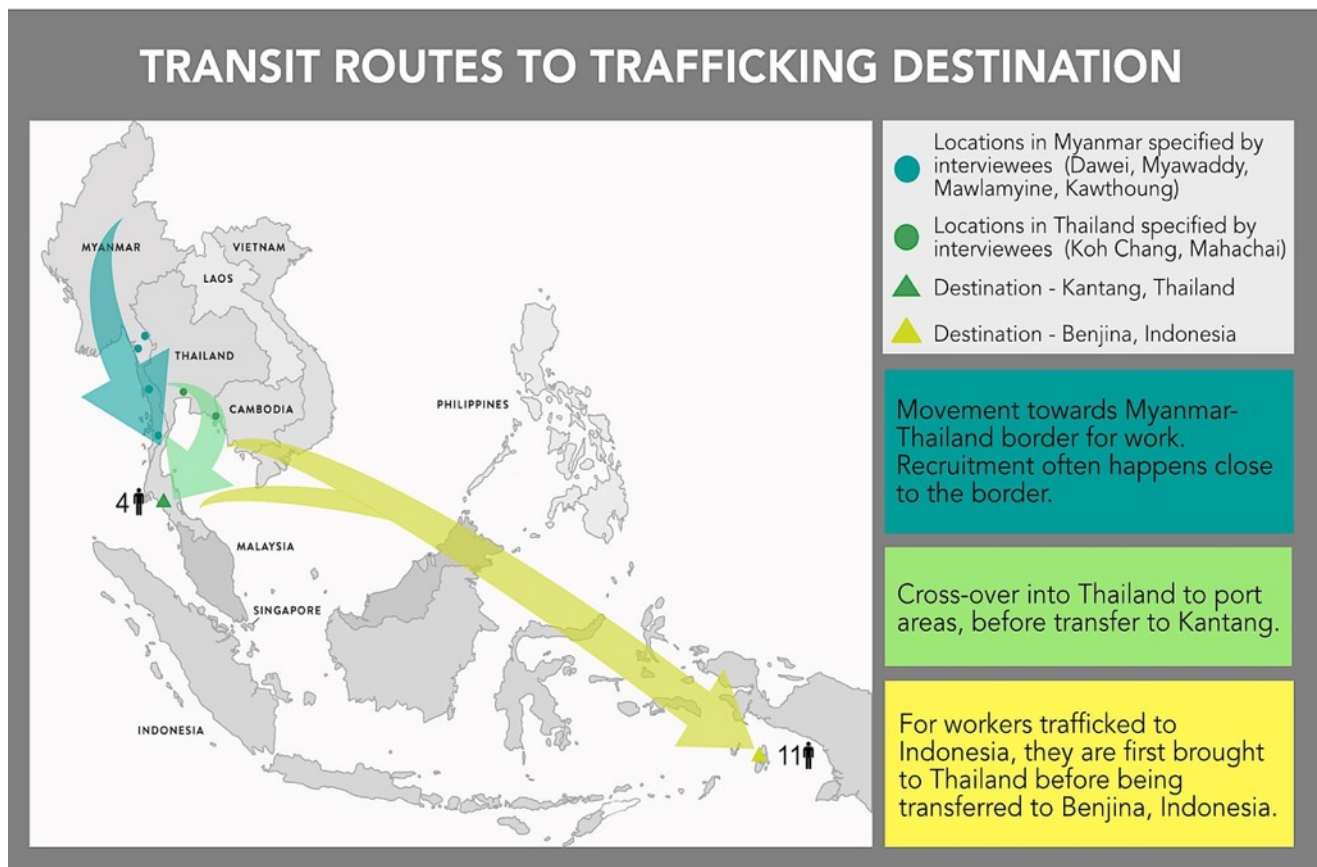
While several of the men had fished in Myanmar, in and around the Thai border, only one interviewee had been involved in offshore fishing work prior to migration. In all but one case, workers did not have proper documents to work in Thailand (and then Indonesia). Some respondents recalled having their pictures taken for fake documents, on which their Burmese names were replaced with

Thai names. For those who knew they would be working in fishing, men were promised a trial period of a few months to encourage the men to board the vessel: once they were at sea, they were unable to leave the boat.

One participant recounted how he met his broker at a teashop: *“The broker told me ‘you will have to work at farms or factories but you won’t get paid for the first three months because we will need to cover your transportation charges, but, later you will get paid.’ When we got to the port, that is when we knew we would have to work on fishing.*

While all men were working on Thai fishing vessels, four respondents were based in Kantang, Thailand while the rest transited through Thailand to Benjina, Indonesia (See Figure 4).

Figure 4: Transit Routes to Trafficking Destination



The men’s experiences demonstrate how various layers of deceit were used to convince or trick the men into working aboard fishing vessels. It is likely that many of these vessels were unregistered or ‘ghost’ vessels (c.f. Hodal et al., 2014).

Debt bondage, which occurs when a person is forced or tricked into work to pay a debt over which they have no control, is considered a form of coercion and was used by some brokers to force migrants to work on boats (Anti-Slavery International).

“I went to a restaurant owned by a lady... she opened a big restaurant,” a respondent described. *“She was a broker. Her waitresses made us pay more than it actually costs and we couldn’t pay. And she made us stay at her place and pay by working on the boats again”* (Kantang participant). For the men from the Kantang case, their broker was particularly brutal. She and her husband used violence and the threat of murder to force the men onto ships and ensure they did not dare escape. A respondent described one such horrific incident:

“The woman [the broker] took money directly from the owner of the fishing boats and when I asked for the money, the woman’s husband showed me a gun and said, ‘Do you want the money or a bullet?!’ Before I ran away, there were two guys that ran before me and they shot them dead. And if they don’t kill them, they would cuff them, and just torture them, beating them in the back of the house to make a good example.”

Labour Conditions at Sea and at Port

Labour abuse on the fishing vessels occurred in various forms. Verbal and physical abuse were common, particularly if men were seen as working too slowly or as misbehaving. All men reported long working hours – sometimes up to twenty hours at a time – with few rest periods, certainly less than the current Thai legal requirement of 10 hours per 24 hours or 77 hours in a seven-day period (Stride, 2016). As one Benjina worker described: *“We had to start working at five am and sometimes till 10 or 12 at night”*. Another worker from Benjina discussed the use of physical violence to enforce long working hours without breaks:

“We had three meals a day but we got to eat only if we were done working. If we ate before finishing our work, the captain would beat us. He would beat not only me but also the other workers every day. There were 22 Burmese and only two Thai on board, but they had guns so we could not do anything.”

Some men also suffered permanent physical workplace injuries. Two men from Kantang were left disfigured; one severed his finger with a net and continued working without medical treatment, while the other lost an eye in a shoot-out with the Indonesian Navy when the captain ordered them to fish illegally in

foreign waters. The legacy of this abuse continues: doctors have told him that he will eventually become blind in his remaining eye.

Captains also employed other tactics like debt to keep the men in forced labour conditions. One participant described how his captain charged interest rates of 50 percent, which workers could never pay off in practice. Captains and brokers also coordinated the exploitation of workers. One victim from Kantang recalled,

“I worked there for three or four years...I didn't understand a word they were saying because they were speaking in Thai. They said we were indebted to them so instead of a salary, they kept taking our money saying it was money we owed them.”

According to Thai law, including both the Ministerial Regulations on Labour Protection in Sea Fishery Work (2014) and the Labour Protection Act B.E.2541 (1998), all respondents experienced labour violations both on and off shore (i.e. long working hours, withholding of payment, no sick leave, and reports of cramped and unsanitary working conditions). Many crew spoke of limited water, and only eating a meal of rice and fish, and within our interview set at least two men (one as young as 10 years old) were hired under the legal working age of 18.

Not all of the men recognized the severity of the abuse. For example, hitting and yelling were common and some workers considered this ‘deserved’ if a worker was lazy or disobedient. Many Benjina participants hoped to get paid after five years of work, even though five years without pay is an outrageously unreasonable contract agreement. One respondent commented that he liked the adventure of being out at sea, although he too was angry that he had been tricked into believing he would, at some point, be paid. Even the few men who liked ‘fishing life’ because they had ‘good’ captains did not like that they were unpaid for their work.

For those men that ended up in Indonesia, they had little choice; once they were on fishing boats, the boats were diverted to fish into Indonesian waters. Local police were not seen as an option in terms of helping them. In Kantang and Benjina the police were known to resell escaped fishers back to their traffickers, from whom they were likely to face severe punishment, including death. Coercion at this phase is particularly problematic as it trapped the men for years in situations of exploitation and abuse.

At port, where some workers contemplated escape, mobility was limited since workers lacked the appropriate paperwork to enable them to move beyond the

boat or pier. In Kantang, a particularly violent locale, workers were fearful to move around and often stayed in the docked boats; one man was reportedly caged when his vessel docked ashore. In Benjina, Indonesia, escape was impossible given the island's isolation from the mainland. Captains allegedly possessed satellite phones, but fishers would have to purchase their own phones and SIM cards and hike a few hours to the top of a mountain, which was the only location that received signal. While a few men did call home, many did not. The men described an island of "no rules," where if a Thai captain disfavoured a crew member, which happened most often with Burmese crew, "*the [Indonesian] police would capture those people and beat them. Sometimes, they did it too much and they would just die*" (Benjina participant).

Rescue

The men from Kantang described harrowing tales of rescue and escape. They had come across rescue hotlines by chance. One participant described trying to convince others to run away with him but they did not for fear of getting caught, or simply because they could not get away at the time of escape. For the Benjina men, the long-term journalistic investigation by an Associated Press team unleashed a mass rescue operation with various international organizations, NGOs, and governments coordinating the removal of over one thousand men from Indonesia back to four different origin countries. All fishing operations were shut down, meaning everyone had to leave. While the majority of the fishers were happy to finally leave Benjina, many were simultaneously reluctant because they were waiting for their salaries, which were due in just a few months. Their agents had promised would be paid only after five years of work. Men also recounted how some Burmese fishers had hidden in the jungle to escape deportation because they did not want to leave the families they had formed with Indonesian women on the island, after being stranded for years. The reluctance of some human trafficking survivors to leave Benjina, in addition to accounts of authorities coercing them with threats of arrest if they did not leave with the rescue operation, raises the issue of forced assistance, and what more could have been done to assuage the legitimate concerns of migrant workers without risking re-victimization and reinforcing trauma.

Once rescued, the men were placed in rescue camps (see Figure 5). For Benjina workers, they stayed in camps for approximately two months before flying to Myanmar. The camp conditions seemed fine, with participants from Benjina describing them as 'good,' except for one who noted that the flimsy shelters did not protect them from the elements. Meanwhile, the respondents rescued from Kantang were placed in a Thai government-run shelter while an investigation and court process unfurled. The men confined in this camp stayed there for

approximately seven to eight months and experienced restrictions of liberties, discrimination by army and government staff, and inadequate conditions, as listed in the table below. One respondent described efforts by police to get the men re-trafficked onto boats, and how he was ultimately deported illegally back to Myanmar and therefore then considered ineligible for any of the assistance offered by the government to other trafficking survivors.

Figure 5: Comparison of Rescue Camp Conditions

Comparison of rescue camp conditions	
Benjina (Indonesian gov't camp)	Kantang (Thai government shelter)
<p>PROS:</p> <ul style="list-style-type: none"> • No phone restrictions • 2 months wait until return home • No feeling of discrimination <p>CONS:</p> <ul style="list-style-type: none"> • Flimsy shelters • Unable to leave the compound 	<p>PROS:</p> <ul style="list-style-type: none"> • None notable <p>CONS:</p> <ul style="list-style-type: none"> • Feeling of insecurity & discrimination • Not enough food • Inadequate health care or attention to health needs • Minor incidents like being insulted and called names, small amounts of money taken by officers • Phone restrictions • Unable to leave the compound • 7-8 months wait until return home <p><i>*Some Kantang survivors requested to be transferred to an NGO shelter where conditions were better. Conditions above were described for the government social welfare shelter in Songkhla</i></p>

Deception is not always obvious. Two respondents described a work situation different than those of their colleagues: these two men knew that they would be working in Indonesia in offshore fishing and were willing to do so. They also described fair working conditions, and did not experience physical or verbal abuse. What they were unaware of, however, is that their salary would be withheld. These men truly believed that they would have been paid after five years, even though being unpaid for such a length of time is a form of forced labour. All of our interviewees felt like they had been deceived by their rescuers – the government officials who had promised their wages within six months of return to Myanmar. None of the men we interviewed – over a year later – had

received their owed salaries.

Return to Myanmar

Many of the respondents had been away from Myanmar for five years or more and were returning to a country in transition. After decades of military rule, Myanmar's pro-democracy government began opening to foreign investment and relaxing controls over civilian rights in 2011 (Clapp, 2015). The transition remains precarious, however, as the government still maintains some of the structures and members of the former authoritarian regime (Ibid). While there have been strides in the country's development, Myanmar remains one of the poorest countries in Southeast Asia (UNDP, 2014).

Reuniting with family was a joyous moment for many, but that too was not without challenges. From long lost wives and children, to returning to no family, to being unable to locate their families, not all men returned to a supportive network. Assisting the families of survivors is an overlooked aspect of reintegration considering that family support plays a crucial role in either undermining or facilitating the integration success of the trafficking survivor. Family members, particularly wives and children struggling to survive after the trafficking of their husband/father, may also be considered 'secondary victims of trafficking' (UNIAP, 2013). Moreover, several men returned to ailing family members.

Orphaned respondents in this research recounted especially poignant struggles in adjusting and surviving in Myanmar, and were much more dependent on NGOs for livelihood and emotional support. There was no formalized reintegration program dedicated to male trafficking survivors without family, but the men called one local NGO for informal assistance because they had no one else to turn to. While this is an example of a positive experience with an NGO, it highlights a major gap in assistance, including the lack of a systematic and sustainable network of support services.

Soon after arrival to Myanmar, the men faced the return of economic pressures. This pressure was magnified since the men had worked for years with nothing to show for it. For example, one Benjina respondent could not repay the debt he owed to community members who had financed his migration to Thailand; this debt had since grown, and he now had to borrow additional funds to pay for food and rent. Another former fisher, now working in fish processing in Myeik, noted that he had big dreams before he left home, but now had returned with nothing. Men described feeling shame and being embarrassed that it had not worked out. All the men described having a difficult time providing for their

families or affording shelter and food, and most were extremely poor by Myanmar standards.

The majority of respondents were in an unstable employment situation. A common theme across the interviews was the daily struggle these men encountered, for food, to pay rent to find more than casual work etc. One third of the men had picked up some form of construction work, often casual, which does not pay well. For example, men were being paid MMK\$1000 (or US\$0.73) per hour if there was work available which is well below Myanmar’s required minimum wage introduced in 2015 of MMK\$3600 (or US\$2.64) (Trading Economics, 2016). Another respondent in Myeik reported earning MMK\$50,000 (US\$36) per month for construction work, often working a few days a week. This wage amounts to less than US\$1 per day. Upon return to Myanmar, the men faced a difficult reintegration process. The cases of returned Burmese fishers demonstrate that, for the most part, assistance ends once the fisher is rescued and they often end up in a worse financial/employment situation than when they left Myanmar.

Figure 6: Job in Myanmar Before and After Trafficking

Job in Myanmar Before Trafficking	Current Job in Myanmar
Ad hoc jobs (2) Factory worker (1) Farmer (1) Tea barista (1) Rice shop (1) Fisher (1) No data (8*) *2 men were children when they started fishing (which was their first job)	Unemployed (2) Ad hoc construction (5) Ad hoc handyman (2) In vocational training (1) Mechanic (1) Bus employee (1) Fish farm worker (1) No data (2)
Would Migrate Again	Would Return to Fishing
Never (8) Yes, legally (6) Yes, legally, except Thailand (1)	Never (7) Yes, in Myanmar only (2) Maybe, last resort (2) No data (4)

Assistance

The assistance provided to the participants was mostly material in nature, and generally bound by donor constraints. For example, the largest form of

assistance was MMK\$500,000 - 600,000 (US\$369-372), which could not be distributed in cash but in items only (i.e. trishaws, rice and oil, tools, motorbike). Not only did this diminish the agency of the survivors to use the cash as they saw best, but there were also major flaws in how it was distributed. The men were strongly encouraged to pick items that they could use to invest in a business, but were not given any short-term or long-term business or livelihood counselling. The men were not yet on their feet when they had to pick an item, and most men were at a loss regarding what to ask for. They accepted the common suggestions of the assistance officers and received a trishaw or rice to start a business. Two participants were more creative with what they asked for; one received five months' worth of rent and another asked that a water well be built in his village. The latter said that it was the best use of the assistance because he recognized that using it for a business would likely not be successful. The former said that rent was fine, but that if he had combined the assistance amount with that of his son who also worked with him on Benjina, they could have built a house in their village, eliminating the need to pay rent. With the benefit of hindsight, all of the men noted that they would have spent differently if they had been able to receive cash instead, such as invest in a new business, re-invest in a former business, buy a house, and repay debts.

All of the men would have preferred to receive cash assistance. The men did receive some small cash assistance to help them in their initial readjustment period. They found this helpful in ways of initial emergency funds, but said that more money was needed if they were going to start a business as other organizations had urged them to do. A criticism consistently emerged across the interviews: men were promised greater assistance than what came through. Fishers felt that false promises had been made, which only increased their sense of disempowerment and frustration. For example, NGOs asked a lot of questions, and some respondents found the way of being questioned to be inappropriate and intrusive. One Kantang respondent explained:

"The questions they [the assistance officers] ask are, 'What do you want to do? What are you going to do? Are you going to herd pigs?' We [the returned workers] don't even have a place to stay, where are we going to herd the pigs?!"

Meanwhile, other organizations followed up initially and then dropped off: *"For the first month they just called us and told us if you need any help, just tell us. They do that for the first 2 months, then after that, nothing"* (Benjina participant). As someone else noted, *"It is just words"* (Benjina participant). Although the respondents did not possess an entitled attitude towards assistance (though they would have been grateful for more), they did feel misled and let go by assistance

providers.

The men felt especially unheard and disempowered when some Thai police officers did not believe their testimonies while others did not even bother writing down their witness statements when they returned home. This also presents a huge problem for the delivery of justice and compensation for the survivors, and reflects the weaknesses of the justice system in Thailand and Myanmar. One respondent noted how there was not much they could do on their own, since he felt that if they were to organize and protest this would be met with arrest. Multiple respondents from both Kantang and Benjina underlined the importance of spreading 'the truth' and making the public aware of the injustice they had endured. Participants also felt that greater public awareness would help speed up the trial of their traffickers and therefore expedite the payment of their compensation and lost wages.

Deception and Coercion

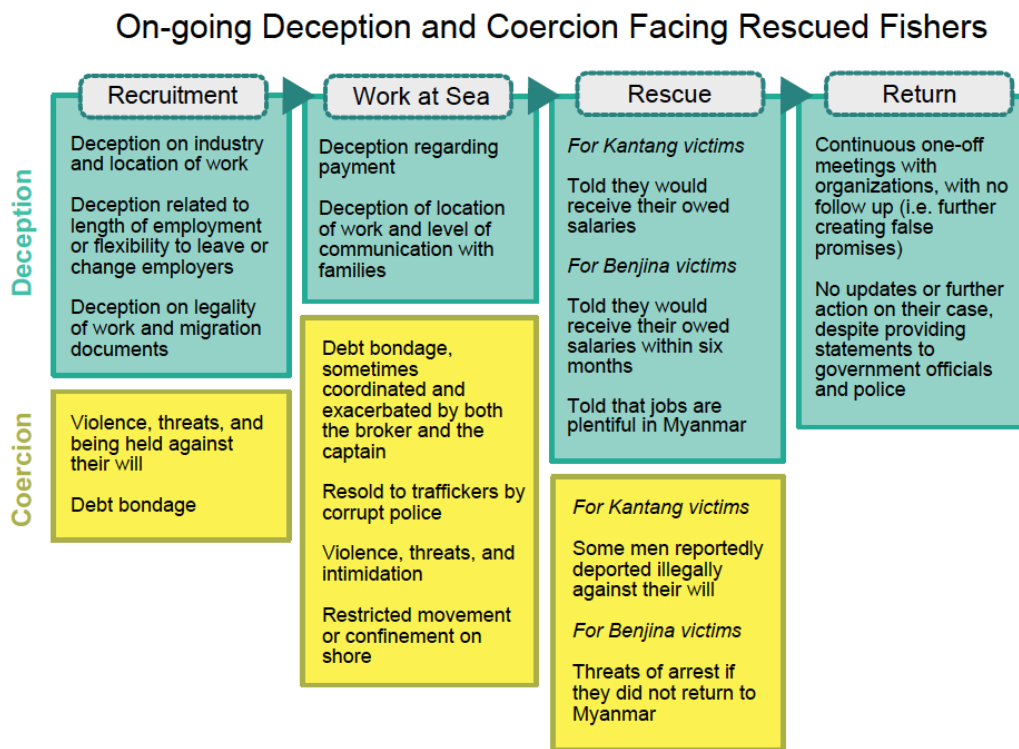
Lies and abuse mark the trafficking experience of fishers, which lasted decades in some cases. Once the men were rescued, this was often considered the end of the story for the public and the authorities. However, deception and coercion continued in other forms, this time from figures of authority and organizations that the men were supposed to trust. The men were repeatedly given false hopes of assistance and payment of lost wages and compensation. These false promises gave Benjina survivors hope as they left the island since authorities had promised that job prospects in Myanmar had improved and that they would receive their salaries within six months, only to receive very little or nothing of what was promised to them.

NGOs have approached the human trafficking survivors with offers of assistance. They have taken the men's time to interview them on their condition and needs, which often involves them travelling long distances and taking time off of work, but the men have not heard back from them. In another example, one Benjina worker left Yangon to work in another province while awaiting news of compensation. While he was away, an organization handed out assistance in the form of items worth MMK\$600,000 (US\$442). Once the man heard about this, he rushed back to Yangon to receive his compensation, but was told he had missed the deadline. He had left his job and paid for the long journey back to Yangon only to receive nothing. While donor assistance is often attached to conditions and there are likely a host of logistical reasons as to why the man could not have been given his assistance, his experience is another example of how NGOs and international organizations, in their goodwill, can also provide false hopes for men who have already been excessively misled and traumatized.

Instances of deception and coercion throughout the trafficking and anti-trafficking process are summarized in Figure 7.

Trafficked Burmese fishers also feel voiceless because local media and authorities have overlooked their stories or chosen not to believe them since their return. While in Thailand or Indonesia, the men had experienced discrimination at the hands of Thai authorities, and there were plenty of examples that the men could cite about unfair, unjust experiences of Burmese workers in Thailand. Now, back in Myanmar, the men were frustrated at still being overlooked and not being able to protest or demand compensation for fear of arrest. The men’s desire for people to know ‘the truth’ is rooted in a desire for recognition of the injustice they endured, and the hope that if others knew then perhaps finally action would be taken. What makes the situation worse is that the men are unaware of the intense media coverage on slave labour at sea or the millions of dollars committed to addressing the issue – and yet these men still have not received compensation or justice.

Figure 7: On-going Deception and Coercion Facing Rescued Fishers



5.5 Social Protection for Migrant Workers in the Seafood & Fishing Industries

As Section 5.4 demonstrates, trafficked fishers face very difficult conditions from other seafood workers not only in terms of working conditions, but also in the extent of exploitation, deceit, and abuse as well as continued repercussions post-rescue. This thesis argues that trafficked fishers could benefit from having a series of social protection policies developed separate from general labour reforms, but still part of the Thai fisheries reform (See Figure 8 and 9).

Currently, most of the government anti-trafficking policies target police capabilities and punishing criminals, and do not address the trafficking victims themselves. The following table (See Figure 8) suggests areas of improvement; actors have not been identified to encourage public-private partnerships. However, some actors are better suited to take the lead in some initiatives than others. For example, the private sector could set up a program that offers jobs in land-based processing for trafficked fishers that do not want to return to Myanmar. Given the difficulties the trafficked fishers faced upon return home, it is also suggested that stronger, longer term social protection is offered to the men to help them re-integrate into Burmese society such as one-year health insurance and employment insurance rather than one-off lump sums of cash. Where most improvements are needed, however, are in transformative measures which empower migrants, guarantee their owed salaries, and dissipates distrust between authorities and victims. It should be noted that many NGOs don't work beyond Thailand, and where they do, their reach is limited, as demonstrated by my interviews. The Issara Institute does what it can for fishers who were trafficked on Thai vessels, but the bulk of their operations focus on helping migrant workers within Thailand. The limited reach highlights the difficulties with cross-border work, where migration management and repatriation extend past borders. Working across multiple national legal, migration, and political frameworks is complicated and expensive for NGOs, let alone migrants alone to navigate.

Policies for land-based and sea-based workers can also be analyzed through the Social Protection Framework to identify gaps in responses. Although the Thai fisheries reform is meant to address the fisheries industry, it has had wide repercussions for the entire seafood industry and those working in it. Land-based workers such as those at port or in processing (see Figure 9) are much more likely to benefit from migrant learning centres, especially for those with families, and health insurance. Child care centres could also ease the burden of care for female migrants in seafood processing factories. Informal port work in Songkhla revealed that many large families lived and worked around the port, so such services hold important benefits for the whole family. We also handed out

sheets with phone numbers NGO-run worker hotlines to those interviewed; these sheets ran out quickly as everyone seemed to know someone one who hadn't been paid or some other grievance. More support is needed to legally assist migrants in those cases.

Sea-based workers (offshore fishers) face another set of hardships because their work conditions are weather-dependent and irregular. Squid fishers, for example, must work throughout the night. Working conditions are much harder to monitor and there is no data that proves that labour standards are enforced at sea. A Social Protection Framework for fishers outlines areas of improvement such as strengthening the PIPO process by eliminating corruption and mastering traceability and vessel monitoring technology to provide some sort of protection, and connection in case of emergency to offshore fishers.

Figure 8: Social Protection for Trafficked Workers/Fishers

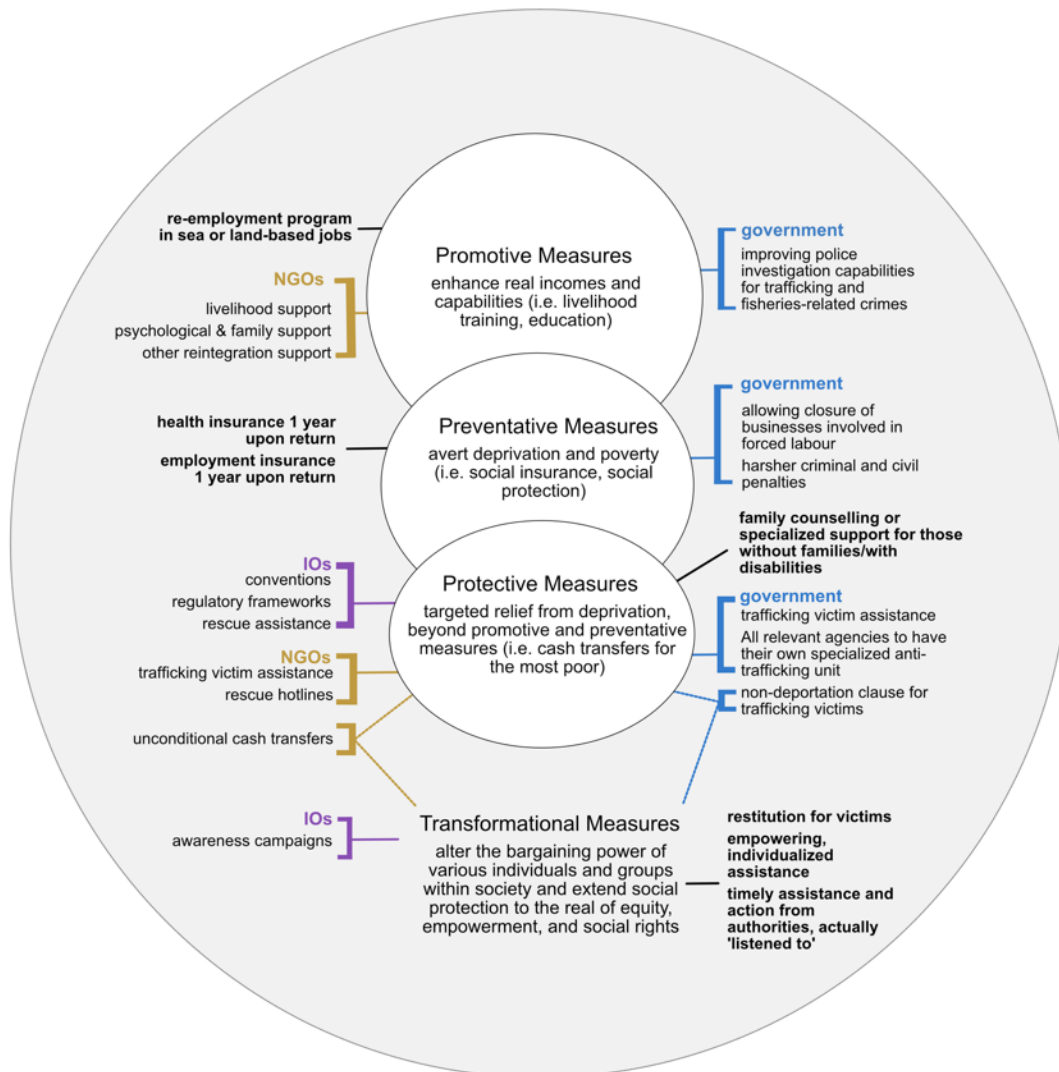


Figure 9: Social Protection Framework for Land-based Workers

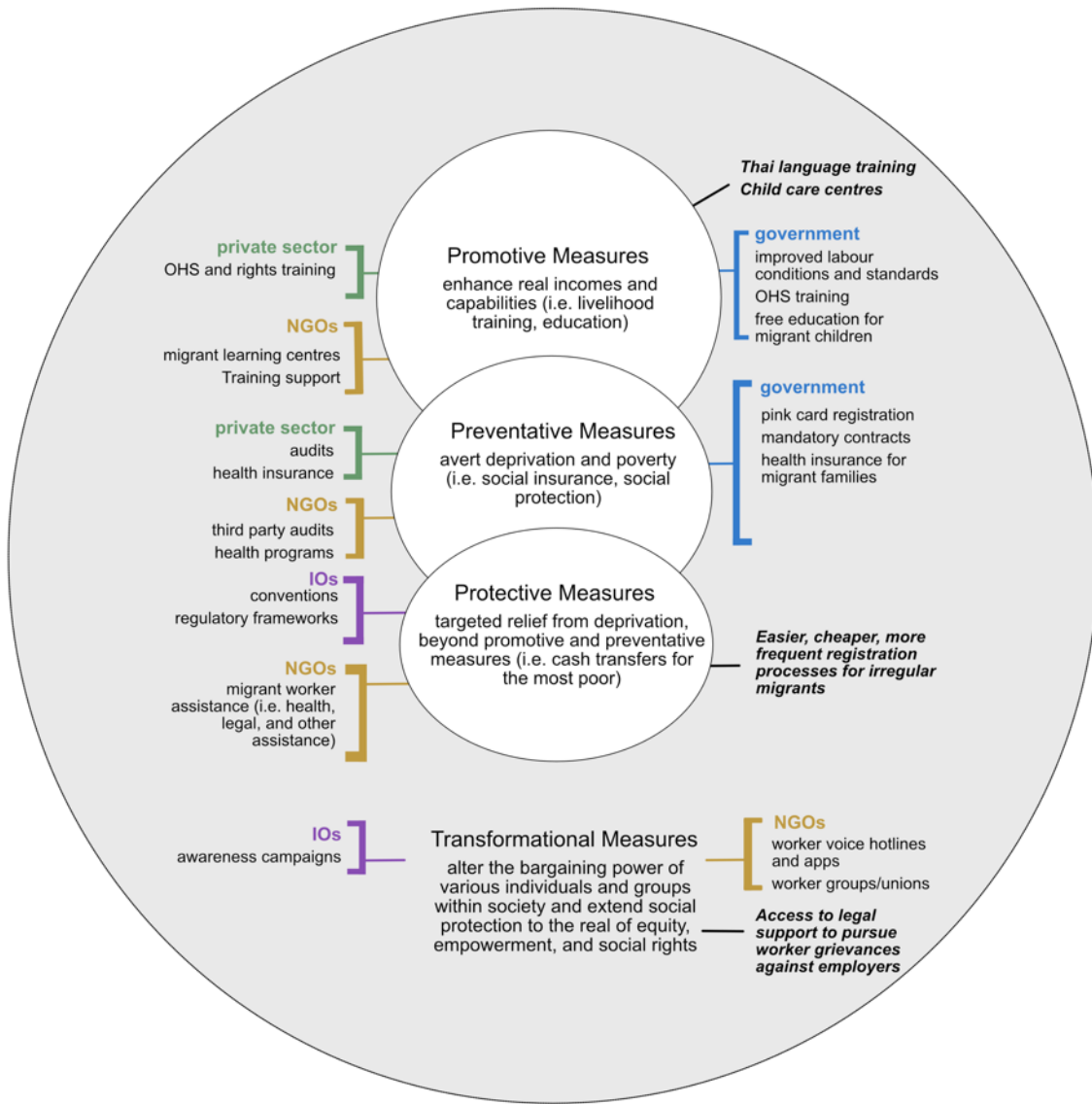
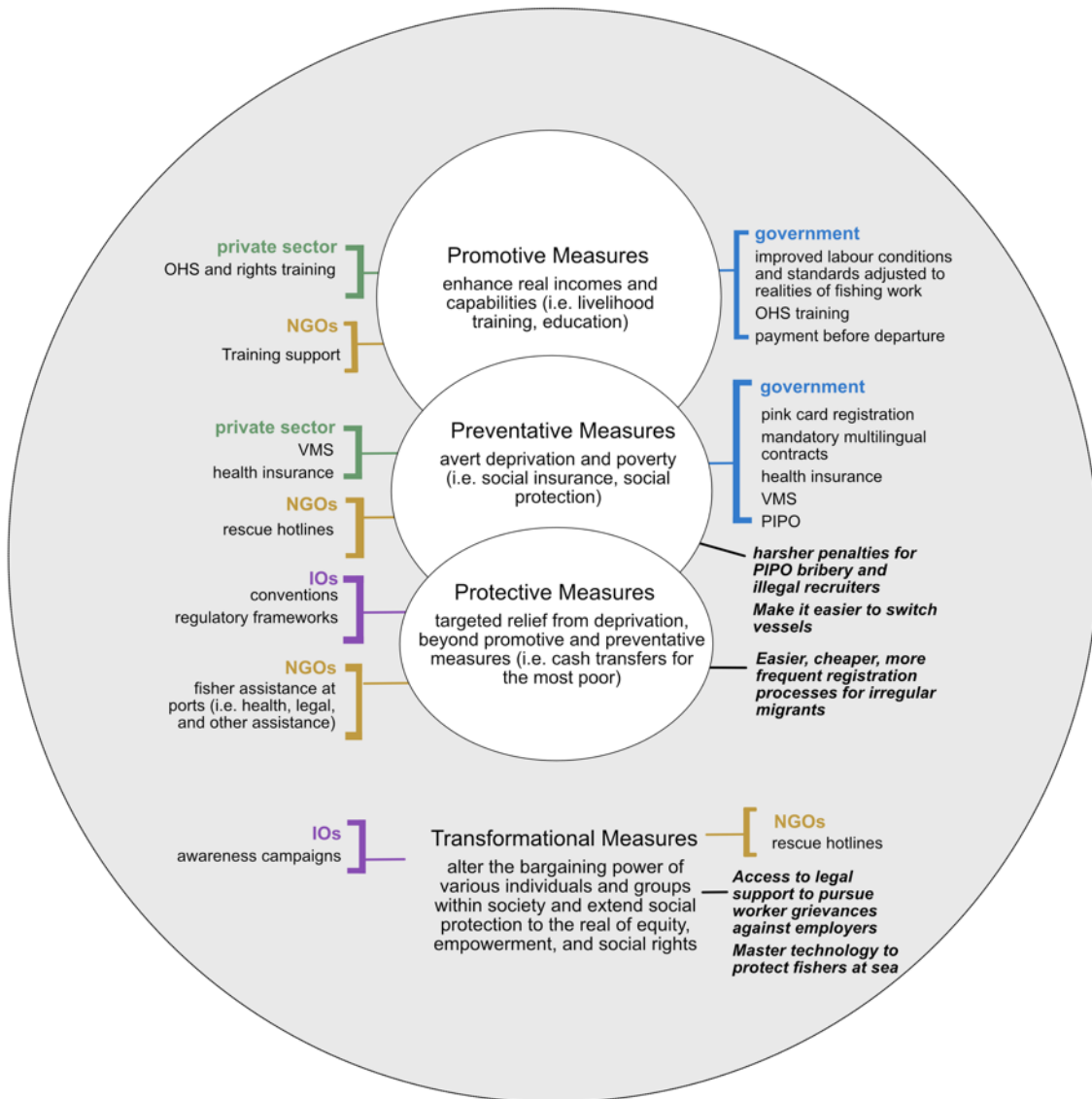
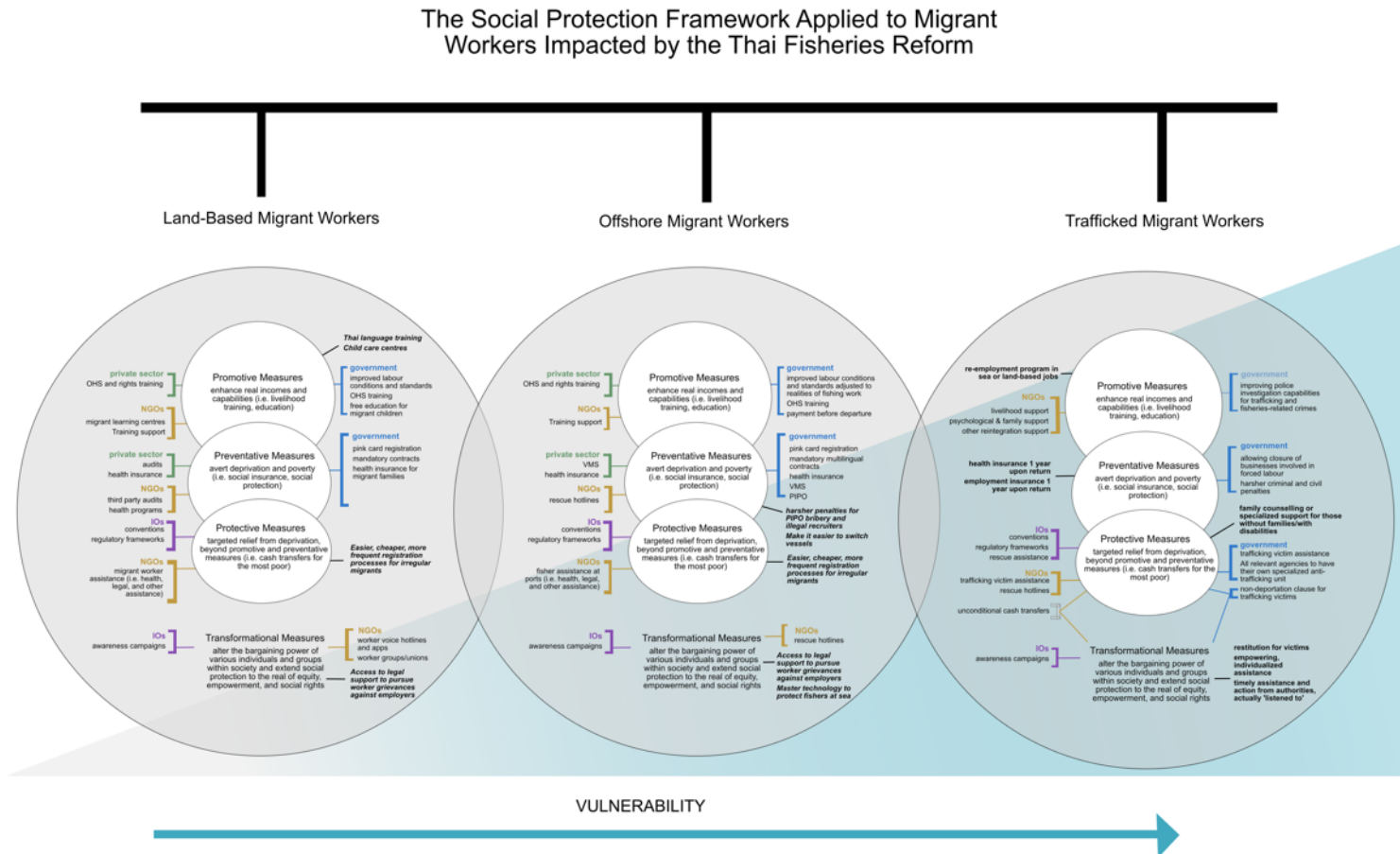


Figure 10: Social Protection for Fishers



As Figures 8-10 demonstrate, the Social Protection Framework is a useful tool of analysis and identifies areas of collaboration and improvement for a variety of workers impacted in different ways by the fisheries reform. It demonstrates how different categories of workers fall under the umbrella of the inform but require different policy responses to address vulnerability and exploitation. Land-based workers are the least vulnerable, followed by fishers, then trafficking victims. Although in fisheries trafficking victims are more likely to be fishers, land-based workers can also be trafficked and subject to extreme abuse. Together, all three social protection frameworks for land-based, sea-based, and trafficked workers paint a more comprehensive picture of the impacts, improvements, gaps and potential of the Thai fisheries reform (See Figure 11). Actors can use the framework and work together to coordinate thoughtful and holistic social protection policies for migrant workers.

Figure 11: Social Protection Framework Applied to Migrant Workers Impacted by the Thai Fisheries Reform



6. DISCUSSION AND ANALYSIS

Why does the government seem more concerned with fisheries management and less with labour reform? Part of the explanation lies in the perceived pressures that led to the 2015 fisheries reform. As mentioned, the EU's yellow card threatened economic sanctions if measures weren't taken to eliminate IUU fishing in Thailand within six months. At the same time, the US ranked Thailand in Tier 3, the lowest ranking possible, in its 2014 and 2015 Trafficking in Persons reports. Simultaneous to the international pressure was intense media coverage of slavery at sea which linked seafood caught in with forced labour in Thailand to markets in the developed world. Puts (2017), supported by my own findings through our joint interviews, found that despite the high-profile coverage of human trafficking cases and the TiP ranking, it was the threat of trade sanctions that held drove Thailand's fisheries reform, with labour as an "add on" (Marschke and Vandergeest, 2016). In other words, Thailand embarked on their sudden fisheries reform not because of the labour scandals, but because of threats to trade. Professional Trade Officer Asdawut Siriprasertchok at the Ministry of Commerce wrote in a 2015 article:

"The EU is likely to relate the issue of human trafficking to IUU fishery since the recent EU government emphasizes social issues. The EU is attempting to push Thailand to establish a human rights dialogue so that it can be used as a mechanism for the solution of social problems. Since the Thai government views that there is an effective negotiating mechanism existing, namely the Thai-EU Senior Official Meeting, the dialogue is seen as unnecessary to Thailand."

Therefore, while Thailand views its human rights dealings as adequate, the country is placating foreign interests in labour to improve the image of its seafood products and therefore its international export value (Siriprasertchok, 2015). This is especially true after media reports negatively presented the Thai fishing industry as rife with modern day slavery and some large importers temporary suspended ordering fish products from Thailand (Ibid).

That is not to say that Thailand has been completely superficial in regards to addressing labour issues; the Results section details many improvements to labour and anti-trafficking policies. However, these improvements are limited because they are not transformative or protective (targeting the most vulnerable) and do not address worker empowerment or effective assistance. Transformative and protective measures which target the most vulnerable, including trafficking victims, are key areas in which businesses and government are largely absent in the results table, but that NGOs fill. Arguably, worker empowerment allows the workers to defend their rights themselves, but the issue

holds no economic incentives for government and businesses and therefore has not been a priority. Government also has little incentive to empower migrant workers because of 1) socially-embedded discrimination of migrants, particularly Burmese, many of whom are employed in the fisheries sector and 2) intolerance for irregular migration, which is seen a breach of Thai law and a threat to national security.

Discrimination

In the fishing industry, Burmese fishers are more likely to face abuse than fishers of other nationalities (Chantavanich et al., 2016). Public attitudes towards migrant workers may be a contributing factor to more abusive treatment by employers. In a survey of public views towards migrant workers in Asia, Thailand had the highest score for negative views of migrants (Tunon, 2012). However, mistreatment towards Burmese migrants doesn't occur only fishing but in many other industries as well. Other studies have found that generally, Burmese migrants faced greater instances discrimination and exploitation than other migrant nationalities, indicating widespread and systemic discrimination towards Burmese in Thailand (Mon, 2010; Meyer et al., 2015; Eberle and Holliday, 2011).

Animosity between Thais and the Burmese can be traced back centuries ago when the Burmese army destroyed the former capital and pride of Thailand (then called Siam), Ayutthaya in 1767 (Chutintaranond, 1992). For centuries after the war, projecting the Burmese as 'the enemy' was institutionalized and socialized by Thai leaders in the name of nationalism (Ibid). Furthermore, the economic and social decline of Burma, in comparison to Thailand's upwards development, added a "worldly, as well as moral, superiority to many Thais' self-image vis-a-vis their neighbour" (Zin, 2000). This created the dangerous stereotypes that persist today, especially since irregular routes from Myanmar to Thailand are common. As Burmese culture journalist Zin (2000) described evocatively:

"The words "illegal" and "Burmese" are almost inextricably connected. Not only "illegal" people, but also illegal substances such as *yaa baa* (cocaine), or methamphetamines, continue to flow across the border in torrents. As the "illegal Burmese" supersedes the "evil Burmese" in the popular imagination, even educated Thais are often incredulous when they meet Burmese who don't fit the "illegal" image."

Multiple organizations interviewed also agreed that Burmese workers faced greater discrimination by Thai employers and authorities. NGO B noted:

“Government, they care more about security than human rights. There is a negative thinking and discrimination against migrants.” Preliminary research by Marschke and Vandergeest (forthcoming) also found that Burmese and Khmer migrants seemed to encounter particularly abusive work situations. Austin (2012)’s study on education programs for Burmese migrant children also found that Thai authorities as well as the Thai legal and education system discriminated against the Burmese despite laws guaranteeing primary education for all migrant children regardless of status.

Strict Stance on Irregular Migration

Migrant smuggling and human trafficking have become national security issues thanks to their inclusion in the international transnational crime protocols of which Thailand is a signatory (Gallagher, 2015). While smugglers and not the migrants/victims themselves are supposed to be prosecuted, this is not often practiced on the ground (Ibid). This is true in Thailand as well. For example, undocumented migrant fishermen in Rayong port are in constant fear of arrest, fines, and deportation. They are only able to move around freely in the harbour area within specific curfew times set only for migrants (Derks, 2010). When there are police raids, they depend on their potentially abusive employers for protection (Ibid). Further examples are elaborated later in this thesis, and examine the interactions of trafficked fishers with the anti-trafficking regime.

Thailand has introduced measures that allow employers to legally register irregular migrants in the hopes of curbing work abuses and gaining better control over immigration (Thammaboosadee and Somboon, 2012; Sylwester, 2014; The Nation, 2017). When Derks (2010; 2013) conducted her research, the majority of fishers she interviewed at port were unregistered. Recent research by Vandergeest and Marschke (June 2016) indicate that these registration schemes are contributing to more fishers now being documented workers. However, Derks (2013) argues that registration is not meant protect migrant rights or to solve illegality, but rather a means to control and immobilize migrant labour. It is not Thailand’s interest to greatly expand migrant rights because many national economies rely heavily on cheap foreign labour that, deliberately left unprotected by the law, “can be moved on if and when circumstances require” (Gallagher, 2015). One only has to look at previous migrant worker court disputes to see a pattern of rulings against migrant workers, or making the court process so long that the workers never end up being compensated (Pangsapa, 2009). History also demonstrates that periodic registration schemes by the Thai government implemented over the past decade have been largely unsuccessful in sustaining long-term benefits for migrants (Austin, 2012).

Some other high-profile cases have also emerged in recent years. Migrant labour activist Andy Hall, who has worked in Thailand over a decade, was criminally charged for defamation after publicly accusing a large fruit company of abusing its workers (BBC, 2016). In 2015, Thai national Maj. Paween Pongsirin fled to Australia seeking political asylum after leading an investigation on human trafficking. He claimed that high-ranking officials implicated in trafficking activities had influenced his transfer to a dangerous area in the south, where he believed he would be killed (BBC, 2015). Two years later, however, perhaps due to international criticism, over 60 people received prison sentences ranging from 4 years to 94 years in Thailand's largest human trafficking trial (Bendix, 2017). This trial was not in relation to the fishing industry, but rather the trafficking and murder of Burmese migrants, many of them Rohingya refugees, through the forest borders between Myanmar and Thailand. The trial included the sentencing of senior officials which is considered to be "extremely rare" in Thailand. Other high-profile sentencing of senior officials for trafficking in the fishing industry were also reported (Jakarta Post, 2016).

Conflicting actions by the Thai government are sending mixed messages as to their commitment towards improving labour conditions for migrants and protecting exploited workers, as also noted by Austin (2012) and Gallagher (2015). From registering migrants then conducting crackdowns, to facilitating the exit of migrant rights defenders that criticize high-level officials from Thailand followed by sentencing high-level officials a few years later, it would seem that Thailand's responses are reactive in nature and their stance only shifts after receiving international pressure.

Further evidence from the institutional landscape study suggests that meaningful labour improvements, which involve migrant workers being their own agents of change, are not truly supported by the government. As one government interviewee explained when asked about his thoughts on migrants being able to establish unions: "Everyone has his or her own limitations...They have to understand limitations of the law. Even Thais cannot set up their own unions. Well, they can, but migrants need to consider the social context." At the end of the interview, when asked what improvements he would like to see, the official stated simply, "I would like to see workers not do anything illegal."

To fill the gap of government, migrant worker assistance has long been provided by NGOs. However, this also raises the question as to whether civil society should be acting in lieu of the state, thereby absolving the state of any responsibility to care for its migrant workers (Pangsapa, 2009). In addition, NGOs are doing what they can, but their programs will not have a long-term

impact without structural changes from government that support worker empowerment.

Did the Thai Fisheries Reform Benefit All Workers Equally?

Having labour regulations in place is very beneficial for port workers and seafood processing workers, who may also benefit from private sector and NGO support (i.e hotlines), while the impact on fishing workers is less clear. PIPO inspections have made trafficking more difficult, but as with many lucrative illegal activities, criminal networks may adapt the way they operate. Bribery is also allegedly rife in fishing, and the corruption of PIPO officers has also been recorded (Wipatayotin, 2017). The most vulnerable migrants, who usually end up in fishing due to its undesirability as a job, seem to have benefitted less from the Thai fisheries reform. The government's lack of interest in empowering migrants also limits how vulnerable workers can protect themselves and claim justice if they are exploited.

The Thai government is making a concerted effort to improve responses towards human trafficking victims, but this is mostly seen when there is public and international scrutiny. The Kantang victims, who received less press coverage and scrutiny, described many issues relating to their treatment and assistance. For example, according to the Issara Institute's legal FAQ sheet on the rights of human trafficking victims (2016): "the Competent Official of the Thai government should support the victim in going back to their home country without delay, unless the victim has been granted permission to stay and work in Thailand." The Kantang, victims, however, were unable to leave their rescue camps for seven to eight months where they experienced discrimination and sub-par living conditions. One man was even deported illegally back to Myanmar. For Benjina victims, there were massive efforts on the part of the Myanmar, Thailand, and Indonesian governments with the assistance of IOM and NGOs to repatriate the victims since the Associated Press was covering the rescue operation. The process was much smoother; on average, the men waited in camps for two months and experienced better conditions. As Gallagher noted, government responses are inconsistent, and Kantang victims, who experienced the most brutal exploitation, also received a much lower quality of assistance from the government.

For the Benjina men, the respondents noted how they felt forced to leave, and some are considering returning to work in Thailand because they have relatives there. Their case is made more complicated by the fact that they were found in Indonesia, but working for Thai ships, and it is unclear which country's jurisdiction the men are under. The transnational nature of trafficking and

migrant smuggling is another example as to why consistency in legislation, policy, and action is also important between countries. None of the men were offered regularization and job support, as per Thailand's non-deportation clause for trafficking victims implemented during the fisheries reform. Although this is likely because the men were repatriated shortly after the reform was passed, only 10% of trafficking victims are offered that option indicating that authorities do not often implement the policy anyway (USDOS, 2016).

What is most disturbing is that the men were promised their salaries by the authorities that rescued them within six months, and yet over a year later, have not received them. Of all the abuse they endured, their lack of compensation is what is frustrating them the most:

"We are just upset by the police and organizations calling us, asking us. If we ask why are you asking us? They say it is to help you get the money. But we hear nothing back from them. And sometimes we have to cancel our work and go to them. It's upsetting when nothing is happening. But with this interview, Ma Chaw Chaw said they are not promising anything they are just doing research so I came." (Benjina participant)

"They made us sign contracts and agreed that they will give us portions of our salaries. They made us sign that says that they will give us 8 months salaries. And they also told us at the worker's office, since we did what we didn't want to do [forced labour], we signed a contract saying we will receive compensation. I don't know what the truth is, but one thing for sure is that this is so unfair for us. There is support, but it is not from the government. The government guaranteed we would get something, for sure, nothing is happening. Like the police officer that said we are getting everything back, he is retired now so I don't know what we should do and what the future holds for us." (Benjina Participant)

"I stayed there for 8 years, and other people stayed there for 20 years, 30 years. I just want the government to pay us by year - one year this much, two years this much. That would be very helpful, instead of letting them [the traffickers] go without doing anything. And they should make this an example so the boat owners won't keep doing it. They will stop." (Kantang Participant)

The weakness of investigative powers, a lack of mechanisms to convert seized assets into full compensation for victims, and lengthy court trials are only some of the reasons as to why victims have not yet received their owed salaries. Based on Gallagher's conceptual framework of exploitation in trafficking, the

government may also be reluctant to compensate the salaries of the victims due to their irregular status. Doing so would be seen as rewarding the migrants for their illegal migration. Some of the victims themselves expressed how they felt their negative treatment was due to their illegality, and this was internalized into an acceptance that all the 'bad' things that happened; their situation was simply the fault of luck and because they chose to migrate illegally (NGO A interview, NGO C interview, field interviews). According to one Benjina respondent, only 13 victims had received compensation and testified in court, which he considered very unfair. When asked why he thought he was not included in that group, he said he wasn't sure, but it was probably because he was illegal.

There has been progress in assisting trafficking victims, but many gaps still remain. Despite some of the protective and transformational policies in place, they have not been applied adequately or effectively particularly in assistance, re-integration, and rehabilitation processes. Issues of jurisdiction also play a role, since the victims were Burmese, living illegally in Indonesia, but working illegally for Thai fishing companies. The Benjina case demonstrates the confusion in responsibility between Thai, Burmese, and Indonesian courts, and raises questions as to whether Thai or Burmese NGOs should be responsible for the rehabilitation of trafficked fishers once they return to Myanmar. Given Thailand's economic position in the region, this thesis does support the position that Thai NGOs and the government do have a responsibility in taking leadership role in implementing initiatives or at the very least, support the Burmese government and NGOs in assisting trafficking victims. Based on the Issara Institute case study, in the current climate, trafficked fishers continue to feel deceived or misled by assistance providers are rescue.

Victims of trafficking value restitution for their exploitation above all, perhaps for the same reasons that Bélanger (2014) found with in her study of returnee Vietnamese migrants. Success of the migration experience was based on financial profit and the ability to repay debts, regardless of whether the migrants had experienced abuse or exploitation. Therefore, despite the high-level conviction in the Kantang case and the convictions in the Benjina case, survivors of trafficking still lose financially and in terms of restoration of dignity and justice. Furthermore, despite the millions of dollars invested into reforming the fishing industry including addressing trafficking, the victims themselves benefit little from these changes despite being the 'poster children' of sea slavery in Thailand.

These representations are harmful because they perpetuate villain and victim dichotomies, ignoring that the migrant is also a worker whose situation is shaped by broader systems of neoliberal capitalism, socioeconomic inequality, and

migration (McAdam, 2016). Focusing on the victim/rescue narrative provides an excuse for governments to not address the structural and broader root causes of trafficking. Even when governments seem to be proactive in combatting trafficking, it is usually in terms of rescue and prosecution. Trafficked workers don't benefit in real terms from prosecutions because they are usually undertaken to prove that the authorities actively 'fixing' the trafficking problem; what is lacking and what matters most is the quality of the prosecution and the ability to 'make it count' for the victims (Thiemann, 2016). Stringer's et al. (2016) case study of exploited Indonesian fishers on a South Korean Vessel operating in New Zealand waters drew disturbing parallels to the Myanmar case study. Similarly to this thesis' findings, they noted:

"From trafficked victims subject to deceit, intimidation and abuse, over time some crew exercised their agency to reshape the labour environment for future crew. Despite this, however, they left their abusive work situation unpaid, destitute, blacklisted and with little personal recourse to justice. This must change." (8)

The Road to Transformative Policy

Transformative policies are ones that "aim to alter the bargaining power of various individuals and groups within society such that social equity concerns are addressed, and people are protected against social risks such as discrimination or abuse" (Sabates-Wheeler and Waite, 2003). As evidenced by the migrant empowerment projects being implemented by NGOs, transformative change is being pushed by civil society. Therefore, while the Thai fisheries reform has resulted in drastic improvements for the management of labour and resources in the seafood sector, especially with the piloting of technological innovations that aim to revolutionize fisheries management, the reform has not gone as far in being socially transformative. NGOs diverge from government in that not only do they want better working conditions and social protections for migrants such as health insurance and minimum salaries, but they are also lobbying for guaranteed equity, empowerment and social rights.

The lack of government initiatives in this area indicate that the Thai fisheries reform must be pushed further if migrant labour rights are to be improved, especially for trafficking victims. All actors (government, private sector, IOs, and NGOs) must work together to holistically provide social protection to migrant workers in fisheries using promotive, preventative, protective, and transformational measures. These measures must go beyond existing on paper, but should be properly applied and effective on the ground. Sabates-Wheeler and Waite's framework can be a useful tool in allowing these actors to think

systematically about how their various responses can work together and complement each other. Most importantly, civil society cannot work alone in promoting transformational measures. The government and private sector can do more to truly empower migrant workers.

However, transformative processes take time, and with the reform only having been passed in 2015, the regulatory changes that have been implemented are still evolving. They may be the initial steps in the long road to transformative change – or, perhaps after the industry meets international standards, maybe most private sector, government, and civil society initiatives and funding will cease. Therefore, it is important for stakeholders, including migrants, to be critical and non-complacent with the changes that are currently happening in fisheries. They must push the government for further reforms (and the private sector with it) to truly empower and protect the rights of migrants before the international political and media attention inevitably moves on and the will to act wanes.

7. RECOMMENDATIONS

One way for the government of Thailand to drastically improve and support worker empowerment is to provide survivors of trafficking better assistance and restoration of justice; financial restitution is especially important since debt an issue Gallagher says contributes greatly to vulnerability and exploitation, as demonstrated by the trafficked fishers case study. It would allow migrants to provide for their families, and focus on reintegration rather than survival upon return. The following section suggests strategic areas of focus for the Royal Thai Government to pursue transformation change as part continued progress on the fisheries reform, focusing on improving conditions for exploited migrant workers as they are those who benefit the most from reforms that seek to improve social rights, empowerment, and justice.

1. Regional Integration of Migration Management, Fisheries Management, and Anti-trafficking responses in the Great Mekong Subregion (GMS)

Migration patterns are influenced by wider issues of poverty, livelihoods opportunities, and survival strategies. The Thailand fisheries sector is an example of a situation that can escalate in severity when migrants in a sector are not protected from those that seek to exploit them. However, the problem is not Thailand's alone; all the countries in the GMS play a role in reducing migrant exploitation. The case study of trafficked fishers from the island of Benjina, Indonesia is a prime example of this. Authorities from Indonesia, Thailand, and Myanmar worked together to resolve an expansive smuggling and trafficking network, but a lack of coordination left the most vulnerable to fall through the cracks, especially upon return to Myanmar. As the wealthiest country in the GMS, Thailand (this includes Thai officials, NGOs, and companies), must take on a leadership role in coordinating efforts to better address the movement of people and poor working conditions.

2. Prioritize financial compensation to victims

Receiving their owed salaries was of the utmost importance to the men, even more so than seeing their traffickers punished under the law. Creating legislation and mechanisms that facilitate the investigation of money laundering, such as through the fisheries crime approach, can help ensure that any seized assets benefit trafficking victims first. Transferring the value of seized assets to victims sets an important precedent: it strengthens the integrity of the legal system, publicly reinforces the concept of migrant rights, sends a strong message to criminal networks, and could reduce corruption in which seized assets ends up in the hands of officials rather than the victims. Compensation also eases

rehabilitation and reintegration back in the migrant's host country, and eases debt, which Gallagher notes is a critical factor in determining migrant vulnerability to exploitation. Formalizing restitution transferring mechanisms is therefore also an important aspect of Thai judicial reform for migrants.

3. Rethink appropriate assistance

Current human trafficking assistance over-simplifies the complex realities of workers' lives, and assumes that rescue is the be-all-end-all solution for victims, when in fact rescue is only the first of many steps towards reintegration. Governments and assistance providers are urged to look beyond the trafficking-rescue paradigm and explore other trafficking exit solutions. For example, not all men wanted to return home from Benjina; some would have preferred negotiating better terms for fisheries work, or receiving assistance in obtaining legal papers so they could work elsewhere.

Assistance providers must carefully evaluate the aims of their programs and how this is being communicated to and interpreted by trafficking victims. For example, assistance providers gave the impression that more assistance was available to the men than what was actually provided. Organizations risk permanently losing the trust of the people they are trying to assist, and even worse, re-victimizing men through perceived false promises.

Assistance providers are also urged to innovate their rescue programs to include longer-term re-integration assistance that empowers victims. A suite of services including livelihood trainings, asset transfer, consumption support, savings plans, and healthcare for a set period of time would greatly benefit the men we spoke with. The Innovation for Poverty Action's two year "poverty graduation" is an example of such a program that could greatly benefit trafficking survivors. Trafficking victims often require extensive support following years of forced labour and trauma. The program provides comprehensive support in the areas listed to increase the chances of the family being above the poverty line after 24 months (IPA). To do so, however, required much more funding and support from international organizations and governments.

4. Engage the private sector in re-integration initiatives

Former fish workers have extensive knowledge about fishing, skills that can translate into fishing and fish farming jobs elsewhere. The private sector could play an important role in connecting men that have been trafficked with other fishing-related jobs, and this type of approach fits nicely within any corporate social responsibility program. For example, in 2016, Thai Union cut ties with

external peeling sheds in its supply chain that allegedly exploited workers, and hired the 1,000 migrants previously working there to their plant in Samut Sakhon (Thai Union, 2016b). With Thai Union, the migrant workers were able to obtain legal work permits, health insurance, and other benefits meeting the requirements of Thai law. Given that the private sector can act relatively quickly, and needs a constant supply of labour at various points of the supply chain, the private sector can be an important actor in providing victims with safe and stable employment opportunities.

5. Master the technology

Many initiatives, including supply chain transparency applications and VMS, are in the initial stages of implementation. In theory, these technologies have the ability to revolutionize fisheries management; if mastered, VMS for example could track ships in real time, alert authorities in case of any illegal movements or transshipments, monitor fishing activities and catch, allow fishers to call for help no matter where they are at sea, and more. Despite the reforms in Thai fisheries, fishers still face labour vulnerabilities due to the absence of communication or monitoring systems while they are out at sea. Currently, VMS is required on every fishing vessel over 30 gross tons, yet the monitoring abilities are nowhere close to fulfilling their full potential. The Thai government and the private sector are urged to continually pursue the mastery of such technologies and optimize them for everyday use. Mastering the use of traceability technology will increase accountability for companies to react as they will be able to trace their seafood products to the exact vessel it was caught on (Bailey and Engels-Zaidén, 2016). Technological innovations present the potential for the seas to be finally governable.

8. CONCLUSION

Overall, Thailand's efforts to reform the fisheries industry have led to important, positive changes. The policy reforms range from addressing IUU, migration, labour, and human trafficking. Since the reform was only launched in 2015, the policy landscape is constantly changing as new legislation, regulation, international ratifications, partnerships, and initiatives are announced. Large hurdles still remain, such as combatting corruption that undermine the new regulations, ensuring consistency of application, and ensuring migrant rights. Partnerships have been key to the success of the reform, and compliance, particularly in relation to labour standards, have only improved with the active support of private sector partners and NGOs on the ground.

Although the reform was initially meant to focus on sustainability, addressing labour has also increased in importance and now, the two are considered to be intertwined. An analysis of the institutional landscape in Thailand demonstrates that the Thai government primarily leads initiatives centered on fisheries sustainability and enforcement while the private sector and civil society focus on issues of social sustainability such as labour and worker empowerment (Puts, 2017). Regulations imposed on the fishing sector, such as mandatory inspections by PIPO, were initially met with protest and drove up the price of seafood but have since become accepted as the new norm. However, protective measures assisting the most vulnerable and transformative change, have not yet been championed by the Thai government due to widespread discrimination against migrants, especially Burmese migrants, and the treatment of irregular migrants as criminals.

Interviews with trafficked Burmese fishers revealed that the Thai fisheries reform is not well positioned to improving their situation beyond being rescued. These findings suggest that the Thai fisheries reform has resulted in few improvements to the anti-trafficking regime, including improvements to the harmful assumptions that NGO activists have combatting for years. The trauma from trafficking does not end at rescue, and workers lives are complex; problems are not solved once they are returned home or exit the exploitative situation.

Large companies such as TESCO, Walmart, Carrefour, Thai Union, and others have pledged to address slave labour in seafood supply chains. NGOs and the media have used the stories of trafficked fishers, such as the ones interviewed, to pressure corporations and governments to respond. The Royal Thai Government has publicized their efforts to improve fishing practices, labour conditions and migration management (c.f. Marschke and Vandergeest, 2016). However, actual assistance to help those men that were trafficked into fishing or have faced serious labour abuse remains weak. Innovations are also needed at the regional level to better integrate migration and fisheries management efforts among GMS states, including consistent and standardized assistance for human trafficking victims. As the most economically well-off country in the region, Thailand must take a coordinating, leadership role in spearheading progress in these areas.

The focus on tech-centered, supply chain solutions (c.f. Goswali, 2016) are a great leap forward in preventing abuses at sea and should be harnessed to their greatest potential - but these types of solutions do not address complex issues of racism, failure of justice, and corruption. There is a need for judicial reform, particularly to ensure that restitution is given to victims, and to ensure all men are paid fairly for their work regardless of race. The private sector, which reacts much quicker than government and judicial systems, can play a greater role in

re-integration initiatives as part of their mandate on social corporate responsibility. In this regard, traceability technology will help bring accountability to the private sector for not only workers in their processing centers, but for the fishers on the vessels they source from.

Neglecting pressure to reform these systemic barriers of discrimination, failure of justice, and disempowerment will continue to harm migrant workers. All actors must work together to provide a sophisticated web of social protection measures that are promotive, preventative, protective, and transformative. The government and the private sector must step up and help civil society in empowering workers. Otherwise, those who benefit the most will be legal, port/land-based workers, not the most vulnerable migrant workers who remain caught in precarity or work at sea – this includes rescued trafficked fishers.

There remains a gap in labour efforts, especially efforts for those who fall into a trafficking situation. Significant efforts still need to be made post-rescue: this is where coordinated action is needed by NGOs, the business community, and governments to support the men who have sweat and toiled to ensure that there is a global supply of affordable seafood. The post-rescue landscape requires the same innovation and commitment as seen in the areas of fisheries policy reform, traceability, and supply chain management.

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Appendix A: Interview Guide

ORGANIZATION	ACTIVITIES	LABOUR ABUSE	SOLUTIONS AND CHANGE	TRADE AND BUSINESS	COLLABORATION	TRENDS
Could you tell me about the vision of your organisation? Why do you do what you do?	Could you tell me more specifically what activities your organisation is involved in?	What are the causes or enabling circumstances of labour abuse in the fishing industry?	How would you want the fishing industry to change in the coming (circa 5) years?	What is your opinion of the international attention that labour abuse issues are getting?	With what other organisations or groups do you collaborate on these issues? What activities are you undertaking? How much potential for change do you see in this collaboration?	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?
What are your main priorities as an organization? Have project priorities changed?	What is it about the activities your organisation is involved in that is new or exciting?	What is labour abuse? (Small discussion on terminology - labour abuse, trafficking, migration, unfree labour, exploitation)	What opportunities and/or challenges do you see in addressing labour abuse in the fishing industry or contributing to this change?	(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?	What is the government doing to combat labour abuse in the fishing industry? 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?	Have you noted or experienced any funding shifts that you think may be caused by the attention on fisher exploitation?
Where does labour exploitation in fisheries fit in your organisation?	Was your organisation working on labour abuse in the fishing industry a couple of years ago as well? When did you get involved and why?		What do you consider to be an 'innovative' trafficking response?	What impact do you see private sector and international trade having on trafficking responses in this sector?	What impacts do you think that the reform has on migrants? And on fishers?	Has there been a shift away from 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?		

Appendix B: Institutional Landscape Analysis

	POLICY AND REGULATIONS				ECO-SUSTAINABILITY		SOCIAL SUSTAINABILITY				
ORG.	Research	National/Intergovernmental processes	Migration Management	Law/Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A	Sectoral research	Protocols, BA/MoU, Guidelines					Labour Standards			Youth campaign	
Int. Org. B	Trafficking research	Tools, BA/MoU, Guidelines									Anti-trafficking X
Int. Org. C										Media Campaigns X	Anti-trafficking Campaign
Int. Org. D		Protocols, BA/MoU, Guidelines		Fisheries Crime							
Int. Org. E		International cooperation, Investigation		Fisheries Crime							
Int. Org. F		Protocols, BA/MoU, Guidelines			IUU	Sustainable sourcing					
National Government											
National Gov. A		Laws, Policy, BA/MoU		Implementation, Enforcement	Reform, PIPO, IUU X	Traceability, MCS					
National Gov. B	Sectoral research	Laws, Policy, BA/MoU	Permits, visas, legal documents				Labour Standards				
Local Government											
Local Gov. A			Permits, visas, legal documents	Implementation, Enforcement	Fisher Registration X						Victim ID & support
Local Gov. B				Implementation, Enforcement	Vessel Inspections		Labour Inspection on vessels				Victim ID & support
Local Organization											
Local Org. A					Boat owner comms and support						

Private Sector											
Business A							Sustainable Sourcing, Traceability	Labour Standards			
Business B							Sustainable Sourcing, Traceability	Labour Standards	Hotline, Worker groups X		
Business C							Sustainable Sourcing, Certification X	Certification			
Business D					IUU		VMS, MSC X	Labour Standards			
NGO											
NGO A	Labour & trafficking research						VMS, MSC X	Improving Labour Conditions	Hotline, employer review app	Worker assistance	Victim rescue & assistance
NGO B								Improving Labour Conditions		Worker centers, Education	Victim rescue & assistance
NGO C								Improving Labour Conditions	Worker groups, justice, rights	Legal assistance, training	
NGO D										Worker training, health, assistance	Victim rescue & assistance
NGO E					IUU & VMS X					Worker assistance	

*No interview, based on online information

**Activities listed not meant to be a detailed, comprehensive overview, but rather an 'overview at a glance.' Therefore, not all activities are listed.

X = tech/ data-driven initiative

Research

Defined as: Studies, surveys, and other research to inform policy development, decision-making, and understanding of a fisheries-related topic.

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/Inter-governmental processes	Migration Management	Law/Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											
Int. Org. C											
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

There seems to be a gap in research activities, with only a handful of actors (two international organizations (IOs), one government agency, and one NGO) conducting research on the issue of labour in fisheries. Labour abuses in the fisheries sector is a difficult topic of study due to the mobile nature of ships, lengthy periods of time away from shore, and the illicit and therefore sometimes hidden forms of abuse. Current research ranges from trafficking to fishing labour studies. The Ministry of Labour is currently conducting a study on the number of fishing workers required in the industry (Royal Thai Embassy of Poland, 2016). Many interviewees noted the lack of hard data, which is why there is a strong push towards technology and data-driven initiatives to monitor vessels and communicate with workers. Local NGOs who work on the ground with port workers, seafarers, and migrants could and should have a greater role to play in producing research. However, budget constraints and lack of qualified staff may be barriers to these activities and therefore more collaboration between IOs, government, and the private sector are necessary. Academics could also play an important role in partnering with NGOs to produce high quality research.

National/International Processes

Defined as: The creation, modification, ratification, and development of national policies, legislation, international standards, MoUs between countries, and other national or international agreements, laws, or policies.

ORG.	POLICY AND REGULATIONS			ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY				
	Research	National/inter-governmental processes	Migration Management	Law/ Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

Unsurprisingly, the national government and IOs are the primary actors involved in national and international processes. As part of the national fisheries reform, the Royal Thai government has collaborated with IOs, especially the International Labour Organization (ILO) with whom they worked closely to revise the Ministerial Regulation on Labour Protection in Fisheries work (Mission of Thailand to the EU, 2015). In addition, Thailand has also signed or negotiating fisheries cooperation MoUs with Spain, Indonesia, the Philippines, Malaysia, Fiji, Papua New Guinea, South Korea, Myanmar, China and the Pacific Islands countries, and is collaborating with businesses, NGOs, and other countries on a wide array of other initiatives (Royal Thai Embassy of Poland, 2016).

Migration Management

Defined as: Activities and policies related to managing the in/outflow of migrant workers and migrant worker registration.

ORG.	POLICY AND REGULATIONS			ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY				
	Research	National/inter-governmental processes	Migration Management	Law/ Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

Outside of the government, there are no organizations conducting significant work on migration management. In interviews with business, IOs, and NGOs, migration management was viewed as a topic primarily outside the scope of activism or lobbying due to its complexity and political nature. The national

government is responsible for planning strategy and policy. For example, the Ministry of Labour is conducting a study to determine the number of workers currently working in offshore fishing and whether there is a labour gap to determine whether to increase the number of worker permits in the industry or to open another registration period for irregular workers (Royal Thai Embassy of Poland, 2016). In 2017, the government has also agreed that migrants and their dependents from Myanmar, Laos, and Cambodia may travel home to celebrate the Spring New Year and return to Thailand to work without fees or penalty (NNT, 2017). Meanwhile, the local level government such as the police, PIPO, and local labour offices enforce migration management by verifying that all migrant workers have the proper permits and documentation to legally work in Thailand.

Fisheries Management

Defined as: Activities that address IUU regulations in Thai fisheries reform (i.e. vessel registration, Vessel Monitoring System (VMS), net size, etc.)

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/inter-governmental processes	Migration Management	Law/Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											
Int. Org. C											
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

One of the main pressures for reform is to combat IUU fishing. IUU is increasingly linked to labour issues since it is thought that labour abuses are more likely to occur on illegal vessels (Simmons and Stringer, 2014). However, concern for IUU fishing was originally rooted in the concept of environmental sustainability, with labour considered an “add on” due recent slavery scandals in Thailand (Marschke and Vandergeest, 2016). Combatting IUU by ensuring that vessels are registered, use proper equipment, fish in a manner respectful to marine life, and prevent overfishing can help sustain fisheries in the long run (Sylwester, 2014). Thailand’s Port State Measures, in which all fishing vessels must be inspected for IUU upon check in and check out at one of the country’s 28 PIPO (Port In, Port Out) centres, is the central mechanism regulating IUU. Some NGOs, businesses, and IOs are supporting Thailand’s fisheries management plan, but implementation is being taken care of at the local level. Josh Stride’s

(2016) review of the PIPO system found that there is progress, but issues in regulating fishing still remain, namely unstandardized inspections between PIPO centres, lack of ability and capacity to identify labour abuses, weaknesses in the use of VMS, and a lack of long term, inclusive planning to address labour shortages in the fishing industry.

Sustainable Sourcing

Defined as: Ensuring that products throughout the supply chain are sourced in a sustainable, ethical manner (i.e. traceability, certifications, removing non-compliant suppliers from the supply chain, etc.)

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY		SOCIAL SUSTAINABILITY				
	Research	National/inter-governmental processes	Migration Management	Law/Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organisation											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organisation											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

Government and IOs are involved in sustainable sourcing, but the private sector is really driving this area of reform. In order to protect themselves from consumer fall-out in the case of a labour scandal as well as to preserve long-term use of marine resources, businesses are taking many measures to ensure that they are eliminating IUU from their supply chains. Aquaculture, traceability, ensuring maximum sustainable yield (MSY), and certification schemes are some of the methods being implemented to support sustainable sourcing (Interview, National Gov. A; Interview, Business A; Interviews, Business C).

Ethical Labour

Defined as: Ensuring working and employment conditions meet or exceed the standards required by Thai law (i.e. employment audits, contracts, training, fair pay, etc.)

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/inter governmental processes	Migration Management	Law/ Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

Even though labour is considered a recent “add on” to traditional approaches to fisheries management (Marschke and Vandergeest, 2016), improving labour conditions on boats and in seafood processing is being pushed in the reform agenda by businesses in partnership with NGOs. Businesses have greater control over their land-based supply chains; they can cut ties with those accused of labour abuses, and implement improved working conditions for those in their factories (Interview, Business B). Labour abuses at sea, which have received the most media coverage, are harder to pinpoint however, and therefore more difficult to address. The Thai government has passed many policies to provide the structural basis for adequate labour conditions, such as minimum working age, mandatory rest periods, mandatory contracts, and health and safety training. The private sector is also conducting audits to ensure that these conditions are being met on the ground (Interview; Business B).

Worker Empowerment

Defined as: Beyond standard training on worker and migrant rights, activities that build the capacity of workers to safely voice their concerns and improve their own working conditions.

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/inter governmental processes	Migration Management	Law/ Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

NGOs, in collaboration with a prominent business actor, are working to improve worker voice and empowerment through the implementation of worker welfare committees, hotlines, and mobile applications that allow workers to anonymously rate and report their employers. Most labour abuses occur not only due to a lack of regulation and enforcement, but the inability or lack of confidence of migrants to report abuses in the first place. These initiatives aim to grow the confidence and skills of workers to successfully address labour issues themselves. They are extremely important for providing long-lasting improvements to the seafood and fishing workforce, which is overwhelmingly comprised of poor, marginalized, and often irregular migrants.

Worker Assistance

Defined as: Provision of assistance to any worker (legal or irregular, foreign or domestic) in any sector if not provided by their employer. This could range from legal support, access to healthcare or education, or other.

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/international governmental processes	Migration Management	Law/Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

NGOs are the primary providers of worker assistance. This is unsurprising given their location in port and border areas, their employment of employ multi-lingual staff who are able to communicate with migrant workers, and their ability to build trust among worker/migrant communities where there might be a fear of mistrust of government and employers. Since many workers are often illegal migrants, this often involves specialized help such as legal advice, health services, and access to other services without deportation, etc. There is some support from government and business, especially in the delivery of education to children of migrants, the universal provision of which was legalized in Thailand in 2005 (Interview, NGO D; Interview, Business B; Boonchalaksi et al., 2012). However, Boonchalaksi et al. (2012) note that migrant children registration remains low (estimated to be as low as 10%) due to parents' fear of detention, lack of enforcement of the law, and school fees. One NGO (NGO D) also noted

how registered migrants who have paid for health insurance may not know how to use it, or worse may be turned away from private hospitals or clinics due to discrimination and lack of profit. Unregistered migrants are in an even worse situation as they do not have health insurance and many cannot afford private healthcare. NGO D described how they sometimes had to plead with hospitals to treat irregular migrants as patients for reduced prices. NGOs on the ground do their best to assist workers, but a lack of government support hinders meaningful improvement in worker conditions, especially for irregular migrants.

Societal Awareness

Defined as: Activities that aim to boost awareness of a specific issue (i.e. human trafficking, labour abuse or migrant rights) or promote a cultural shift (i.e. less discrimination towards migrants) within Thai society.

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/Intergovernmental process	Migration Management	Law/Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											X
Int. Org. C										X	
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A					X						
National Gov. B											
Local Government											
Local Gov. A					X						
Local Gov. B											
Local Organization											
Local Org. A											
Private Sector											
Business A						X					
Business B						X					
Business C						X					
Business D						X					
NGO											
NGO A						X					
NGO B											
NGO C											
NGO D											
NGO E					X						

IOs have the budget, reputation, and clout to run national campaigns to raise awareness of various issues. For example, IOMX creates interactive multimedia (quizzes, music videos with Thai celebrities, and concerts) all to promote migrant labour rights. The ILO also runs a program called *Sapan Siang* (Bring of Voices) in which Thai youth volunteer with migrants in NGOs and become spokespersons against migrant discrimination and labour abuse. Although the government officially supports some of these initiatives, the government itself does not run a campaign. If the government did run its own campaign instead of IOs who may be perceived as foreign influences, it would send a much stronger message to the public that they are serious about protecting migrant rights.

Human Trafficking

Defined as: Specific activities dedicated to combatting human trafficking or rescuing and assisting victims.

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/Inter governmental processes	Migration Management	Law/ Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											
Int. Org. C											
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A											
National Gov. B											
Local Government											
Local Gov. A											
Local Gov. B											
Local Organisations											
Local Org. A											
Private Sector											
Business A											
Business B											
Business C											
Business D											
NGO											
NGO A											
NGO B											
NGO C											
NGO D											
NGO E											

Human trafficking is one of the most severe forms of labour abuse, and one that has been notoriously highlighted by the discovery of thousands of migrant “slaves” trafficked onto Thai fishing boats in Indonesia (McDowell et al., 2015). The Tier 3 TiP ranking by the US Department of State in 2014 also seemed to pressure the Thai government to respond to allegations of rampant human trafficking on the high seas, although these were not as strong as the EU’s yellow card to tackle fisheries reform and IUU. As a result, many organizations from the IO to the local NGO level are working on anti-trafficking initiatives (mainly research and assistance) specific to fisheries. However, as will be explored in later sections, what is being done on paper is vastly different than what is happening on the ground, especially when considering the personal experiences of human trafficking victims in fisheries. One notable finding is the absence of the private sector in anti-trafficking initiatives.

Technology

ORG.	POLICY AND REGULATIONS				ECO-SUSTAINABILITY			SOCIAL SUSTAINABILITY			
	Research	National/Inter governmental processes	Migration Management	Law/ Enforcement	Fisheries Management	Sustainable Sourcing	Ethical Labour	Worker Empowerment	Worker Assistance	Societal Awareness	Human Trafficking
International Organization											
Int. Org. A											
Int. Org. B											
Int. Org. C											
Int. Org. D											
Int. Org. E											
Int. Org. F											
National Government											
National Gov. A											
National Gov. B											
Local Government											
Local Gov. A											
Local Gov. B											
Local Organisations											
Local Org. A											
Private Sector											
Business A											
Business B											
Business C											
Business D											
NGO											
NGO A											
NGO B											
NGO C											
NGO D											
NGO E											

The private sector is driving both IUU and labour reform in fisheries, particularly on the technological front now that the majority of migrants own smartphones (Goswami, 2016). Half of the organizations interviewed are involved in technological initiatives related to the Thai fisheries reform. In

2015, the US government opened a call for proposals for *Supply Unchained*, with the purpose of developing new technologies and partnerships to safely leverage the voices of vulnerable workers in global supply chains, and provide data to private sector partners and other stakeholders to address the risks of human trafficking in supply chains and business operations” (USAID). One such initiative, funded by USAID and the Walmart Foundation, is the Issara Institute’s mobile app *Golden Dreams*, which among other functions like access news, conduct polling, and provide direct access to Issara’s hotline, allows Burmese migrant workers to anonymously review and rate their employers, service providers, recruitment agencies, and more for others to see (Issara Labs, 2017). Similarly, LaborVoices, which is currently functioning in ten countries by over 100,000 workers, is a data-analytics, supply chain company that crowd sources data from workers about labour conditions and conveys them in real-time to brands (Goswami, 2016).

Since the most severe abuses are likely to take place on long haul fishing vessels, Vessel Monitoring Systems (VMS) are now required on all Thai vessels (ILO, 2013; Embassy of Thailand to Poland, 2016). Though still in its early stages of implementation, once the satellite technology is mastered, in theory VMS will allow authorities to track ship movements and information such as prolonged time at sea, illegal at-sea transshipments, or illegal fishing in foreign waters, which could be indicators of forced labour. The private sector is backing this initiative, as it will also help them ensure sustainable sourcing of the seafood in their supply chains. The advancement of ubiquitous technology is helping to solve governance and labour issues that were previously un-addressable due to the nature of work at sea. Tech and data-driven initiatives also provide easily quantifiable and scalable results, something that is difficult to produce in traditional anti-trafficking initiatives.

Appendix C: Port Workers in Songkhla, Thailand

Informal interviews were conducted at Songkhla port during non-busy hours with Thai-speaking workers who were willing and available to participate in an interview. As such, nine interviews were conducted of varying length with various Thai and Cambodian workers, sometimes one-on-one or in groups:

- Thai porter (1)
- Thai market seller (1)
- Cambodian migrant family who lives at the port (group interview)
- Cambodian migrant workers (6):
 - Seafood processing workers (2)
 - Former fishers (4)

The questions centered on whether the workers had heard about the Thai fisheries reform and if they had observed or experienced any impacts on their work or work status. Most of the migrant workers interviewed had originally arrived to Thailand illegally, but were now registered.

IUU Reform

One of the primary mechanisms for IUU reform are the Port-In and Port-Out vessel inspection centres. The PIPO inspectors check the condition of the ship, fishing gears and equipment, the background of Thai nationals for criminal records, and the work and legal registration of migrant workers. Ships are also installed with Vessel monitoring Systems (VMS) to track their movements at sea (Interview, Local Government B). There is a PIPO centre at Songkhla port. Workers and officials confirmed that all boats must register at Songkhla port when returning and departing from shore. Interviews with officials confirmed that while not at all 27 PIPO stations in Thailand may have the same track record, due to the geography of Songkhla, there is only one place for ships to dock, which ensures that all ships over 30 gross tons are inspected.

The implementation of such an inspection system was a shock for a fishing industry that had previously been unregulated. The Office for Migrant Labour and Recruitment, situated near the port, provides support for the labour aspect of enforcement. They ensure that Thai and migrant workers possess the proper legal papers, work permits, and contracts. They assist in the registration of workers and amendment of documents if, for an example, a worker (accompanied by their employer) wants to switch employers Interview, Local Organization A). The new administrative measures implemented by PIPO and the Office of Migrant Labour Recruitment did not unnoticed

by the port workers, who observed that the IUU and labour regulations had impacted their work in a variety of ways:

Port Workers: Perceived Impacts of the Thai Fisheries Reform

- At the beginning, adjusting to PIPO was difficult and prices of fish rose, but now captains and ship owners know the and follow the rules
- It is harder to find a job, but if you do, there are better conditions
- Work conditions are better because of ID cards
- Improved mobility and safety
- Less cases of human trafficking being heard of
- Harder to switch employers

In general, the changes were seen as positive once employers and workers became familiar with the new regulations. Working conditions were considered to be better largely due to the legalization of workers. As mentioned, most of the migrants interviewed had originally arrived as irregular migrants. Some were registered as part of the fisheries reform, while others had been registered prior. However, they all noted the benefits of having legal status in terms of increased mobility and security without fear of arrest or deportation. Their responses are in line with the findings of Dr. Marschke and Dr. Vandergeest (forthcoming), who also found that generally, Cambodian migrants in the fishing sector viewed the reform as having a positive impact on their working conditions.

Training and Safety

The delivery of worker rights and safety training was mixed. Some workers remembered receiving training while others never had. Boat owners were also supposed to have received training about new regulations, which one interviewed boat owner confirmed to have attended. In addition, knowledge about worker hotlines was also low. Even though three migrant worker NGOs are based in Songkhla port and all three run hotlines, it seemed that the port workers were not aware of them. This could be for various reasons, since the Issara Institute, for example, advertises its hotline primarily through Thai Union's seafood processing factories, or that the NGOs focus on the most vulnerable workers. However, when we passed out sheets with the hotline numbers, the workers seemed quite excited and they were snapped up eagerly. The members of the Cambodian family began mentioning how they had friends who had not been paid properly and could use the hotline. Another pair of Cambodians fish porters seemed to have excellent employers; not only did they possess the proper legal

documentation and enjoyed their working conditions, their employer had also provided them with training and a corporate hotline in case of issues or emergencies.

Documentation and Contracts

The migrant workers possessed their registration card (pink cards) issued by the Songkhla Office of Migrant Labour Recruitment which gave them access to health insurance. Most importantly, the workers were aware that their registration card included health insurance, which was usually half-funded by their employer and half self-funded, and could use it when needed. The workers also had work permits (blue booklets for on-shore workers, or orange booklets for fishers) which were also issued by the Office of Migrant Labour Recruitment. While one man noted that it was more difficult to switch employers now since paperwork would have to be filled out by both the employer and the worker and debts transferred from the old employer to the new one, another thought it was a relatively simple process. One man described how the registration process was easy since the office was close by and they sent out a reminder to renew a few months before expiry. One of the workers had registered as part of the Thai fisheries reform regularization of fishing workers program; two others had registered years before.

The possession of contracts was less consistent, with some of the migrants and even a Thai porter not having a contract. Some were unaware of if they even had a contract, or if they did it was in Thai and they did not know that contracts were also supposed to be translated into Khmer. The absence of contracts as well as contracts in their native language is important because while all the men interviewed could speak Thai, not all could read in Thai. An interview with a boat owner at Songkhla also revealed that she kept the contracts of the men and did not provide them with a copy because "they would probably lose them."

General Perceptions

Overall, the fisheries reform was seen as to have improved the working conditions of migrant workers. The assurance of legality and safe mobility greatly improved the quality of life and work of the migrants at port. Although this made the supply of jobs smaller, the conditions of those who did find work were usually better. Even though the price of seafood rose initially after the implementation of IUU regulations, they have since regularized. According to a Thai fish trader who has worked at the Songkhla and Hat Yai markets for over 10 years, the price of fish has been rising steadily throughout the years anyway, even though the quality and quantity of marine life has decreased. Indeed, while our research team was exclaiming over the size of some massive, forearm-sized prawns, the Cambodian porter we were interviewing told us that they used to be bigger.

Finally, it must be repeated that observations from these informal interviews are in no way representative of all migrants in the seafood industry. In addition, the workers we interviewed were at an advantage compared to other migrant workers. While they had undoubtedly struggled when they first arrived illegally to Thailand years ago, they now spoke Thai and were able to leave their difficult fishing jobs. Two workers had been regularized migrants years prior to the fisheries reform. Of the four former Cambodian fishers interviewed, three had left the profession due to the difficult working conditions and being disconnected from family; the other had decided to switch jobs because fishing had become boring to him. These sentiments corroborate perceptions of fishing being a least desired occupation and if possible, workers will try to secure jobs on land. Migrants who speak Thai, such as the ones interviewed, are in a much better position to find and negotiate new jobs, as well as protect themselves if working conditions are inadequate.