



Slavery scandals: Unpacking labour challenges and policy responses within the off-shore fisheries sector

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ARTICLE INFO

Article history:

Received 14 January 2016

Received in revised form

10 February 2016

Accepted 10 February 2016

Keywords:

Fish workers

Migration

Unfree labour

Trafficking

IUU

Supply chain management

ABSTRACT

Over the past year, scandals around what has been labelled slave labour in the industrial fisheries sector in Thailand have revealed not only the connections between northern buyers and southern labour practices, but also the relative lack of research on fisheries labour in Asia and the global South. The slavery and trafficking framings pervading these depictions have been very useful for drawing attention to and acting on criminal activities in labour recruitment and abuse, but have limits as a basis for addressing the underlying causes of forced labour in fisheries. Insights from research on regional labour migration as well as the work of civil society organisations in Thailand suggest that broader improvements in labour relations will require changes in migration management, with a focus on addressing vulnerabilities that restrict the abilities of migrant workers to obtain better working conditions. This analysis provides the basis for assessing the potential and limits of recent programmes to improve labour relations on the oceans, including anti-trafficking policies, IUU enforcement, buyer efforts to ensure that supply chains do not involve forced or illegal labour relations, and Thai government actions.

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1. Introduction

Researchers who produce information about fisheries and seafood have explored diverse topics including fisheries sustainability, contributions to economic development and coastal communities, changing technologies and more. For example, it is easy to find research on small-scale marine fisheries, detailing their contributions to livelihoods of coastal people (e.g., [1] and [2]) or analyzing management practices with a view to promoting sustainability [3]. A theme that has been markedly scarce in the pages of this journal and other research-based publications on fisheries, however, is information about hired workers, in particular within off-shore fisheries in the global South. Within this journal, a few authors have addressed maritime labour policy, for example, policy responses to the ILO's Maritime Labour Convention¹ [4] and [5]. But very few articles have focused on worker recruitment and

working conditions in the fishing industry. Important exceptions include Simmons and Stringer [6] on forced labour in the New Zealand fishing industry, as well as Hara [7] on squid fisheries workers in South Africa.

This lack of knowledge about fisheries workers came to the fore in 2014 when the media exposed controversial 'slave labour' practices of migrants working in Thailand's off-shore fisheries, linking these practices to seafood consumed in Europe by tracing the catch to the manufacturer of feed for farmed shrimp that was exported to Europe [8]. Media coverage began in June 2014 when the *Guardian* published the results of its investigation, which disseminated to its readership what was already known through previous research by local NGOs and international organisations about working conditions in the Thai fishing sector [9–15]. A series of other media exposés followed, involving further research in Thailand by the *Guardian*, the *New York Times* and *Associated Press*, as will be elaborated below.

For the seafood industry, these media stories exposed an increasing reliance on migrant workers who are often less than free, poorly paid, and abused. Among researchers, these controversies have highlighted how little systematic research has been done on hired labour in fisheries, especially in the global South. Although most workers engaged in fisheries today are still small-scale [16] and [17, p. 60], the industrialisation of fisheries has required the increasing employment of hired workers. Who are these workers, how are they recruited, and what are the conditions of their

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¹ Note that there are other relevant ILO conventions addressing labour in the fisheries sector, in particular the Work in Fishing Convention 188. This convention has received little academic analysis, in part because only six countries have ratified it to date. However, discussions with ILO staff working on labour in fisheries suggest that this policy holds significant potential, and that Thailand modelled some of its' 2015 fisheries reform after this convention.

employment? Answers to these questions should be a pre-requisite to assessing how governments, the seafood industry, NGOs and other activists might respond to the current controversies around fisheries labour in Thailand and elsewhere.

The purpose of this paper is to review the public controversies surrounding labour on fishing boats in Thailand; outline what is known about fisheries workers in Thailand based on both research and activism in that country; and, critically assess current national and international responses to the controversies in Thailand. The focus is workers on fishing boats; the paper does not take up labour issues in the seafood processing sector. The paper argues that the trafficking framework, and the associated language of slavery, has been effective in drawing world-wide attention to serious labour issues in the fisheries; however, if the broader conditions that facilitate the emergence of human trafficking are to be addressed, then policy-makers need to think about the implications of increasing reliance on migrant workers and migration management. Borrowing from the migration scholarship in Southeast Asia, the paper outlines some of the complex migration processes that enables labour abuse, and to point to some possible ways of intervening to improve these conditions. Finally, the potential impacts and limits of anti-trafficking policies, enforcement of restrictions of seafood from Illegal, Unreported, and Unregulated (IUU) fisheries, buyer-driven programmes to ensure abuse-free supply chains, and government action are assessed.

To gather information for this article, an extensive database search on how the stories about labour abuse in Thailand were presented in online newspapers was conducted², in addition to consulting academic publications and NGO reports. The research by reporters and NGOs is very informative due to the considerable effort, imagination, and courage demonstrated by these groups in obtaining stories about the situations of specific workers, tracing seafood produced by these workers to northern markets, and providing support for the most abused workers. Media and NGO publications are complemented with interviews with civil society organisations working on labour issues in Bangkok at the end of 2015, and with scoping interviews with captains and fish workers in ports across Vietnam, Cambodia, and Thailand during 2014 and 2015.

2. Reflecting on labour challenges in industrial fisheries

2.1. Workers in the Thai fisheries

The fisheries sector in Southeast Asia underwent rapid industrialisation during 1950s through the 1970s, as the number of medium to large boats ballooned, and these boats adopted more efficient ways of locating, catching, and preserving fish [18]. Such efficiency required hired labour. During the earlier decades of industrialisation of the fisheries, most hired workers in the Thai fisheries were recruited from nearby coastal peoples or as migrants coming from other parts of Thailand [12] and [19]. But over time the majority of the industry has come to rely on a mostly international migrant workforce, often poorly paid and under highly authoritarian and unequal labour relations [12] and [20]. This turn to international migrant labour can be partly attributed to the danger and difficulty associated with fisheries work, but

also with a need to reduce costs as the catch declined with the devastation of the marine ecology due to unregulated overfishing, especially in the Gulf of Thailand.³

It is difficult to estimate accurately the number of workers on fishing boats, but it is likely well over 100,000. A member survey conducted by the National Fisheries Association of Thailand (NFAT) in 2012 estimated the total number of workers in the fisheries sector as 143,000 workers on 9500 boats [12]. This survey would have excluded non-members of the NFAT.

Fishing boats in the offshore sector can be classified according to whether they are short haul (at sea for less than one month) or long haul (at sea more than one month), with the worst labour abuses occur on the long haul boats. In the short haul sector, workers change employers relatively often: In an ILO survey of 600 hired fisheries workers, most of whom were employed in the short haul sector, over two thirds had worked for their current employer for less than one year [12, p. 41]. At the same time, employers have been experiencing significant shortages of willing workers [12] and (interviews in Thailand), because work and life on the boats is both very dangerous and extremely difficult. The outcome in the short haul sector is a situation where captains with the worst reputations are most likely to lose their workers, and thus go to brokers who use coercive practices or trafficking. The individuals who end up working for such captains are often those with little experience, which can exacerbate abuse [11, p. 21].

At the same time, the evidence is that unfree and abusive labour relations were most common on the long haul boats. For example, the ILO survey showed that 16% of surveyed workers on long haul boats were deceived or coerced into working on boats against their will, compared to only about 3% among short haul workers [12, p. 46]. Some 25% of long haul workers, and 15% of short haul workers, reported that they were not working willingly. The most common means of coercion was economic, or the withholding of wages, but a significant proportion (3% overall, and 5% of workers from Myanmar) reported violence and threat of violence. This survey most likely underestimated coercive retention of workers because it would not have had the opportunity to interview captive workers, and because it under-sampled long haul workers. There have also been reports of witnessed executions of fellow workers as a method of enforcing compliance [8], [11, p. 25] and [22]. This situation is enabled, in part, because employers can easily evade regulation given the informal nature of recruitment [14], the distance ships travel especially in the long haul sector, and the limited time workers spend off-shore [23].

Workers experience significant debt to pay for brokers, travel, documentation, and so on, which results in a form of bonded labour [20]. For example, according to the ILO survey about 70% of respondents paid broker fees upfront [12, p. 49] but we can expect that most of these workers borrowed money from other sources [19] to make this payment. About one quarter of surveyed respondents indicated that monthly wages were being deducted to pay debts to brokers: these workers are effectively bonded to their employers. Importantly, what the ILO survey also demonstrates is that a range of working conditions exist, as not all workers reported coercion, underpayment, or serious abuse.

Information on the significance of unfree labour and labour abuse in the fisheries has been emerging over the past five years through a series of reports written by international organisations in collaboration with local NGOs (e.g., [10–12]). The key organisation for drawing international attention to labour issues in the fisheries sector in Thailand has been the Environmental Justice

² For the newspaper search, we used FACTIVA (a newspaper data base) to gather newspaper articles that covered labour issues in Thailand's fisheries sector for the past two years (from December 15, 2013 to December 14, 2015). Various search terms ("slave labour" OR "slave labour" OR "modern day slavery" OR "migrant worker" OR "economic migration") NEAR15 fish*) identified 420 newspaper articles, including 278 that focused on Thailand. We have continued to monitor media coverage since December 2015.

³ Precise estimates of stock declines are made difficult by the biological complexity of the fishery and the challenges of assessing natural productivity [21]; however the Thai Department of Fisheries estimates that the catch per unit effort (CPUE) in the Gulf of Thailand has declined by 97% between 1961 and 2006 [22].

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