

# Forging Regional Cooperation to Address Fishery Labor Issues

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The rapid development of the world's fisheries sector together with increasing demand for fish and fishery products for human consumption, result in a growing global demand of labor in fishing and aquaculture related activities. Meanwhile, illegal, unreported, and unregulated (IUU) fishing activities continue to proliferate to fill the ever-enlarging gap in the supply of fish and fishery products. However, illegal fishing activities leads to increasing incidence of labor abuses, forced labor, child labor, and human trafficking. The ASEAN Member States, as major producers of fish and fishery products, are making considerable efforts to develop and implement management measures that aim to ensure the sustainability of fish stocks, combat IUU fishing and promote fair labor standards throughout the Southeast Asian region. Recognizing that labor concerns continue to loom in the region's fisheries sector necessitating the need to address such concerns for sustainable development, labor issues in the fisheries sector including the situation of migrant workers, working conditions and safety at sea had been given priority in the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020 adopted in 2011.

The importance of addressing labor issues in the fisheries sector, including improvement of fishery labor working conditions and safety at sea had been given priority in the **2011 ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020**, which were adopted by the Ministers of ASEAN-SEAFDEC Member Countries in June 2011 (SEAFDEC, 2011). As stipulated in the ASEAN-SEAFDEC Resolution and Plan of Action, the ASEAN Member States (AMSs) have been bound to “*improve the working conditions of people engaged in fisheries activities, and strengthen measures for safety at fishing vessels taking into account the regional specificity*” (Resolution No. 13). Moreover, the Plan of Action (POA) also implies that the AMSs are impelled to adopt measures that endeavor to “*encourage good and appropriate employment practices in accordance with domestic laws and regulations*” (POA No. 5); “*strengthen efforts to address safety at sea, including considerations of working conditions and socio-economic development, and ensure that these considerations are addressed by all concerned authorities while improving monitoring and control of the status of conditions, especially on small fishing boats*” (POA No. 30); and “*encourage good and appropriate employment practices in accordance with domestic laws and regulations*” (POA No. 65). Furthermore, the need to address

the status of migrant workers is also highlighted in the **ASEAN Socio-Cultural Community Blueprint 2025** (ASEAN, 2016) and the **ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers** (ASEAN, 2007).

At the global level, several conventions and agreements relevant to the fishing sector have guided the AMSs in pursuing the path towards the ASEAN Community building, especially those that aim to address the need to improve working conditions in the fisheries sector, including the importance of migrant workers, *e.g.* ILO Convention 188 on Work in Fishing (ILO, 2007). Meanwhile, FAO (2015) also expressed the increasing concern on securing “decent work,” which should be addressed to ensure that the development of fisheries and aquaculture translates into enhancement of livelihoods of fishers, fisher-folk, fish farmers, and workers at various stages of the fish value chains. As recommended in relevant fora, *e.g.* Resolution (70/1) dated 25 September 2015 of the **Sustainable Development Goals (SDG)**, referred to as labor, child labor and human trafficking (United Nations, 2015), the countries' role in addressing the decent work deficits and in promoting the effective implementation of the ILO decent work agenda in the fisheries and aquaculture sectors, should be made clear. Guided therefore by the ASEAN-SEAFDEC Resolution and Plan of Action on Sustainable Fisheries for Food Security for the ASEAN Region Towards 2020, the AMSs have been exerting efforts to promote sustainable fisheries in the Southeast Asian region and to achieve rapid economic development to be able to move towards an integrated ASEAN Community.

Considering that fisheries had been identified as one of the priority sectors for such regional integration, various sectors in the fishing industry had been developed. As a consequence however, such efforts have been shadowed by the increasing demand for workers which has been largely met by employing large numbers of workers from within and outside the AMSs. Meanwhile, some unscrupulous fishers continue to embark on IUU fishing activities and their demand for fishery labor had been met by engaging illegal migrants as well as child labor to the extent that human trafficking became widespread.

The AMSs with support from SEAFDEC had been boosting their efforts to combat Illegal, Unreported and Unregulated (IUU) fishing in the Southeast Asian region. In so-doing, the AMSs have also attained a growing understanding of the need to seriously address labor-related issues, especially with regards to migrant workers. Thus, the AMSs have been

working towards improving the working conditions of their fishery workers while SEAFDEC had been strengthening the institutional cooperation on this aspect in collaboration with relevant agencies and organizations as well as with the AMSs.

## Fisheries and the Fishing Industry of the Southeast Asian Region

The regional and sub-regional nature of fisheries in Southeast Asia is underlined by seasonal migration of important species and encroachment of unlicensed fishing vessels into neighboring countries (SEAFDEC, 2016). Thus, focus has been made by the AMSs on combating the irregularities within the fishing sector with increased attention being given to the working conditions and status of people engaged in fishing and its ancillary activities. In the industry's large-scale fisheries, attention is focused on the very large number of migrant workers – with more people getting onboard to seek work opportunities in the countries as well as the large groups of workforce moving from one country to another.

The AMSs recognize the importance of soliciting broad institutional responses and obtaining international recognition of their efforts to address labor issues, and seek the coordination of all concerned for the implementation of necessary actions to improve labor working conditions and strengthen the status of workers employed in the fishing sector in the region. In their effort to combat illegal practices and to improve regulations and recording of vessels, catches and people engaged in the fisheries sector, many AMSs have been seriously revising their respective national legal frameworks including those that are relevant to labor aspects for immediate implementation (SEAFDEC, 2016). Individual countries had also taken their own significant steps to regulate and improve the ways in which good labor practices could be ensured within the fisheries sector. For example, in the Philippines a vessel owner/skipper is required to provide a guarantee that all crew members are to be treated in accordance with Philippine labor laws, before a fishing license is issued for a vessel; while in Indonesia a special Sub Directorate of Fisheries Labour and Manning a Fishing Vessel is established within the Directorate of Fishing Vessel and Fishing Gears under the Directorate General of Capture Fisheries of the Ministry of Marine Affairs and Fisheries. In Thailand, the Royal Ordinance on Fisheries of 2015 includes labor aspects (Art 11), and the Department of Fisheries (DOF) in cooperation with the Department of Labour Protection and Welfare (DLPW) and the International Labour Organization (ILO) had developed a set of four Good Labour Practices (GLP) Guidelines for endorsement by the Government.

Furthermore, countries like the Philippines, Indonesia and Viet Nam are actively promoting and providing opportunities to fishery labor, including enhancing the capacity of their national fishing crew before they go abroad to work in the fisheries sector. Although meant to ensure that crew members receive decent working conditions abroad, such schemes have been confronted with difficulties in covering all migrant workers. Nationals in large numbers from Myanmar, Cambodia and Lao PDR are being engaged to work onboard fishing vessels and in processing facilities of neighboring countries. Since there is lack of “specific policies, regulations and measures,” recruitments and movements are largely unregulated in spite of the efforts being made by the governments.

Given such a scenario, SEAFDEC has strengthened cooperation with the AMSs to address labor concerns in the fisheries sector taking into consideration the importance of highlighting the points indicated in the ASEAN Socio-Cultural Community Blueprint that actions should be “in accordance with the laws, regulations and policies of respective ASEAN Member States”. The expressed interest of the AMSs to address fishery labor issues was apparent during the Forty-seventh Meeting of the SEAFDEC Council in April 2015, when SEAFDEC was requested to ensure





that “in addition to addressing issues related to IUU fishing, labor issues should also be attended to as this is crucial for enhancing the competitiveness of the ASEAN fish and fishery products” (SEAFDEC, 2015). The commitment of the AMSs to work towards increased human well-being and enhance “the competitiveness of the ASEAN fish and fishery products” has been well documented and emphasized at the highest possible level. The Declaration on the ASEAN Economic Community Blueprint signed by ASEAN Heads of States in November 2007, highlighted clearly that among the trade priority measures, fish and fishery products which are among the priority commodities, should be given more focus (ASEAN, 2007). Following the signing of the Economic Community Blueprint, the ASEAN Socio-Cultural Community Blueprint was adopted by the ASEAN Leaders at the 14<sup>th</sup> ASEAN Summit on 1 March 2009 in Cha Am, Hua Hin, Thailand.

The ASEAN Socio-Cultural Community Blueprint focuses on nurturing “the human, cultural and natural resources for sustained development in a harmonious and people-oriented ASEAN,” and the well-being of workforces in all sectors and migratory workers are the key factors under such Blueprint. In response to the request of the SEAFDEC Council of Directors and to the increased recognition being given on the need to address labor issues and to improve working conditions within the fisheries sector, SEAFDEC with support from the SEAFDEC-Sweden Project organized the First Regional Technical Consultation (RTC) on Labor Aspects within Fishing Industry in the ASEAN Region on 25-27 February 2016 in Bangkok, Thailand. The RTC was meant to provide a venue for ASEAN-SEAFDEC Member Countries and relevant organizations to discuss and recommend the ways and means of improving the working conditions of labor in fisheries, including that of migratory workers, in the spirit of the ASEAN Community building. The RTC was participated by representatives from government agencies responsible for fisheries and labor from the ASEAN-SEAFDEC Member Countries, as well as from independent organizations and representatives from international and regional organizations such as the International Labour Organization (ILO), FAO Asia-Pacific Fishery Commission (APFIC), USAID-Oceans and Fisheries Partnership, International Collective in Support of Fisheries (ICSF), United Nations Action for Cooperation Against Trafficking of Persons (UNACT), EU delegation to Thailand, Swedish Embassy, Sustainable Development Foundation, SEAFish for Justice, among others. Representatives from Trade Unions, the private sector and Civil Society Organizations also attended the RTC which highlighted and discussed the key international agreements including the requirements of those agreements in relation to labor engaged in fisheries. During the RTC, the participating AMSs provided an update on their respective national legal provisions and implementation guidelines for securing the rights and well-being of labor engaged in the fisheries sector, including recruitment and treatment of migrant workers.

## Issues and Concerns: Securing the rights and well-being of labor engaged in the fisheries sector

A summary update of the current legal instruments and guidelines adopted by the respective AMSs that are of relevance to the improvement of working conditions of fishery labor including recruitment and treatment of migratory labor is given below (SEAFDEC, 2016). It should be noted that the information gives due recognition of the rights of people engaged in various segment of the fishing industry, as expressed in their respective national regulations and the ASEAN Community Blueprints.

### Cambodia

In 2014, the population of Cambodia was reported to be about 14,320,000 with about 60% under 25 years old, and the country’s effort to create employment could not keep up with the increasing population. The benefits from the country’s economic growth are generally urban-centered and captured by only a few, exacerbating the country’s poverty rate which remains the highest in Southeast Asia. Such “push factor” on one hand leads to labor migration and on the other hand, wages in destination countries, e.g. South Korea, Malaysia, Thailand, are generally higher than those in Cambodia while employment is available all year round in these destination countries, especially in Thailand contributing to the “pull factor” that also results in labor migration. Given such push and pull factors, migration of labor as one of the few options available for rural people, becomes inevitable. In general, migrant workers benefit from working overseas not only in terms of financial remittances but also acquisition of properties and assets including houses, making migration a pathway towards getting out of dire poverty (Chandalin, 2016).

The fisheries sector of Cambodia has recently seen rapid development, and the fisheries GDP in 2008 was US\$ 720 million benefiting about 50% of the country’s population. Nevertheless, the country’s fishery workers had been continuously challenged by many domestic factors that push them to labor migration, including the need for higher wages to provide for the basic needs of their families in spite of the risks that confront the migrant workers. In an effort to address the concerns on labor migration, the Government of Cambodia had issued regulations beneficial to migrant workers, e.g. Sub-decree 190 dated August 2011 on “Management of Sending Khmer Migrants to Work Abroad through Private Recruitment Agency,” Sub-Decree 195 dated November 2008 on “Passport Issuance to Cambodian Workers to Work Legally Abroad,” Sub-decree 70 dated July 2006 on “The Creation of the Manpower Training and Overseas Sending On-board.” These sub-decrees came with various guidelines for recruitment and sending of migrant labor abroad. Under such regulations and guidelines, the Government of Cambodia signed MOU with

various labor-receiving countries, such as South Korea in 2006, Thailand in 2003, and Malaysia in 2015 (Panha, 2016). Nonetheless, for the sustainability of labor migration, Cambodia has been exerting efforts to: mainstream labor migration issues within its national development agenda, especially in the national employment policy, national development plan, and the country's decent work program. The country has also established a system of recognition for skills gained from labor migration; promoted the productive use of migrant workers' remittances for community development; provided workers' return and reintegration services; and established support linkages with the diaspora. Moreover, Cambodia also provides financial literacy training to migrants and their families at the pre-departure stage; supports the opening of bank accounts by migrant workers in Cambodia and in their destination countries to facilitate remittances; facilitates migrant-worker transfer of capital, skills, and technology by providing them with incentives; promotes the acquisition of new skills abroad to minimize brain drain in key economic sectors; and ensures that while recognizing the contribution of migrant workers to the economy, the Government of Cambodia does not promote foreign employment as the sole means of economic development and poverty reduction (Chandalin, 2016; Panha, 2016).

### **Indonesia**

Indonesia's marine waters had been divided into 11 Fisheries Management Areas, and in 2014, the country's production from marine capture fisheries was reported to be more than 6.0 million metric tons. Some statistics in the same year showed that there were 643,105 fishing vessels, more than 2.0 million fishers engaged in marine capture fisheries, and about 4,800 Indonesian migrant fishers. Labor in the country is regulated by the Ministry of Manpower (for manpower standards), Ministry of Transportation (for seafarers standards), and Ministry of Marine Affairs and Fisheries (for fishers' competency standards). The country's mechanism for recruitment of fishery labor is classified into: work in Indonesia or onboard fishing vessels, and work overseas or foreign fishing vessels. Specifically, Indonesia's Law No. 45/2009 stipulates that all fishing vessels flying Indonesian flag must use 100% Indonesian citizens. For work overseas in foreign fishing vessels, BNP2TK1 or the National Board of Placement and Protection of Indonesian Overseas Workers is responsible for issuing clearance for all labor including fishery workforce to work overseas upon getting the certificates of competency. Recently, Ministerial Decree No. 35/PERMEN-KP/2015 on System and Certification of Human Rights in Fisheries Business issued on 10 December 2015 provides the role of the Government in protecting the human rights of fishers and communities, and ensuring that fishery business respects human rights related to fisheries activities in accordance with the Ruggie Principles (Endroyono, 2016).

Records have also shown that at one time, about 2,000 foreign fishers (coming from Thailand, Myanmar, Lao PDR, Cambodia, Viet Nam, and Philippines) have been stranded in Indonesia. Most of the stranded fishers do not have identity documents as these had been kept by their employers and thus had become victims of extortion by corrupt persons. Having been hired without individual work contracts, they were not paid properly and were often subjected to inhumane treatment. Meanwhile, about 10,000 Indonesian seafarers are working on foreign fishing vessels from Spain, South Korea, Taiwan, and Japan, about 20% of whom are members of the Kesatuan Pelaut Indonesia (KPI) or the Indonesian Seafarers' Union. KPI ensures the protection of seafarers through bi-partite or tri-partite collective agreements approved by the Government. Specifically, the KPI Seafarers Employment Contract for Fishing Vessels include provisions on contract period, working hours, monthly income, medical treatment, insurance compensation, among others, making sure that seafarers receive their remunerations and other benefits from their employers. There had been many incidents of seafarers (non-KPI members) being stranded in foreign countries as they had been employed by companies without valid agreements and had not been paid of their salaries (KPI, 2016).

### **Lao PDR**

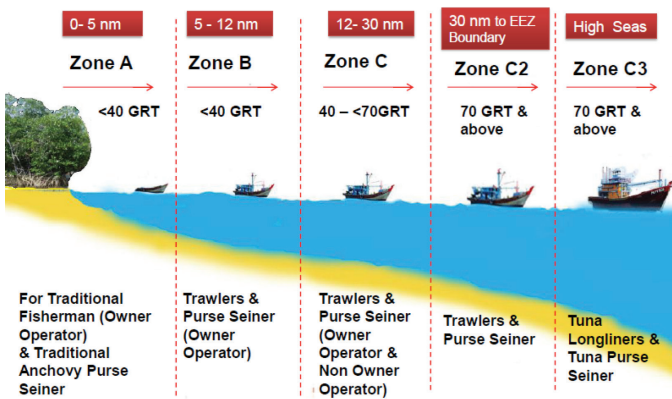
The Fishery Law of Lao PDR which was officially enforced on 20 July 2009 through Presidential Decree No. 074 includes among others the National Policy concerning the development of the country's fisheries sub-sector, especially in supporting rural development for poverty alleviation and income generation. On the other hand, the country's Labor Law includes Article 67 specifying the Rights and Duties of Lao Labor Administrators Abroad, ensuring the protection of the rights and interests of Lao labor working abroad. In Lao PDR, the data on labor including fishery workers are compiled by the Ministry of Labor and Social Welfare (Tammajedy, 2016).

### **Malaysia**

Malaysia has been adopting fisheries management tools that aim to promote sustainable fisheries, e.g. regulating the issuance of fishing gear and fishing vessel license to limit fishing effort; zoning system; conservation and rehabilitation of marine ecosystems through establishment of MPA and deployment of artificial reefs; prohibition of destructive fishing methods; vessel monitoring system (VMS); and fishermen registration. The country's zoning system (**Fig. 1**) is also used as basis for its Fishermen Registration Policy so that traditional gears in Zone A and commercial gears <40 GRT in Zone B must be owner-operated and only for local fishers. Commercial gears >40 GRT in Zone C should be operated by 80% foreign crew while Zone C2 and Zone C3 by 100% foreign crew.



Photo credits: DOF Malaysia (2016)



\* There is no restriction for vessels operating in the inner zones to fish in the zones further up e.g. vessels in Zone A are allowed to fish in Zone B, C and C2.

Fig. 1 Zoning of Malaysian Waters  
(Photo credits: DOF Malaysia (2016))

The country's Fisheries Act of 1985 includes Section 10 (1) (c) which indicates that any person who is not a Malaysian citizen shall not engage in fishing activity in fishing vessels without written approval of the Director-General of Fisheries. Malaysia has also imposed the Procedures for Hiring Foreign Crew on Malaysian Fishing Vessels, and on Registration of Foreign Workers on Fishing Vessels, as well as standards for manning fishing vessels in Zone C, Zone C2 and Zone C3 (DOF Malaysia, 2016).

### Myanmar

When it comes to migrant workers, Myanmar could be considered a sending State. As such, the country has established and promoted legal practices to regulate recruitment of migrant workers; instituted elimination of recruitment malpractices; established accreditation of recruitment agencies and employers; and blacklisted negligent and unlawful agencies. The country has also enhanced its measures to assist migrant workers including the setting up of Migrants Resource Centre; employment contracts now written in both Burmese and English languages; copies of employment contracts provided to migrant workers; well-trained Labour Attaches designated in Myanmar Embassies abroad. Nevertheless, undocumented or irregular workers

have been increasing due to attractive job opportunities abroad which are disseminated through intensive social networking and enhanced black market channels. The country is therefore exerting efforts to protect the rights of Myanmar migrant workers through on-site protection and reaching out to migrant workers in remote areas through the Labour Inspectors. Therefore, in order to intensify support to migrant workers, it has become necessary that occupational safety and health of migrant workers should be improved, workers filing complaints should be given proper attention while fair and appropriate wages should be promoted (Lwin, 2016).

Meanwhile, the Myanmar Maritime Trade Unions Federation (MMTUF) had been assisting Myanmar migrant fishers and fisheries workers with their concerns, e.g. exploitations and abuses by unscrupulous fishing vessels' owners as well as in some dishonest fisheries and seafood processing plants or factories. MMTUF has also been conducting trade union awareness through trainings, workshops and seminars in many areas in Thailand and Myanmar as well as on occupational safety and health, and rights of workers, among others. Considering the many incidences of unfair treatment of Myanmar migrant workers, MMTUF recommends that the provisions on minimum standards for all fishers and fishery workers regarding standards for minimum wage, overtime, working hours and rest hours, breaks, benefits, compensations etc., should be improved. Moreover, it has also become necessary for the country to ratify and implement the ILO Conventions Nr (87) and Nr (98) as well as the ILO Work in Fishing Convention Nr (188). In addition, MMTUF suggested that tripartite representation in the sector should be established to oversee labor standards. MMTUF also proposed additional measures, i.e. giving workers the possibility of working with other labor organizations such as Thai or Myanmar or international offices, and removing the restrictions against forming migrant trade unions in Thailand in accordance with the democratic principle of freedom to organize as long as the workers follow the Thai laws; and giving the workers access to training programs on health, safety, basic labor union education freedom in the employees' languages to enable them to obtain strong bargaining capacity (MMTUF, 2016).

### Philippines

Fisheries is an important sector in the Philippine economy, providing direct employment to about 1.6 million fishing operators from municipal fisheries, commercial fisheries and aquaculture. Domestic and migrant fishers in the Philippines are covered by various legal frameworks and are governed by different institutions. Protection and prosecution policies had been instituted to protect the welfare of fishery workers, e.g. Labor Laws Compliance System; Presidential Task Force Against Illegal Recruiters; and Inter-agency Council Against Trafficking jointly chaired by the Department of Justice and the Department of Social Welfare and Development. Recently, the Joint Department Order Prescribing Rules and



Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operation has been issued to secure the rights of fishery workers. The provisions under the said Joint Order include minimum wage and other wage-related benefits and social security contributions; rights to security of tenure, self-organization and collective bargaining; repatriation provision; livelihood assistance during closed and off-season to increase household income opportunities; skills and capability upgrading to enhance employment opportunities; occupational safety and health standards; requirements for Certificate of Compliance in the regulatory functions of the Bureau of Fisheries and Aquatic Resources (BFAR), Maritime Industry Authority (MARINA) and the Philippine Fisheries Development Authority of PFDA (Curada, 2016). With regard to forced and child labor, the Philippines had already addressed this concern by banning the operation of “muro-ami” fishing or reef hunting since the mid 2000s, since aside from being an unsustainable utilization of aquatic resources it has also served as an example of severe child exploitation. Furthermore, the Labor Code of the Philippines provides that 18 years old should be the minimum age for fishers since fishing is a hazardous job. Thus, the fishing companies in the Philippines do not employ fishers younger than 20 years of age.

### Thailand

Thailand’s Department of Labour Protection and Welfare (DLPW) in collaboration with its Department of Fisheries (DOF) and supported by the International Labour Organization (ILO) and its International Programme on the Elimination of Child Labour (IPEC) had been working together to promote better working conditions in Thai shrimp and seafood industry through the development of Good Labour Practice (GLP) Guidelines. Anchored on ILO’s Fundamental Conventions, the GLP Guidelines have been based on Thailand’s national laws and regulations, *e.g.* Labour Protection Act. B.E. 2541 (1998); Labour Relations Act B.E. 2518 (1975); Alien Employment Act; Anti-Trafficking Act; Occupational Safety, Health and Environment Act, B.E. 2554 (A.D. 2011); Ministerial Regulation of the MOL on the absolute prohibition of children under the age of 18 working in the seafood or fishery sectors effective on January 18, 2016; Thai Labour Standards Corporate Social Responsibility of Thai Business TLS 8001-2010. The GLP Guidelines are a combination of existing standards derived from Thai labor laws and regulations as well as from international labor standards.

These Guidelines comprise industry-specific labor compliance (customized for each sector of the industry) and good practices for farms, primary processing, factories and fishing boats. Good practices are based on international experiences and Thai factories’ own initiatives and experiences. Issued by the Government as Notifications, *i.e.* based on National Labour Law and Regulations, the GLP Guidelines are promoted in



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the country through training programs (CCCIF, 2016).

The four GLP Guidelines developed by Thailand are: GLP for Primary Processing Workplaces (so called “peeling sheds” but also covers other primary seafood processing) which has already been adopted and used in a pilot training; GLP for Shrimp Farms which is being developed through consultations with farmers associations and workers, the draft of which has already been pilot-tested; GLP for Seafood Factories still being developed while the draft would be used in a pilot training; and the GLP for Fishing Vessels which is still being drafted. The areas covered in the GLP Guidelines include fundamental labor rights (*e.g.* forced and child labor, discrimination) and working conditions (*e.g.* compensation, benefits and welfare; contract and human resources; workplace cooperation and communications; occupational safety and health, and workplace hygiene; maternal health; general workers’ welfare). Thailand has also developed its National Plan of Action (NPOA) on Countering Forced Labor (CFL) and Anti-Human Trafficking (AHT) in the Fisheries Sector which was endorsed in October 2015. Furthermore, the *ad hoc* Command Center for Combating Illegal Fishing (CCCIF) had been established to provide a decision making avenue for inter-departmental issues and fishery-related complex issues including those on fishery labor.

Recently, Thailand has already ratified the ILO Occupational Safety and Health Convention No. 187 which entered into force in March 2016 and that the process of ratifying the ILO Work in Fishing Convention, 2007 (No. 188) or C188 is still being reviewed by the Cabinet. In addition, Thailand would enhance its cooperation with neighboring countries such as Myanmar, Cambodia, Lao PDR, and Viet Nam to address through ongoing dialogues, the issues related to migrant fishery workers.

## Viet Nam

The fishery sector of Viet Nam is generally small-scale and mainly family-based. Recent reports indicate that a total of 106,717 fishing vessels are in operation and more than 4.0 million workers are engaged in fishing with more than 400,000 working onboard fishing vessels. The country issued Decree No 66/2005-NĐ-CP; Circular 02/2007/TT/BTS on guaranteeing fishermen and fishing vessels safety; 77/2008/QĐ/BNN - Regulations for training and giving certificate/license for Captain, Chief Engineer, fisherman, and oiler on fishing vessels; Guarantee for fishing vessels: Fishing vessels must be registered; Guarantee for fishermen: Boat captain, Chief Engineer must be trained and possess certificates, while crews must be registered; Responsibility of the State and individuals (Ship owner, Captain, Chief Engineer, and Crew). Viet Nam had been sending fishers to work abroad since 1992 and up to now, about 30,000 Vietnamese fishers are working in off-shore and near-shore vessels, mainly in Korea, Japan, Taiwan and other countries like the Republic of Cyprus and USA.

Currently, there are about 50 service enterprises operating Viet Nam and responsible for sending Vietnamese fishers abroad. Viet Nam started to send fishers to Taiwan since 1999, on both off-shore and near-shore vessels but in 2005, Viet Nam and Taiwan stopped sending and receiving fishers on near-shore vessels but renewed the cooperation in April 2015. The country's regulations on ensuring working and living conditions for Vietnamese fishers working on overseas fishing vessels include: Regulation on labor supplying contract (signed between Viet Nam's service enterprises and overseas partners) and labor sending contract (signed between Viet Nam's service enterprises and Vietnamese workers); Regulation on registering labor supplying contract; Regulation on labor recruiting; Regulation on training; Regulation on managing workers sent abroad by the service enterprises (Viet Nam, 2016).

## Summary of the Issues and Challenges on Labor Aspects in the Southeast Region

The rapid development of the fisheries sector and demand of more workers in the fisheries sector has been filled up by fishery workers from within and outside the AMSs seeking for better job opportunities and incomes. However, issues have frequently been surfacing with regards to the plight of fishery workers throughout the region, as expressed by the AMSs (SEAFDEC, 2016). These include: low wages, absence of or inadequate social security; workers are unskilled in relation to fishing operations, lack of training before working onboard in fishing vessels, unaware of the requirements for safety at sea; possessing fake or no legal documents, subjecting to forced labor, child labor, human trafficking; poor working conditions, unfair treatment by employers; and limited

capacity for inspection of fishing vessels at sea for compliance with sea safety.

In the analysis of such concerns, four key points had been identified during the RTC which should be addressed in order to secure good and fair working conditions of fishery workers in the Southeast Asian region (**Box 1**). Based on such issues and concerns, recommendations were formulated and directed towards the rights and working conditions of people engaged in the fisheries sector, including migrant workers (domestic and foreign), and securing their decent working conditions in the spirit of the ASEAN Community (**Box 2**).

### Box 1. Summary of issues and concerns on securing good and fair working conditions in the Southeast Asian region

- **Employment practices and working conditions (living conditions) at sea and in processing plants should secure and build upon:**
  - Standards/ Instruments/ (ILO-C188, IMO/FAO/ILO Guidelines, COC, etc )
  - National GLP
  - Appropriate legal framework
  - Minimum wage, working hours, food, safety, health
  - Awareness building
  - Provide skills training/capacity building, pre-departure training program before working onboard fishing vessels, safety at sea
  - Labor unions/ associations: at national and regional levels
- **Combating IUU fishing and improving registration/licensing of vessels, gear and people and improving records of catches. Improve records throughout the supply chain (on vessels/at factories)**
  - Registration and licenses of vessels, gear and people
  - Surveillance of fishing activities and recruitment procedures (coastal State/port State/flag State, sea port, landing site, base)
- **Migration policy (sending/receiving side)**
  - Rules and practices to be established between states (establish MOUs)
  - Improve ability to implement MOUs (issue passport, visa, work permit, seaman's book)
  - Easy and regulated/registered access
  - Surveillance at borders of people and goods crossing
  - Unregulated should be regulated (private agents, broker's recruiting agencies)
  - Illegal should be legalized (registration)
  - Monitoring, surveillance, and penalty should be strengthened
- **Combat Human Trafficking**
  - Reinforce policy matters
  - Strengthen inter-ministerial coordination (Ministries, Embassies, etc.)
  - Strengthen surveillance (police, coast guard, etc.)
  - Involve private sector, NGOs, CSOs

**Box 2. Recommendations to secure good and fair working conditions in the Southeast Asian region**

Inputs	Interventions/Recommendations	
	National agencies	Regional cooperation
International instruments (ILO, FAO, IMO)	<ul style="list-style-type: none"> <li>Strengthen inter-ministerial cooperation and apply an integrated and comprehensive approach in implementing international instruments</li> <li>Competent authorities to be defined and with focal point identified to enhance cooperation and dialogue</li> <li>Seek “high level” support on measures to ensure good working conditions</li> <li>Raise the application of standards of labor/ working conditions in the fisheries sector based on the C188 and other relevant and applicable ILO conventions and international instruments</li> <li>Build upon/relate to the ILO and FAO initiative on “Decent Work”, recognizing the four pillars: 1) Employment; 2) Social security; 3) Status and Rights of workers; and 4) Governance and Social dialogue</li> </ul>	<ul style="list-style-type: none"> <li>Promote the application of standards of labor/ working conditions in the fisheries sector based on the C188 and other relevant and applicable ILO conventions and international instruments</li> <li>Increase awareness on the relevance (and implications) of international instruments (ILO, IMO, etc.) as reference to standards applicable to the improvement of working conditions (including contracts, wages, etc.) for domestic and migrant workers</li> <li>AMSs to adopt an inclusive approach to decent work (employment, working conditions, social protection, social dialogue of men and women fishers and fish workers, and of migrant fishers and fish workers)</li> </ul>
Regional instruments (ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers)	<ul style="list-style-type: none"> <li>AMSs to develop regulations or policies on labor in the fisheries sector based on the ASEAN Declaration</li> <li>Consider and strengthen the roles and obligations of the “receiving” countries, the “sending” countries and commitments by “ASEAN” as indicated in the “ASEAN Declaration”</li> </ul>	<ul style="list-style-type: none"> <li>Coordinate dialogue or consultations to develop the <b>ASEAN Guidelines on Implementation of Labor Standards for the Fisheries Sector</b></li> </ul>
NGOs/CSOs	<ul style="list-style-type: none"> <li>Build awareness of agencies on the importance and context of labor related laws and measures - aim for a “broader social dialogue” while building upon a “human rights based approach”</li> </ul>	<ul style="list-style-type: none"> <li>Involve NGOs/CSOs in the development of the <b>ASEAN Guidelines on Implementation of Labor Standards for the Fisheries Sector</b></li> </ul>
Best practices (national regulations)	<ul style="list-style-type: none"> <li>Maintain close collaboration between fisheries-related agencies, labor departments and other responsible agencies to ensure that the rights of fisheries labor are protected under respective countries’ national labor laws</li> <li>Ensure the development, enhancement and implementation of national laws and regulations</li> <li>Support the implementation and maintenance of good working conditions including steps to secure rights of workers (in accordance with national laws)</li> <li>Support the formulation of labor unions/ associations at national and regional levels (in accordance with national laws)</li> <li>For domestic fishers, adopt labor standards including occupational safety and health standards (OSHS)</li> <li>For migrant workers, develop standards for recruitment, good working conditions, re-integration approach</li> </ul>	<ul style="list-style-type: none"> <li>Establish MOU or multi-lateral or bilateral labor agreement to address the concerns of migrant workers</li> <li>For domestic fishers, promote the adoption of labor standards including occupational safety and health standards (OSHS)</li> <li>Support the formulation of labor unions/ associations at national and regional levels (in accordance with national laws)</li> </ul>



## Way Forward

To assist the AMSs in dealing with issues and concerns on fishery labor, a set of ASEAN Guidelines on Implementation of Labor Standards for the Fisheries Sector will be developed in line with international standards. The development of such Guidelines will build upon the intentions of the ASEAN Socio-Cultural Community Blueprint, the provisions of the “ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007,” and other relevant ASEAN declarations. SEAFDEC for its part, would collaborate with the AMSs and continue to work on these aspects, following the endorsement of the recommendations of the RTC by the SEAFDEC Council of Directors and the ASEAN Sectoral Working Group on Fisheries (ASWGF). The process of addressing labor issues in the fisheries sector of the Southeast Asian region would therefore be a continuing activity of SEAFDEC and the AMSs.

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