

**FREEDOMS AND (UN)FREEDOMS: MIGRANT WORKER EXPERIENCES IN THE
THAI AND VIETNAMESE FISHING INDUSTRIES**

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Abstract

Over the past four years both the media and academia have highlighted the labour conditions and human rights issues prevalent in Thailand's offshore fishing industry. Even so, little has been written from the perspective of fish workers, and far less is known about fish work in the Southeast Asian region. This thesis contributes to these gaps by exploring the experiences of fish workers in several ports across Thailand and Vietnam, along with former migrant fish workers, to provide insight into labour conditions for fish workers and the risks associated with migration for fish work. To do so, the thesis draws upon four interview data sets involving 40 fish workers (including boat owners and captains) conducted in Thailand, Vietnam and Cambodia between 2014-2017, along with a review of the relevant literature on fish work, labour, and migration.

After describing the experiences of fish workers in both countries, a number of themes emerge. These include challenges pertaining to recruitment, wages, risks at sea and agency. Each theme is unpacked in turn, to showcase the nuanced experiences of Cambodian fish workers in Thailand and internal migrants in Vietnam, but also to highlight how fish workers navigate complex migration processes. Specific to the Thai context, Derk's (2010) early work on unfreedoms experienced by migrant Cambodian fish workers in coastal Thailand serves as a framework to compare and contrast working conditions between then and now. The thesis concludes with a reflection on migrant fish work and key areas that require further unpacking within the Southeast Asian context including what is happening in source countries (Cambodia, in this case, but also in other regions in Vietnam), while arguing that a modern slavery framing does not meaningfully protect migrant fish workers from unacceptable working conditions.

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Chapter One: Introduction

1.0 Introduction

In 2016, fish workers in Asia accounted for 85 percent of the global population working in the fisheries and aquaculture sectors, engaging approximately 3.5 million vessels which represented 75 percent of the total global fleet (FAO, 2018). In particular, Thailand and Vietnam are leaders in the region for fish production and exports, with Thailand ranked as the 3rd largest exporter in the world (Thai Department of Fisheries, 2018). The largest market for imported fish and fish products is the European Union (EU), followed by the United States and Japan, together accounting for 64% of global fish imports (FAO, 2018). Using its role as the largest global importer of fish products as leverage, the European Union has been working to address the prevalence of illegal, unreported and unregulated (IUU) fishing worldwide.

Broadly speaking, IUU fishing refers to fishing activities that “violate national or international laws, occur in areas where there are no applicable national, regional, or international conservation or management measures, and/or have not been properly reported” (VASEP, 2018, p. 15). Worldwide, IUU fishing represents 19% of the value of all reported catch, approximately £10 billion (EU Commission, 2015). Illegal, unreported, and unregulated (IUU) fishing has contributed to a decline in fish stocks worldwide, and also disproportionately harms coastal communities in developing countries, by destroying marine habitats and disadvantaging honest fishers (EU Commission, 2019a). The European Commission’s Council Regulation (EC) No 1005/2008 came into effect in January 2010, establishing a system to prevent, deter and eliminate illegal, unreported and unregulated fishing, whereby third party countries could be penalized, via import sanctions, by the European Commission for failing to adequately improve fisheries management and/or failing to address IUU fishing. Through this regulation, the EU Commission is able to pressure countries exporting to the EU market to clean up their fisheries and improve ocean governance. If countries fail to comply, the EU can impose sanctions on the violating country, effectively banning fish imports to the EU market. This is regulated through a system of ‘cards’, whereby a country issued a ‘yellow card’ is under threat of sanctions and subject to EU investigation, a ‘red card’ imposes the actual sanctions, and a ‘green card’ means the country in question has adequately addressed IUU fishing in line with EU recommendations.

Both Thailand and Vietnam have faced the threat of IUU sanctions. For Thailand, this threat was primarily based on the prevalence of IUU fishing in the sector but media reports of slavery and trafficking put labour conditions in the spotlight as well. Vietnam, however, did not experience a similar focus on labour conditions. In April 2015, the European Commission issued a yellow card to Thailand for the prevalence of IUU fishing in its fishing sector. The ‘yellow card’ announcement came on the heel of a series of media reports that began to draw international attention to forced labour and human rights abuses in the Thai offshore fishing sector by linking these abhorrent practices to international supply chains and consumption of seafood products globally. The United States Trafficking in Persons (TIP) report also downgraded Thailand to Tier 3, the lowest tier in its system for evaluating a country’s level of effort in addressing, and prevalence

of, human trafficking. In response to the European Commission's 'yellow card' and growing international scrutiny, over the past four years Thailand has legislated and implemented a number of reforms to their seafood industry. Consequently, in January 2019 the European Commission delisted Thailand from the 'yellow card' category. The United States also upgraded Thailand to Tier 2 of its Trafficking in Persons Report.

Similar to Thailand, in October 2017 the EU Commission issued a 'yellow card' of warning to Vietnam for failing to adequately address IUU fishing. However, unlike the Thai case, there was no explosion of media attention and no exposure of unacceptable working conditions or human trafficking that prompted an international response. Rather, it was the high prevalence of Vietnamese vessels fishing illegally in other nation's waters that precipitated the EU's decision. An EJF (2019) report has since indicated that child labour may be an issue in Vietnamese fisheries, contributing to a growing awareness of labour conditions in the sector. That being said, the EU's threat of sanctions through the 'yellow card' warning prompted Vietnam to enact a number of reforms in policy and practice to address the issue of IUU fishing in their seafood industry (VASEP, 2018). The 'yellow card' warning was extended upon review in June 2018, again in January 2019, and currently remains, with the next review scheduled for 2020.

While over the past four years both the media and academia have highlighted the labour conditions and human rights issues prevalent in Thailand's offshore fishing industry, far less is known about Vietnam's off-shore fisheries. Moreover, little is written exploring the perspectives of fish workers themselves nor has much been written from a cross-country comparative perspective. This thesis will contribute to these gaps by exploring the experiences of fishers in ports across Thailand and Vietnam, as well as of former migrant fish workers in Thailand who have returned to Cambodia, to provide insight into labour conditions and the risks associated with migration for informal work in fishing. To do so, the thesis draws upon anonymous interviews with 40 fish workers (including boat owners and captains) conducted by the thesis supervisor Dr. Melissa Marschke in Thailand, Vietnam and Cambodia between 2014-2017, along with a review of the relevant literature on fish work, labour and migration, while critiquing overly simplified modern slavery framings.

1.1 Research Questions and Significance

1. How do migrant fish workers describe their experiences in the fishing industry in Thailand and Vietnam?
2. What challenges have migrant fish workers faced in the Thai and Vietnamese fish industries and how do they perceive these challenges?
3. What differences and similarities exist between the Thai and Vietnamese cases?
4. What are migrant fish workers experiences with policy reforms?

This thesis offers a multi-port perspective on fish work, examining the perspectives of regional migrant workers (in the case of Cambodian fishers working or who had

previously worked in Thai fisheries) and of internal migrants in the case of Vietnam (whose labour comes from throughout Vietnam). In the available literature, there is little analysis from the perspective of fish workers, and to the best of our knowledge, there has been limited analysis on the Vietnamese case, nor has any comparative cross-country port work been done. The interview data provides a snapshot of the experiences of migrant fish workers across several ports in Thailand and Vietnam between 2014, 2016, and 2017. This interview data set is supplemented with academic literature, NGO and media reports to flesh out a broader picture of migrant work in fisheries in Vietnam and Thailand.

1.2 Research Methodology

This thesis will draw upon port interviews with 40 fish workers (including boat owners and captains) conducted in 2014, 2016 and 2017 by the thesis supervisor and her research team. These interviews were conducted with fishers across four port areas in Vietnam and Thailand, as well as with Cambodian migrants returned from work in Thailand, and document in detail the working conditions of workers. Interviews were conducted in and around Thai, Cambodian and Vietnamese ports, with most of the interviewees being Cambodian fish workers that worked or had worked in Thailand's short-haul sector. Note that men (and children) facing the worst working conditions could not be accessed. I familiarized myself with the interview data by coding the interviews across themes within an Nvivo database using inductive qualitative analysis. In addition, media and policy were used to flesh out the national and international responses to work in the fishing industry within Vietnam and Thailand. A conceptual framework drawing upon the work of Derks (2010a; 2010b) and other literature related to labour, migration and fishing work is used.

Table 1: Data Sets

Country	Data Sets (<i>n</i> = # of interviews)		
Vietnam	n=7	2014	Scoping interviews with boat owners
Vietnam	n=8	2017	Interviews with internal migrant fish workers and captains
Cambodia	n=5	2016	Interviews with former migrant workers to Thailand (pre-2014)
Thailand	n=11	2016	Interviews with migrant workers still fishing in Thailand
Total	n=31		

I draw from four data sets in this thesis (See Table 1), with a total of 31 interviews involving 40 participants (including boat owners, captains, and in some cases, the wives of fishers). Data was collected via a combination of focus groups and key informant interviews. The first data set is scoping interviews that were conducted in 2014 with nearshore and offshore boat owners in Southern Vietnam. Follow-up interviews were then conducted in 2017 with workers on offshore boats in Southern Vietnam, which represents the second data set. The third and fourth data sets are interviews with fish workers in Thailand conducted in 2016 – with former migrant fish workers to Thailand (pre-2014), and workers who were still fishing in Thailand at the time of the interviews (2016). It is important to note that the four data sets used different sets of interview questions and participants. While the limited data set and differences in data collection mean that a

rigorous comparison or definitive analysis is difficult to produce, taken together the interviews provide insight into the experiences and perspectives of boat owners, captains and fishers at a certain point in time and place, that can then be supplemented with relevant secondary sources.

In this thesis, I begin by using the 2014 scoping interviews with Vietnamese boat owners to provide context on the state of labour in Vietnamese fisheries at the time, and to demonstrate that fishing livelihoods in Vietnam were perceived as worsening. I then turn to analyzing the experiences of offshore internal migrant workers within the 2017 Vietnamese data, and of Cambodian migrant workers within the 2016 Thailand data. I compare the Vietnamese and Thai cases by comparing the 2017 Vietnamese interviews and the 2016 Thailand interviews along key elements of offshore fish work (recruitment, wages, risks, and agency). I conclude by utilizing Derks (2010) research on the (un)freedoms experienced by Cambodian migrants in Thailand to more clearly situate my findings from the Thai data.

Within the software Nvivo, the interviews were coded according to a wide selection of nodes (or themes). The interview data was coded to provide insight on the reasons why and how workers came to fish in Thailand or in southern Vietnam, their perceptions of the challenges and benefits of work in fisheries, as well as provide specific details on their working conditions and work arrangements. Nodes were selected using an iterative process as I waded through the interviews from the four data sets and identified common themes in the data. Table 2 shows the broad, or parent, nodes used to code the interviews. However, some of the parent nodes broke down into more specificity, or 'Child Nodes' – for example, as Table 2 shows, Recruitment Process breaks down into whether or not the worker came to the worksite via a broker or otherwise. Coding the interview data in Nvivo was an efficient way for me to familiarize myself with, and organize, the interview data and get a sense of key themes and data gaps.

Table 2: Sample Nvivo Nodes

Parent Nodes	Child Nodes
Working conditions	Hours/day Wages Food Conflict Safety Access to help
Recruitment	Independently Via broker Via friends/family
Comments on fish work	N/A
Demographics	Age Gender Hometown
Documentation	Has formal papers (passport, pink card, etc.) Does not have formal papers Has contract

	No contract
Fishing beyond EEZ	N/A
Fishing profile	Past fishing experience Reason for working in fishing Reason for current fishing job Boat type Gear type Length at sea Number of workers Species caught
Future plans	Continue in fishing Leave fishing Return to hometown
Illegal worker	N/A
Agency	Switching boats
Labour trafficking	N/A

Ethics approval was obtained through the University of Ottawa’s Ethics Committee through the research process of the thesis supervisor, Dr. Melissa Marschke. All data that I manipulated was anonymous and confidential.

1.3 Literature review: Unacceptable work, (un)freedoms and labour in fisheries

1.3.1 Introduction

The rise of capitalism and the spread of consumer culture has been predicated on natural resource extraction and asymmetrical global trade and labour relationships, the consequences of which are most profoundly felt by those with the least amount of power in the global order (Woods, 2005). According to the 2013 World Development Report, since the turn of the century the job market and structure of labour in both developing and developed countries has been changing in light of various factors, including: migration, economic development, technological progress, and other international and national forces that have resulted in increasing transition from rural, subsistence living to both informal and waged work in cities and towns (Beegle, K., et al., 2012). These and other changes mean that in developing and developed countries alike, informal and temporary work has been on the rise. While informal and temporary work is often precarious and hazardous, especially in developing countries that are dependent on low-skilled labour, risks can be further compounded for workers that choose to migrate in search of better livelihoods. Unfamiliarity with the migration process and destination country laws and regulations, language and culture can hinder a migrants ability to achieve their goals. Further, migrants may be taken advantage of during their migration journey, and at the job site, and find themselves in unacceptable working conditions, at risk of exploitation and abuse, and at worst, victims of trafficking and slavery (Derks, 2010b; EJF, 2015). However, while slavery and anti-trafficking narratives can be useful in drawing attention to extreme forms of labour abuse, a broader approach that takes into account the degrees of freedoms experienced by workers in a context of mobility is needed in order to both understand and remedy complex, global labour issues.

The global fishing industry is one such example where worker experiences and migration processes can be analyzed in the context of capitalist globalization (O'Connell Davidson, 2015; Marschke, 2016). To do so, it is necessary to critique modern anti-trafficking and slavery narratives and focus on the spectrum of freedoms and (un)freedoms experienced by migrant fish workers and the processes and systems that underpin them and often lead to unacceptable working conditions (Derks, 2010b; O'Connell Davidson, 2015).

1.3.2 Unacceptable Work and (Un)freedoms

Kevin Bales is one of the world's most prominent anti-slavery and anti-human trafficking activists. His work epitomizes the arguments of those who are often referred to as the 'new abolitionists' – activists who emphasize the continued and widespread existence of modern slavery and the collective need to abolish it. Bales' work focuses on the most extreme forms of labour abuse and exploitation, which he often defines as slavery and/or human trafficking. For Bales (2016), slavery, simply put, is "the total control of one person by another" through violence or threat of it (p. 33). The solution suggested by Bales' approach to slavery is that freeing slaves and cleaning supply chains will enable workers to take their new found freedom and enter into the labour market on their own terms (Bales, 2016). The new abolitionist approach assumes that modern slavery largely occurs between private individuals, which is a key reason why 'rescue' is often the preeminent response (O'Connell Davidson, 2015). The push to end modern day slavery is often on the political agenda of wealthy, liberal countries, but is not usually a grassroots, bottom-up approach (O'Connell Davidson, 2015).

Indeed, Grant (2018) argues that the US-led 'war on trafficking' was popularized through a coalition of religious conservatives and feminist abolitionists that aimed to shape the anti-human trafficking movement into a crusade inherently requiring the criminalization of prostitution and pornography, based on a mutual disdain for sex work. This agenda conflated sex work with human trafficking and, Grant (2018) argues, continues to be a uniting force for pundits on both the right and the left in the abolitionist movement to fight human trafficking, with the focus on human rights also appealing to younger progressives. While this has served to ensure that human trafficking remains a priority of the United States, it has also obscured the heterogeneity and complexity of human trafficking, minimized the agency of workers engaged in sex work and potentially contributed to their vulnerability, and has narrowly focused interventions to the realm of criminal justice and rescue (Grant, 2018). This narrow focus on 'rescue' has also been seen in the case of fish workers who have faced human trafficking in Southeast Asia (Marschke & Vandergeest, 2016; Tran & Marschke, 2017). Over time, the anti-trafficking narrative has evolved from largely focusing on sex work towards encompassing labour trafficking into a number of different sectors, including fishing (O'Connell Davidson, 2015; Derks, 2010b; Bales, 2016).

In the 2010s, a series of reports were published by advocacy organizations including the Environmental Justice Foundation (EJF 2013; 2015) and Greenpeace (2016) highlighting the 'slave labour' prevalent in the Thai seafood sector. *The Guardian*, *New York Times*, and *Associated Press* put a further spotlight on labour issues in the Thai seafood sector (Hodal et al., 2014; Stoakes, E., et al., 2015; Urbina, 2015; Associated

Press, 2015). These reports described terrible working conditions and deaths at sea, highlighting cases of coercion and confinement, withholding of wages, and violence that were then linked to global consumption of seafood products and exploitative recruitment processes across borders. Each of these reports and publications used 'slavery' and/or 'human trafficking' as the primary lens for understanding the instances of labour exploitation and abuse documented by researchers and journalists, and were instrumental in drawing international attention to labour conditions in Thailand's seafood industry, in particular, by linking it to Western consumerism.

While this thesis will focus on the experiences of migrant fish workers in Vietnam and Thailand, it is important to note that labour abuse in fisheries is a global phenomenon. Stringer et al. (2016) highlights the labour exploitation of migrants working on foreign charter fishing vessels in New Zealand waters, including exploitative recruitment practices, debt bondage, unsafe and unsanitary working conditions, limited food and water, extremely long working hours, and verbal, physical and sexual violence. Marschke, Kehoe and Vandergeest (2018) found that the experiences of foreign temporary migrant workers in Atlantic Canadian fish processing plants were similar to those of migrant workers in Thailand in that they were tied to one employer and navigated complex labour and migration regulations by the use of exploitative brokers. Fisheries in Ireland were also the subject of an investigation by *The Guardian* for 'alarming' abuses of migrant fish workers (McSweeney & Lawrence, 2017). The Environment Justice Foundation (EJF, 2020) has also recently shed light on the widespread abuse and exploitation of migrant workers on Taiwanese vessels.

However, while using a slavery or human trafficking framework to describe instances of labour abuse and exploitation may be warranted in exceptional cases, if applied indiscriminately it can also obscure the agency of the workers involved and the spectrum of unacceptable working conditions that exist between freedom and slavery and importantly, the structures that maintain them (O'Connell Davidson, 2015; Derks. 2010b). While Bales (2016) and others like him would suggest that freedom is the ability to trade labour power freely in the market, this can become problematic when the market itself is not accessible or safe for poor, low-skilled workers (such as fish workers). As Julia O'Connell Davidson (2015) explains, Bales and other activists' simplified explanation of modern day slavery can be criticized for failing to situate the phenomenon of slavery within the broader international political economy, histories and systems that have entrenched inequalities and dependencies globally. This is fundamental to address, as 'freeing slaves' will not necessarily improve the wellbeing of the majority of workers who, because of forces beyond their control, have very limited options for work that is safe, dignified, and with decent pay.

While a focus on extreme cases is useful for drawing attention to the cause, it also obscures or leaves out the vast majority of workers who may not experience the extreme labour abuse that one might define as slavery but nevertheless struggle in unacceptable working conditions that blur the line between freedom and unfreedom. One way of identifying unacceptable work in fisheries is in relation to the standards set out in Convention C-188. Convention C-188 is an ILO convention that strives to improve the standard of working conditions specifically for fishers. It outlines the responsibilities of

fishing vessel owners, skippers and fishers, sets standards for the minimum requirements for work on board fishing vessels (such as setting the minimum age for work on board a fishing vessel to 16 years, and setting minimum hours of rest), as well as for recruitment and placement of workers, payment of workers, accommodation and food, medical care and social security, protection in the case of work-related illness, injury or death, and standards for construction and design of new fishing vessels. Thailand ratified C-188 in January 2019, while Vietnam has not.

The degree of freedoms experienced within problematic sectors such as mining, fishing, and the garment industry vary greatly on a spectrum, ranging from abject slavery to greyer areas that toe the line between slavery and unacceptable work, all the way up to relatively decent conditions, are highly context specific, and have complex causalities within global structures and systems. Bales' emphasis on extreme cases only obscures these subtleties and the diverse experiences of workers which may not constitute slavery but nevertheless should engender advocacy and attention at a national and global scale. Bales' approach is akin to targeting only the most extreme symptoms of an illness while ignoring the general malaise and underlying infection that allow the illness to continue. The new abolitionist approach to modern slavery also narrowly casts restraints on human freedom as occurring solely between private individuals. O'Connell Davidson (2015) aptly critiques this approach when she explains that:

...vulnerability to exploitation and abuse by private individuals is very often a by-product of immigration regimes, so that condemning the private violence but not the legal and institutional structure that leaves people open to it is rather like castigating individual slaveholders for the exercise of violence without questioning the broader, legal, customary and physical arrangements that empowered them to do so (p. 25).

These broader structures and systems are not typically considered in the modern slavery narrative because of its narrow focus on rescue and criminal justice.

In addition, once 'rescued,' former victims of human trafficking or slavery can be viewed as 'free' from their particular instance of captivity with no need for further recourse. For example, research by Tran and Marschke (2017) in partnership with the Issara Institute, documented how Burmese fish workers that were 'rescued' based on an anti-trafficking framework not only experienced coercion and deception during the rescue process itself, but did not receive the support that they wanted (mainly, the wages that were promised to them after months or years of hard labour). Post-rescue, the men "continued to struggle emotionally, psychologically, and financially" but received no follow-up by the media, governments or NGOs that had been involved in their rescue and repatriation (p. 1). Many months later, some of the men who had been 'rescued' were again considering migrating to Thailand for work, despite having been 'rescued' from fish work there in the previous months. As Vandergeest & Marschke explain, "the rescues that follow from these framings are often not appropriate for workers if the result is that they are returned to the place they left to find work; workers more often want better working conditions, not repatriation to the places where they could not make a living in the first place" (p. 293). This highlights that while rescue may be needed in particular cases, it cannot be the only response to labour abuse and exploitation.

Julia O' Connell Davidson (2010; 2015) and Annuska Derks (2010; 2013) take a more nuanced approach to understanding freedom and addressing labour abuse and exploitation. Rather than viewing rescue and entrance into the free labour market as the pinnacle of freedom for workers, O' Connell Davidson analyzes the historical transition from feudalism to the free market and highlights how power dynamics and inequalities have not changed as much as people like to think:

[In the free market] the social and economic power of the capitalist class is sustained by and dependent upon the labour of wage workers, just as the social and economic power of feudal lords was sustained by the labour of their serfs, and that of the slave owning class by the labour of their slaves. In appearance however, relations of domination had been transformed (62)... The labour contract may begin with equality - the exchange of equivalents in the marketplace - but it is followed by hierarchy in the sphere of production.... In principle, it licenses employers to exercise the right of command in relation to the worker that the slaveholder enjoys in relation to the slave (64).

Thus, O' Connell Davidson argues that we cannot simply depend on the creation of a free labour market to address the various forms of labour exploitation and abuse experienced by workers, as in particular circumstances workers can still be subject to coercion and exploitation when 'freely' entering into a contract to sell their labour power (2015). Thus, the new abolitionist approach of expecting newly 'rescued' workers to enter into the labour market does not necessarily prevent exploitation or abuse and certainly does not ensure dignified work. It cannot be enough to 'free slaves' to trade their labour power in the free market, when the market itself, for reasons beyond the workers control, cannot produce safe, dignified work with decent pay. This, of course, is particularly the case for low-skilled workers in developing countries. Systemic underlying structures, policies, and attitudes that inhibit the market from creating safe, dignified work must be addressed if conditions of slavery and labour exploitation are to be meaningfully prevented. Similarly, Neil Howard (2018) argues that we cannot view the extremes of labour exploitation and abuse as being outside, or anomalies of, the capitalist system, but rather as "helpful for maintaining the system itself" (p. 264). He further criticizes the new abolitionists as being complicit with the perpetrators of labour exploitation because they do not advocate for systemic change, but as previously discussed, tend to focus instead on rescue and criminal justice.

In 2010, four years before the 'slavery scandal' of Thailand's fishing industry exploded across international media, Annuska Derks published her seminal study of Cambodian migrant fishers in Thailand. Her work explored the freedoms and unfreedoms of migrant Cambodian fishers in Thailand, focusing on processes of mobility or immobility as an indicator of a spectrum of freedoms associated with work in Thailand's fishing industry. This study was one of the first to analyze Cambodian migrant's experiences in Thailand's fishing industry by dissecting the meanings of freedom in a migration context. It was also published at a time when labour abuse and exploitation in Thailand's fisheries was common, but not yet exposed at the level that it would be in 2014. Derks' (2010b) argues that "focusing on these (im)mobilization processes helps us move away from misleading dichotomies in the debate between 'victims' vs 'agents', 'force' vs. 'freedom'

and recognize the ‘fluidity of the actually occurring levels of unfreedom’ [quoting Lerche, 2007:447] in labour relations within the current globalized economy” (p. 916). Derks (2010b) analysis helps identify the particular freedoms and ‘unfreedoms’ experienced by Cambodian fish workers in Thailand, which, though problematic, may not fit the traditional definition or appearance of slavery. Derks (2010b) work uses the language of ‘mobility’ and ‘immobility’, as well as ‘unfreedoms,’ to analyze the various actors, processes and structures that contribute to unacceptable working conditions in fisheries for migrants. Derks (2010b) analysis is central to the framework of this thesis and will be explored further.

1.3.3 Migration

As indicated above, migration policies and processes play a key role in migrant workers experiences of (un)freedoms. Marschke and Vandergeest (2016) argue that while, “the trafficking framework, and the associated language of slavery, has been effective in drawing world-wide attention to serious labour issues in the fisheries...policy-makers need to think about the implications of increasing reliance on migrant workers and migration management” if the underlying conditions that enable human trafficking are to be meaningfully addressed (p. 40). Migration policies and practices, particularly recruitment processes, place further precarity on migrants who depend on them for their labour mobility, restricting the ability of migrant workers to fulfill the goals they set out to achieve and increasing their vulnerability to exploitation and abuse. Marschke and Vandergeest (2016) have analyzed key policy responses to the labour abuse in Thai fisheries, namely: anti-trafficking approaches, the EUs efforts to combat IUU fishing, large buyers who can influence supply chain management, and the responses of the Thai government. They argue that while there is not one easy solution, a broader government response is needed to address the underlying factors that contribute to labour abuse and exploitation in fisheries, including reformation of migration policies and moving beyond the framing of workers as victims of slavery and trafficking to understanding them to be “active agents looking for good working conditions” (p.45).

The contribution of the migration process to migrant worker precarity has been explored in other industries. Baey & Yeoh (2015) analyze the case study of the construction industry, focusing on Bangladeshi migrants to Singapore who are forced to navigate their way through a formalized recruitment and training process. Baey & Yeoh (2015) aptly state that, “the state’s instrumentalist migration regime and the profit-driven nature of the migration industry plays a significant role in producing and reinforcing conditions of precarity for low-waged migrants” (p. 23). Swider (2015) also uses the case study of migrant construction workers, this time in China, to formulate the concept of ‘employment configuration,’ which drills down into three configurations of informal work to better understand the varied modalities of labour migration. Mediated, embedded, and individualized modes of informal labour are described as a framework for analyzing migration into the informal sector. While Swider (2015) uses construction to highlight how mediated employment involves a contracted-labour system dependent on an ‘elaborate fining system’ that creates ‘permanently temporary’ migrants, this concept of mediated employment can also be applied to the informal fishing industry and is reminiscent of

Derks (2010) argument that “mobile workers are immobilised at the place of destination” (p. 915).

Similarly, Mahua Sarkar’s (2017) research with Bangladeshi migrants in Singapore discusses the concept of circular migration, whereby migrants may cross a country’s borders legally but are not able to stay longer than the end of their contract. Sarkar focuses on the mechanisms of surplus appropriation that are inherent to temporary contract work and that propel migrants towards the extreme end of the free-unfree labour spectrum. At two significant points in the migrant journey, the point of choosing to work abroad and the process of recruitment, Sarkar (2017) argues that “endemic poverty and lack of adequate livelihood options in the first, and the extraordinary surplus extraction by a sophisticated manpower export industry in the second – blur ‘the line between consent and coercion’ and produce these men as docile non-citizen temporary contract workers – ‘the perfect immigrants’ – ready for yet more extraordinary surplus extraction in the host country” [quoting Hahamovitch, 2015;2003] (p. 198). These mechanisms contribute to the precarity that migrant workers face as they seek to improve their livelihoods within the constraints of a system designed to extract as much from them as possible.

Olivia Killias (2010), analyzing Indonesian migration to Malaysia for domestic work, argues that the choice of migrants to migrate illegally can also be framed as active resistance to a coercive state-sanctioned migration scheme. In the case of Indonesia, the government has made it mandatory that prospective migrant workers register through private recruitment agencies that will then advance the funds required for legal migration but require it to be paid back via deductions of the workers’ wages once they are at their destination. She argues that this state-sanctioned process often results in what amounts to bonded labour, as workers may spend many months working to pay back the debt incurred and are also prevented from switching employers. Consequently, “illegal migration is a way for experienced migrant workers to circumvent the exploitative dimensions of legal migration channels in search for more autonomy and better wages...moving outside of the state’s official labour export programme can be a conscious act of resistance” (Killias, 2010, p. 911-912). Killias (2010) also questions the assumption that state-sanctioned migration will equate to better working and living conditions, as her research into Indonesian domestic work did not find this to be the case.

Finally, research done by Eberle and Holliday (2011) looked at the link between precarity and political immobilization amongst Burmese migrants in Chiang Mai, Thailand. They found that, “the threat of dismissal, coupled with that of deportation makes mobilization a serious, high-risk endeavor [for migrants]...day to day, they indicated an overwhelming and disabling fear of discovery while at home, on the street and at work” (p. 385-390). Ultimately, Eberle & Holliday (2011) concluded that in large part due to the precarity migrants experience as workers in Thailand, political immobilization is likely. These insights are helpful in thinking through migrant worker experiences in the fisheries sector.

Figure 1 below illustrates the broad framework that this thesis utilizes, drawing from the literature on fish work in Thailand and Vietnam, (un)freedoms, and migration, both internal and regional across borders.

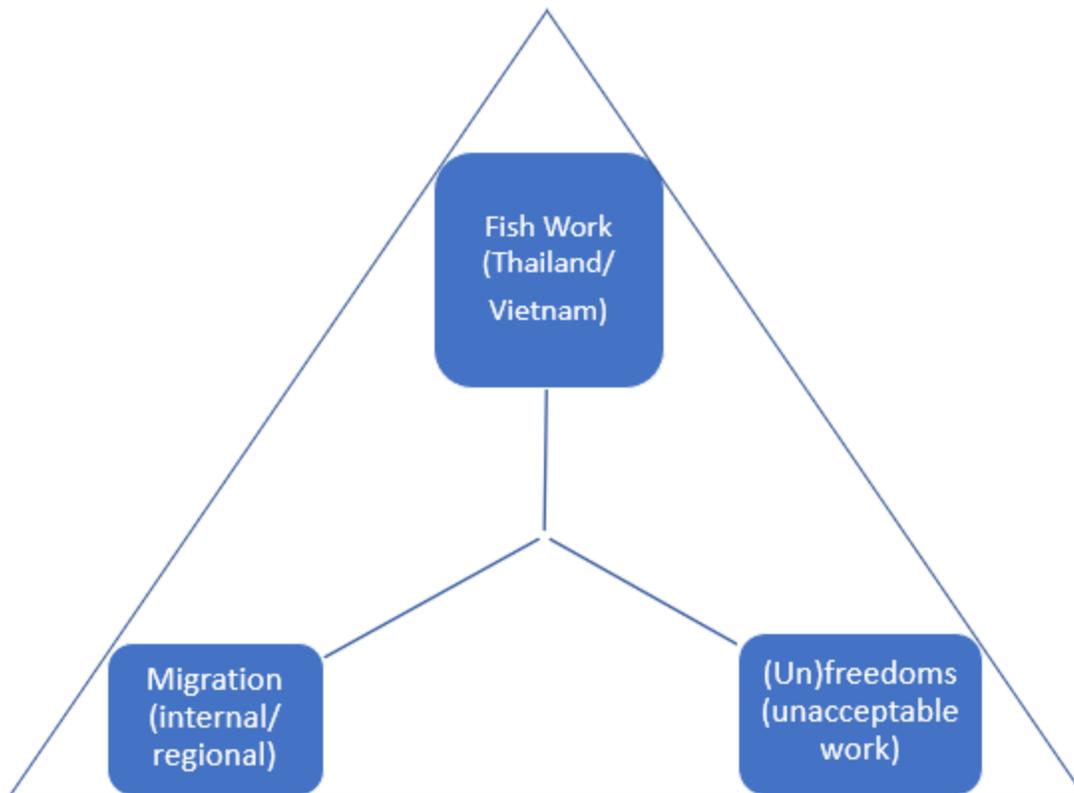


Figure 1: A Framework to Analyze Labour in Fisheries

(Inspired by: Derks, 2010; O'Connell Davidson, 2015; Marschke & Vandergeest, 2016; 2020)

These literatures are used to analyze the labour experiences of fish workers in Vietnam and Thailand, in particularly migrant workers from Cambodia and internal migrants within Vietnam. Derks (2010b) analysis on freedoms and (un)freedoms of Cambodian fish workers in Thailand is the linchpin of this framework as it brings together fish work, migration and unacceptable work.

1.3.4 Labour in Fisheries in Vietnam

Vietnam is the fourth largest producer of seafood globally (FAO, 2019). Given Vietnam's long coastline, seafood has historically been a significant part of Vietnamese culture, and an important source of food and income. In 2014, fishing and aquaculture production accounted for 7% of Vietnam's GDP, and employed approximately 4.5 million people, though both figures have since risen (Ojamaa, 2018). In 2017, Vietnam exported \$8.5 billion USD worth of seafood worldwide, with close to one fifth exported to the European Union (FAO, 2019).

Fishing activities take place in Vietnam either inshore on rivers and lagoons up to 4-5 NM from the coast (FAO, 2019), or near and offshore on the Gulf of Thailand and South China Sea to the south, and the Gulf of Tonkin to the north. Distance from shore, depth of fishing grounds, and size of boat engine are factors all used to define fishing activity as either nearshore or offshore (Teh et al., 2014). Offshore fishing may also be

further categorized as either shallow-water or deep sea. For the purposes of this thesis, offshore fish work is of particular interest given that far more has already been written about small scale fisheries and little is known from the perspective of workers, captains, and boat owners in the offshore sector in Vietnam.

Vietnam's Maritime Strategy Toward Year 2020, adopted in 2007, aimed to encourage a transition from artisanal and family fishing (largely inshore and nearshore) to industrial offshore fishing (Vietnam Plus, 2018; Ojamaa, 2018). The government of Vietnam also aimed to encourage increasing levels of aquaculture production (fish farming). Aquaculture has been promoted as a poverty reduction strategy, as well as a strategy for mitigating the impact of declining fish stocks (Betcherman and Marschke, 2016). This has positioned Vietnam as a leader in the growth of the aquaculture sector, otherwise known as the blue revolution (Betcherman and Marschke, 2016). Indeed, offshore fishing and aquaculture production in Vietnam increased by 50 percent between 2007 and 2017 (Vietnam Plus, 2018) suggesting that Vietnam's Maritime Strategy has been implemented successfully. In total, approximately 10% of the Vietnamese population (about 8.5 million people) depend directly or indirectly on fisheries for their livelihoods (FAO, 2019).

While higher levels of offshore and aquaculture production contribute to the Vietnamese economy via export income, some fishing households may be left behind economically in the shift away from artisanal fishing. Transitioning to aquaculture and offshore fishing usually requires higher levels of capital than poor households are able to afford. Inshore and nearshore fishing are less capital intensive but also generate lower levels of income, such that inshore and nearshore fishers are typically unable to save or invest in the necessary capital to switch to more profitable and sustainable livelihood strategies, leading to income inequality within coastal communities (Betcherman and Marschke, 2016). This is especially true given the depletion of nearshore fish resources, largely because of overfishing enabled by the rapid, unregulated growth of the fishing sector in Vietnam over the past three decades (Teh et al., 2014). Foreign vessels fishing in Vietnamese waters have placed additional pressures on marine resources. Current statistics on this are unavailable, but in 2004 the Vietnamese coast guard indicated that it received roughly 300-500 notices of foreign vessels fishing illegally in Vietnamese waters every year (FAO, 2005).

The depletion of nearshore fish stocks in Vietnamese waters due to overfishing, and overall reliance on forage or trash fish (Betcherman and Marschke, 2016), has placed pressure on the Vietnamese fleet and households dependent on fish work. According to the FAO, almost all fish stocks in Vietnam are considered either fully-exploited or over-exploited (2019). The decline in fish stocks due to overexploitation has been so severe that Vietnam has considered banning commercial fishing in certain areas for extended periods of time in order to allow stocks to replenish (Undercurrent News, 2019), including by prohibiting certain kinds of fishing gear. According to one report, "from 2021, Vietnam wants to ban all fishing activities using nets for a month across the country, and expand it to two to three months from 2025" (Nga, 2019a). This ban would undoubtedly impact the workers and households that depend on fishing activities for their livelihoods, and is indicative of Vietnam's dire situation with regards to sustainable fisheries management.

A ban on fishing imposed by China in the South China Sea, and corresponding allegations of aggressive and deterring behavior by Chinese vessels, is also contributing to pressures on Vietnamese fishers to look beyond their own waters for fishing grounds (Quoc Huong, 2019; Nga, 2019b).

Indeed, Vietnamese vessels have gained a reputation for fishing illegally in other nation's waters. Vietnam has approximately over 105,000 distant water fishing vessels, known as 'blue boats,' that operate with little oversight and have regularly been caught fishing illegally in other countries waters (EJF, 2019). For example, in 2016, 1,100 Vietnamese fishers were arrested in Indonesian waters, while 50 Vietnamese vessels were arrested for fishing illegally in Thai waters over a five month period in early 2018 (EJF, 2019). More recently, in July 2019, Malaysia's Minister of Agriculture and Agro-based Industry indicated that Vietnam is the worst offender for illegal fishing in their waters, with 706 Vietnamese vessels arrested in Malaysian waters over the past year alone (Palansamy, 2019). The media has reported that despite the risks of arrest and boat destruction, Vietnamese fishers continue to fish illegally beyond their borders (Nga, 2019b). Vietnam's inability to restrain illegal fishing, and perhaps unwillingness due to the decline of fish stocks in Vietnamese waters, has prompted an international response.

In October 2017, the EU Commission issued a 'yellow card' warning to Vietnam for failing to adequately address illegal, unregulated, and unreported (IUU) fishing, and in particular, for the high prevalence of Vietnamese vessels fishing illegally in foreign waters. The EU's threat of export sanctions through the 'yellow card' warning prompted Vietnam to begin a number of reforms to address the issue of IUU fishing in their fishing industry, in particular, by using three approaches: 1) refining institutional laws and regulations to keep them in line with international standards; 2) improving the enforcement capacity of the state and fishers in Vietnam to end illegal fishing by Vietnamese vessels in foreign waters, and; 3) strengthening communication, information and training, for all actors, to ensure common understanding of measures to combat IUU fishing (VASEP, 2018). Despite these ongoing efforts, the 'yellow card' warning was extended upon review in June 2018, once again in January 2019, and currently remains with the next review scheduled for June 2020.

While pressures related to declining catch levels, overfishing, and illegal activity are evident, the perspectives of fish workers and boat owners regarding work in Vietnamese fisheries is less clear. Interviews with boat owners in 2014 and with internal migrant fish workers and captains in 2017 will provide further insight into the state of Vietnamese fisheries and how these men view their own livelihoods.

1.3.5 Labour in Fisheries in Thailand

The offshore Thai fishing industry, which gained prominence during the late 20th century due to rapid industrialization, initially consisted of a mostly Thai workforce (Butcher, 2004). However, Thailand's economic growth and industrialization resulted in Thai citizens finding employment in other less hazardous sectors, resulting in a dramatic shift in which migrant workers, predominantly from Cambodia and Myanmar, became the main source of cheap labour in fisheries (Derks, 2010b; 2013). This growing reliance on migrant workers was also a response to pressure on Thailand's declining fish stocks and

the need to reduce costs by squeezing labour (EJF, 2015). Migrant workers were the cheapest, and simultaneously, most vulnerable workers. This reliance has resulted in, and is dependent on, a nexus of migration policies, practices and attitudes that increase the precarity of migrant workers and contribute to conditions where labour exploitation and abuse is possible (Marschke & Vandergeest, 2016).

Fishing work, by definition, is strenuous and hazardous work. Fishers spend long hours and often many days, sometimes months, at sea, exposed to the elements and dependent on crew and captains. However, a series of reports released around 2014/2015 also highlighted that 'slave labour' was prevalent in the Thai seafood sector. The *Guardian*, *New York Times*, and *Associated Press* also did research in Thailand and put a spotlight on labour issues in Thai fisheries (Hodal, k. et al., 2014; Stoakes, E., et al., 2015; Urbina, 2015; Associated Press, 2015). An EJF (2013) report interviewed 15 Burmese men who had been forced to work long hours for little or no pay and had experienced violence and threats of violence while at sea and in the port, in addition to witnessing torture and murder of fellow fish workers. The report highlighted how a shortage of labour, strict labour laws, and cumbersome immigration processes had enabled an influx of trafficked humans for work on Thai vessels. It also emphasized that the Thai government was unwilling to prosecute those responsible and that the Thai police was directly profiting from trafficking operations. Hodal et al. (2014) in the article "Revealed: Asian slave labour producing pawns for supermarkets in US, UK," based on a six month investigation by The *Guardian*, documented how "large numbers of men bought and sold like animals and held against their will on fishing boats off Thailand are integral to the production of prawns sold in leading supermarkets around the world" (p. 1). The investigation highlighted horrific conditions:

...20-hour shifts, regular beatings, torture and execution-style killings. Some were at sea for years; some were regularly offered methamphetamines to keep them going. Some had seen fellow slaves murdered in front of them... (p. 1)

Significantly, *The Guardian* investigation flagged how Thai-based CP Foods sold fish feed made with slave labour to global brands like Walmart and Costco. The investigation also found that government collusion and police corruption kept the supply of trafficked labour flowing, despite Thai government claims to the contrary. A second EJF (2015) report highlighted how overfishing in Thai waters had declined fish stocks to a point where Thai fishers were going farther out to sea and fishing illegally in foreign waters. Further, in order to decrease costs and manage labour shortages, "operators are using human trafficking networks and bonded, forced and slave labour" (p. 3). The report also criticized the governments efforts to address this issue – indicating that the Port-in – Port-Out (PIPO) measures were not succeeding in identifying victims of trafficking or slavery. The report called out the Thai government for not doing enough while simultaneously flagging that Western consumers were "eating product contaminated with slavery, 'pirate' fishing, corruption and criminality" (p. 3). Finally, a Greenpeace (2016) report drew from a 12-month investigation that demonstrated how some Thai fishing vessels, seeking to avoid the crackdowns and tighter regulations that had resulted from international scrutiny of the sector, were turning to transshipments at sea much farther out in the Indian ocean. Transshipments at sea enable vessels "to stay for indefinite periods

of time in the ocean away from prying eyes and regulations” and to continue with “crewing vessels with victims of trafficking and forced labour” in addition to illegal fishing operations (p. 4). The report called for eliminating transshipments at sea and greater scrutiny over distant water fishing fleets.

Consequently, in April 2015, the European Commission issued a yellow card to Thailand. In response to the European Commission’s ‘yellow card’ and growing international scrutiny, over the past four years Thailand has legislated and implemented a number of reforms to their seafood industry. These efforts have included: new fisheries and maritime laws, reforms to the management of its fleet of fishing vessels, establishing a system of inspections at port, full implementation of the United Nations Food and Agriculture Organisation (FAO) Port States Measures agreement, inspection of labour at sea, implementation of a traceability system to track the origin and legality of fish products, and the dedication of more resources to the fight against IUU fishing, among others (EU Commission, 2019b; Thai Department of Fisheries, 2018). Consequently, in January 2019 the European Commission delisted Thailand from the ‘yellow card’ category. The United States also upgraded Thailand to Tier 2 of its Trafficking in Persons Report.

These changes indicate that the past four years have witnessed a series of improvements of the regulation of the seafood industry in Thailand and that the worst cases of slavery and/or forced labour are less likely to occur. However, migrant fishers are still vulnerable to exploitation and abuse, and some skepticism remains regarding the extent to which reforms meaningfully protect workers. For example, a report released by Human Rights Watch in 2018 argued that despite efforts to curb IUU fishing, the precarity of migrant fishers has not been meaningfully mitigated and more remains to be done.

Indeed, the Thai government’s approach to reforming immigration processes may in fact be increasing the precarity of migrant workers. In June 2019, Thomson Reuters Foundation featured an article that highlighted how the increasing costs of visa, work permits and health checks (required for legal work in Thailand as part of the government’s reforms), inflated by employers, middlemen and brokers, are resulting in what amounts to debt bondage as workers cannot pay the fees upfront. Workers depend on the employers to pay their fees and are then forced to pay them back for what they owe, often not knowing how much the fees should cost. The article documented that migrant workers in Rayong “had been charged up to 25,000 baht (\$792 USD) by their employers to be registered under the new system – almost four times the cost set out by the government” (Blomberg and Wongsamuth, 2019). This exploitative recruitment process can place migrant workers in a vulnerable position vis-à-vis their employers and the amount of debt that they owe.

While the EU’s IUU policy does not explicitly address the working conditions of fish workers in the sector, due to international scrutiny Thailand has also been working to address labour conditions. In June 2018, Thailand ratified the ILO Forced Labour Convention, and in early December 2018, Thailand voted to ratify International Labour Convention C188, a convention that strives to improve the standard of working conditions specifically for fishers. In both cases, Thailand represents the first country in Asia to do so. In addition, the EU Commission states that it is working to “tackle the issue of human

trafficking and forced labour and share best practices with the Thai authorities” (EU Commission, 2019b). It is not yet clear how these efforts will impact workers, though the interview data discussed later may shed some initial light.

The following two chapters will dive into the interview data to describe fish workers experience in Vietnam and Thailand. The chapter after will compare the two cases, followed by a discussion that will situate the findings within the available literature on mobility, modern slavery and (un)freedoms– drawing heavily on Derks (2010a; 2010b) and O’Connell Davidson (2015).

Chapter Two: The Vietnam Case

2.0 Introduction

In January 2014, seven key informant interviews were conducted, involving six Vietnamese boat owners in Ca Mau Province, in the southwest of Vietnam. Three of the households engaged in nearshore fishing, and three engaged in offshore. This scoping material was followed up with eight interviews with thirteen workers conducted three years later, in January 2017, this time with fish workers on offshore boats (including three boat captains) in Ca Mau province. This chapter begins by looking at the 2014 data set to provide an overview of fishing in coastal Vietnam from the perspective of boat owners, followed by the 2017 data set to examine worker perspectives (including three boat captains) on fish work and working conditions. The 2014 boat owner interviews provide context on the state of labour in Vietnamese fisheries at the time, and demonstrate that fishing livelihoods in Vietnam were perceived as worsening. The 2017 worker interviews provide insight on working conditions in Vietnamese offshore fisheries and later in chapter 4 are compared with the experiences of offshore migrant workers in Thailand.

There were a total of 19 fish workers interviewed between 2014 and 2017, in the same region and town but with two different sets of interview questions and participants. While the limited data set and differences in data collection mean that a rigorous comparison or definitive analysis is difficult to produce, taken together the interviews provide insight into the experiences and perspectives of boat owners, captains and fishers in Ca Mau province in Vietnam at a certain point in time and place.

All of the interviews took place in Ca Mau, mainly in Song Doc Town in the Tran Van Thoi district. Ca Mau province is located in southern Vietnam, and has a substantial amount of shrimp farming as well as capture fisheries (Betcherman and Marschke, 2016). Tran Van Thoi district is known for having offshore fisheries that produce very high profits for some households that fish for squid and tuna (Betcherman et al., 2019). Song Doc Town fisheries are either on the Ong Doc River or the Gulf of Thailand. Data collected by Betcherman and Marschke (2016) illustrate the relative prosperity of the fishing households in Song Doc Town who are able to invest in the more capital intensive offshore fishing boats and gear and in turn, reap higher profits (p. 29). Nearshore fishing households, in contrast, typically earn considerably less income. For example, nearshore fishers may earn between \$103 USD and \$206 USD monthly (Sing, Long & Chung, 2008), while offshore fishers may earn between \$258 USD and \$430 USD monthly, or more (interview data), depending on catch levels. While most workers are on offshore boats, some also work on nearshore boats as labour shortages are prevalent in Vietnam.

2.1 Reflections from boat owners

In January 2014 key informant interviews were conducted with six Vietnamese boat owners in Ca Mau Province, in the southwest of Vietnam. Three of the households engaged in nearshore fishing, and three engaged in offshore.

2.1.1 Nearshore Boat Owners

Nearshore fishing refers to fishing activities “undertaken by fishing vessels with engines that are less than 90 horse power (HP),” or that occur in coastal waters at depths of up to 30 meters in the Gulf of Tonkin and southern regions of Vietnam, or at depths of up to 50 meters in the central region (Teh et al., 2014). In the nearshore, the three fishing households interviewed predominantly caught trash fish, shrimp, and, in one case considered more midshore, higher value fish. Trash fish includes a combination of different species that are very small and cheap, and are used to produce feed for cattle or fish in factories. Shrimp can fetch a higher price than trash fish. The nearshore fishers were local family-run enterprises, involving fathers and sons as boat owners.

Table 3: Nearshore Fishing Households, Ca Mau, 2014

Fish Zone	# boats	HP	Worker	Gear	Catch	Location
Nearshore	1	25-30	Father & son	n/a (an illegal gear)	Shrimp, trash fish	Southern Vietnam
Nearshore	1	24	Son	Pushnet	n/a but likely shrimp, trash fish	Southern Vietnam
Midshore <i>20 miles out</i>	2 – (1 boat w/ lights)	270	20 hired workers /boat	Net enclosure	High value fish, trash fish for fish sauce	Southern Vietnam

n=3

The two nearshore boat owners indicated that nearshore fishing had become more difficult than in previous years, largely due to overexploitation of fish resources and a perceived increase in bad weather, leading to competition with bigger boats for less fish than before. Both households used an illegal fishing gear. While they recognized that it was illegal, they had never been charged by the government and considered it necessary because fishing was their only livelihood and it was difficult to catch fish. They often struggled to catch any fish in 2014– sometimes only fishing one or two days per month. As one explained: “*All the nearshore fishers are struggling this year, not only in this area but throughout the commune. It’s a bad year for nearshore fishing*” (CaMau Interview 1).

Both nearshore boat owners indicated that switching to aquaculture or offshore fishing would generate a better income. However, their households did not have the money or capital to be able to afford the switch. While the government had promised support to transition, they had not received any support. As the wife of one boat owner explained: “*It is hard for fishers to do nearshore – better if government can provide some kind of support so fishers could go further out*” (CaMau Interview 4). The boat owners did not want their children (and/or grandchildren) to continue in fishing due to the financial and physical risks involved, referencing that nearshore fishing is hard work, often requiring work from 7AM to 8PM. It is also unstable work – with bad weather and competition with other boats constraining the amount of fish available to catch. Thus, young people in the commune were looking for jobs elsewhere, such as in factories or construction. However, one of the boat owners claimed that though the income is unstable people with a fishing career have more freedom than construction workers.

One boat owner fished only about 20 miles from the shore because his boat was considered too small to go deep sea offshore fishing. This boat is out at sea for three to five days at a time with 20 people operating the boat. While this boat has characteristics similar to offshore vessels, it wasn't operating far offshore and its short days spent at sea was more similar to nearshore fishing so it is referred to here as midshore. It also predominately caught small fish, i.e. trash fish, used to make fish sauce or fish feed. The midshore boat owner took 60% of catch value, while workers received 40%. However, he indicated that if it is difficult to hire workers, he will change the share to 50/50. He also claimed that some workers will borrow money from boat owners and then disappear, indicating some distrust of workers. In the future, he would not like to be a fisher anymore. He explained that it is hard to live on fishing, and that to be profitable you need to fish illegally in other nations waters, but that this is too dangerous. He stated: *"production is less and less and people find it hard to live on fishing, not many fishers in Vietnamese sea, need to go to another country but very dangerous so I think that fishery not promising in the future"* (CaMau Interview 7).

The three boat owners indicated that boat owners typically take a higher share of profit than fishers but claimed that fishers feel that being paid by a share of production (rather than a stable, daily wage) is fair because they could potentially earn a lot. However, one boat owner also said that it can be difficult to find workers for the boats because some people do not want to fish anymore and will look for work in other sectors to earn a more stable income.

2.1.2 Offshore Boat Owners

Offshore fishing typically refers to fishing activities that occur in water deeper than 50 meters in central Vietnam, and deeper than 20-30 meters in the south. Shallow-water offshore fishing may refer to a depth range of 50 to 100 meters (Lewis, 2005). The three offshore fishing households hired 10 to 20 workers per boat, and predominately caught squid and high value fish such as tuna and mackerel. One boat owner indicated he also caught trash fish. In theory, offshore fishers earn higher profits than nearshore because they can catch more, and higher value, fish.

Table 4: Offshore Fishing Households, Camau, Southern Vietnam 2014

Fish Zone	# boats	HP	Worker	Gear	Catch	Benefit share
Offshore	2	160	10 / boat	Net enclosure, line & hook	Squid	70% / 30%
Offshore	2 (+ 4 boats w/ lights)	n/a	18-20 / boat	Line & hook, net enclosure	Squid, high value fish (tuna, mackerel)	60% / 40%
Midshore	2	145 & 20	Father, son, others	Pushnet, line & hook	Shrimp, trash fish, squid	70% / 30%

N=3

The offshore boat owners seemed to distance themselves from the actual fishing. One boat owner decided he would never go on a boat again after experiencing a bad typhoon in 1997, and another will only go on the boat once a year. All three offshore boat owners indicated that Vietnamese waters had less fish than before, especially in the nearshore, but also in the offshore. While the value of fish had increased, expenses had increased and fish production per household had declined. The boat owners generally agreed that offshore fishing was better than fishing in the nearshore, because higher value fish can be caught at higher quantities, with one boat owner stating: *“Laborer on the offshore is better off than someone fishing in the nearshore grounds with a small boat”* (CaMau Interview 6). However, it is considered more risky to fish offshore because poor weather can make it difficult or impossible to return to land.

Though boat owners believe they can catch more fish in other countries waters, if they do, they risk being caught by the police. In 2012, one of the boat owner’s boats was caught fishing in Thai waters, and the crew and the captain were arrested. He paid money to the Thai police and secured the release of his boat and crew. Since then, he only fishes in Vietnamese waters. He stated: *“If they go further, to another country’s border then can catch more but within Vietnam’s area there is not as much as before. If go to another country, will be caught by police so have to be careful”* (CaMau Interview 5).

All three of the boat owners used line and hook to catch squid. One squid fishing boat would go out for 20 days at a time. According to the boat owners, workers have an incentive to fish harder when using line and hook as if they catch more, they earn more. Regarding wages, two boat owners would take 70% of total production, while dividing the remaining 30% amongst the fish workers. The third boat owner took 60% of catch value, leaving 40% for the workers. While using net enclosure allows for high value catches, it is more expensive to maintain the nets than to use hooks and lines. Pushnet was described as being more difficult work than hook and line for squid fishing. If a pushnet boat catches nothing, the boatowner still has to pay the workers and bear the cost of gas.

One household had two fishing boats – one boat for squid fishing and one using a pushnet to catch trash fish. The squid boat had a big enough engine but the type of boat and fishing equipment did not qualify it for offshore fishing. However, the boat was too capital intensive and fishing for squid, a higher value species, to be considered nearshore, but had less workers and would presumably make less catch than the boats with bigger engines in the offshore and thus is referred to here as midshore. The boat owner indicated that if he had a choice, he would want to switch to only fishing for squid in the areas offshore within Vietnamese waters. He indicated that he would be able to switch if the government would provide financial support to do so, as had been promised. He stated: *“The production is reduced a lot, and the catch per boat reduced a lot. The fishery resources in the nearshore are overexploited as too many people do this. I want to do offshore but the boat and equipment just do not let me do it”* (CaMau Interview 3).

2.2 Reflections from offshore fish workers

In December 2017 further interviews were conducted in Song Doc Town, a commune in Tran Van Thoi district in Ca Mau province. In total 13 workers were

interviewed, some individually and some in focus groups. Three of the interviewees were boat captains who had also migrated internally for fish work.

Table 5: Migrant Workers Home Province

Worker Home Province	KM from Song Doc Town	# of Workers*
Ninh Thuan Province	656 km	2
Ben Tre Province	320 km	4
Kien Giang Province	129 km	1
Ca Mau Province	52 km or less	2
Total workers		9

*One worker and three captains not included as their interviews did not ask about hometown

The thirteen workers interviewed all worked in the offshore, either fishing for trash fish and/or higher value species such as shrimp and squid. Three of the interviewees were boat captains. Despite working in the offshore, six of the thirteen workers were mainly catching trash fish, perhaps indicating declining fish stocks of higher value fish and that fishing livelihoods are difficult to maintain (see Marschke & Betcherman 2016 for an analysis of trash fish volume in Vietnamese fisheries). Most workers did offshore fishing seasonally, as part of a crew using an enclosing net or trawler. The time spent at sea per trip ranged from 7 days to 6 months. Two workers indicated that they spent very little time on land, necessitating transshipments at sea to restock food and water on the boat. This is interesting considering that boats that engage in transshipment at sea have been linked to higher incidences of labour abuse and exploitation due to the long months spent at sea (See Green Peace, 2016; Tickler et al., 2018; Tickler and Meeuwig, 2019).

Table 6: Offshore Migrant Fish Worker Details¹

Age/started	Age/interview	Boat Gear	Species	Time at sea	Workers /boat
7	17	Enclosing net	Anchovy	7 days	13
N/A	22	Enclosing net	Anchovy	7 days	13
16	20	Trawler	Fish, shrimp, squid	3 months	10
17	21	Trawler	Fish, shrimp, squid	3 months	10
16	37	Dual Trawls	Threadfin Bream	3-6 months	N/A
Teenager	+ 15 years fishing	Dual Trawls	Threadfin Bream	3 - 6 months	N/A
Teenager	+ 8 years fishing	Trawler	Anchovy, sardinella aurita	10 - 15 days	11
Teenager	+ 8 years fishing	Trawler	Anchovy, sardinella aurita	10 -15 days	11

N/A	+ 7 years fishing	Trawler	N/A	3 months	N/A
N/A	+ 20 years fishing	Enclosing net	Trash fish	14 days	20
18	24	Enclosing net	Trash fish	14 days	20

Source: Interviews, Song Doc Town, Ca Mau, Vietnam, January 2017

¹ two interviewees were not included as data was insufficient

n=11

2.2.1 An analysis of working conditions in the offshore

The following section will provide an analysis of the key elements of working conditions in fisheries described in the 2017 interview data with offshore internal migrant workers, including three boat captains. This includes the process by which workers end up at the fishing location (recruitment of workers), wages, job satisfaction, agency, risks at sea and fishing beyond Vietnamese waters.

2.2.2 Recruitment of Workers

Recruitment of workers was described as occurring via boat owners or captains traveling to recruit workers for their boats, or sometimes via friends and family. One captain indicated that he usually recruits people that he already knows, and relatedly, one worker indicated that he works in fishing because he knew the captain of his boat. Four workers, including one captain, indicated that they had heard of brokers being used to recruit workers. According to one worker, brokers are paid approximately 200,000 to 300,000 VND (approximately \$8 - \$12 USD) by the boat owner for every fisher they recruit.

Two stories emerged from the interviews regarding brokers, including one that could be classified as forced labour. One worker indicated that he had heard of a broker kidnapping fishers and taking them to a boat owner for money. No further details were provided. However, a captain knew of a broker who had recently been taken to court for forcing fishers to work on a boat. Some young people owed money to a pub owner and were forced to work on a fishing boat. The boat owner paid the money owed to the pub and thus forced the young people to work on the boat to repay the amount. The fishers received no wage. The captain explained this story by saying that the boat owner had no choice but to accept the fishers because it is difficult to recruit workers. If they need 10 fishers for one boat but they have only two or three workers, they must accept whoever is introduced to them. As fishing has become less profitable, fishers are discouraged and it is harder to recruit.

Indeed, two workers and one captain acknowledged that there is a shortage of fish workers. Many reasons for why it had become harder to recruit fishers were identified, including that there is a shortage of workers; that boat accidents have scared fishers; and that young people have more options for work, such as working in a factory. A captain also explained that there are too many fishing boats, and many do not make a profit.

2.2.3 Wages and Benefit Sharing

Wages were dispensed using a benefit-sharing system based on the value of the fish caught per trip, minus expenses. There were numerous ways that the benefit-sharing was calculated. Generally speaking, 30-35% would be deducted for costs such as fuel, food, materials, loans and boat depreciation. After expenses were deducted, income would be divided: 50% to boat owner, 50% divided amongst fishers; or in some cases, 50% to boat owner, 10% for the captain, and then the remaining income is shared amongst the fishers. It was often repeated that the captain gets extra pay from the boat owner, with one captain indicating that he gets paid double what fishers make. Two workers indicated that the boat owner would give bonuses to fishers who worked hard.

There are two kinds of benefit sharing, an alive rate and dead rate. A live rate means fishers only get paid for a fishing trip if the trip makes a profit (turnover – all costs= profit), a dead rate means fishers get paid even if there is no profit (the cost is fixed by percentage of turnover). One worker indicated that he had a dead rate and would still be paid even if there was no profit earned. The captains have a dead rate, meaning even if there is no profit, they get paid. The average monthly income, based on input from three workers, ranged from 6 million VND to 10 million VND (\$258 USD to \$430 USD).

Opinions about income varied. For example, one worker indicated he was happy with his income, while another said that it is not a good income because it is a very hard job. Another worker indicated that he felt that the benefit sharing system was fair. A captain indicated that while sometimes fish workers might make a lot of money (20 million VND or \$1125 USD), sometimes they do not make any money at all.

2.2.4 Job Satisfaction

When asked about their opinion of fishing work, there seemed to be some tension or contradiction in the worker responses. Four workers indicated that they liked fishing. However, when pressed for reasons why, three workers gave somewhat evasive responses, saying that it was because it was the traditional, family career or the traditional work in their village, and because they lived in a coastal area. One worker bluntly explained, *“it is not about like or dislike, but I have to do it”* (CaMau 2017 Interview 1).

When asked whether or not they would like to do a different job, there seemed to be three general responses amongst the workers: 1) that they would not want to change careers because there were no alternative career options for them, and it would be hard to find another job (*“it is not easy for us to find another job. And we also miss the sea”*); 2) that even though a job on land may be safer and generate more income, it was not for them because they would miss the sea (*“when I see the risks that fishers are facing at sea, I want to give up and find an on land job. However, when I am on land, I want to come back to the sea”*); 3) if they did switch jobs, it would be to a different fishing gear or into aquaculture (CaMau 2017 Interview 2). One worker stated that he would not switch out of fishing because it was the family tradition. Another worker said that he would not look for another job because with fishing he spends most of his time out at sea and therefore can save most of his money.

One captain indicated that he would like to own his own boat but could not afford it. He said that he is used to fishing and feels he would miss it if he couldn't do it. However,

he also said that he did not have any other choice when he first started fishing. Another captain indicated that he did not consider leaving fishing until he was in a terrible boating accident, during which his younger brother died. The researcher pointed out that many of the fishers seemed to like fishing, but the captain responded: “*Actually many fishers don’t have many choices*”(CaMau 2017 Interview 8).

2.2.5 Agency

While the workers may not be able to switch out of fishing work easily due to lack of alternatives, some workers do switch boats. Three workers indicated that they had switched boats many times, for a variety of reasons. Reasons for switching boats included: if the income being made was too low, if the boat owner was too tough, if the benefit sharing was unfair, or if they couldn’t get along with the other fishers.

One captain also indicated that he had switched boats multiple times. He switched the second time because he figured out that the boat owner was cheating on the amount of fish sold. Another captain had switched boats four to five times, and switched because he couldn’t get along with some fishers or boat owners, or because the income was too low. The captains trusted the boat owner not to cheat them, but they could also estimate the amount of fish caught to confirm their rate.

Trust between worker and boat owner is generally assumed, given that no formal contracts are signed amongst the workers. One worker indicated that the boat owner and fishers trust each other, and that the boat owner shows the fishers the receipts of sales after each trip. However, one worker indicated that in some cases, the owner will pay fishers in advance but the fishers take the money and disappear.

2.2.6 Risks at Sea

Risks at sea experienced by the workers interviewed included appendicitis, bad weather, and damaged boats. One worker indicated that sometimes they did not have enough water, but that this did not happen very often and if it did, a goods ship would come to supply them with more food and water. If they had any other issues, the first line of support would come from other nearby boats. They indicated that very rarely they would seek support from the government.

In terms of labour abuse, none of the workers had experienced or witnessed violence or abuse themselves. One worker explained that because it was harder to recruit workers, boat owners must treat their workers well or no one would work for them. He also claimed that normally workers prefer to work with larger boats because they are safer.

However, one worker mentioned that he had heard of fishers who had been kidnapped and forced to work on Vietnamese owned fishing boats that were illegally fishing in Malaysia, and one captain emphasized that “*fishing is a very risky job*” (CaMau 2017 Interview 8). Further one captain knew of a broker who had recently been taken to court for forcing fishers to work on a boat, indicating a case of forced labour. Some young people owed money to a pub owner and were forced to work on a fishing boat. The boat

owner paid the money owed to the pub and thus forced the young people to work on the boat to repay the amount. The fishers received no wage.

2.3 Worker experiences with fishing beyond Vietnamese waters

Some stories emerged in the 2017 data set about illegal fishing that corroborate Vietnam's reputation as repeat violator of foreign waters and its reception of the 'yellow card' by the European Commission. One worker admitted that they do fish in Thai and Malaysian waters, but that whenever they see the police they flee and have never been arrested. However, they knew of boats that had been arrested. Generally speaking, workers indicated that there were not enough fish left in Vietnamese waters, and that this is why they fished illegally elsewhere. Another worker described how in 2016, a boat from Kien Giang province was arrested while fishing in Thailand. All of the people on the boat were arrested and sent to prison. After a few months, their case went to court. The captain, who was the son of the boat owner, was released after his parents paid money to the court to release him. The other fishers remained in prison in Thailand. One of the captains also described how he worked for a Vietnamese owned boat in Malaysia for six years. This is an example of flying a Flag of Convenience to enter Malaysian waters. He explained that the boat was Vietnamese but legally belonged to a Malaysian owner during the time that they fished there. They paid a tax to the Malaysian government and a monthly fee to the Malaysian who registered the boat in Malaysia. While he initially claimed that this was legal, he admitted that the Vietnam government did not allow this because if there were any problems, their boat would be confiscated. He explained that when they returned to Vietnam, they would switch to a Vietnamese number plate. The boat essentially had two IDs to facilitate the illegal fishing. He knew of many cases of fishers being arrested for illegal fishing, especially in Thai waters. He justified these excursions by explaining that there is not much fish left in Vietnamese waters, and that most Vietnamese owned boats are fishing illegally in other nations waters. The captain commented: *"10 years ago, fishing was a good job. Now, fishers get less and less income because fish catch is less. In addition, many boats are arrested by oversea police because they violated fishing ground"* (CaMau 2017 Interview 8).

2.4 Analysis of key themes emerging across the two Vietnamese data sets

2.4.1 Nearshore and offshore boat owners (2014)

Several themes emerged in the boat owner interview data. Boat owners expressed a perception that fish production and stocks in Vietnam, especially in the nearshore, had significantly declined in recent years due to overfishing and competition with larger and more technologically advanced fishing vessels. Correspondingly, fish work, especially in the nearshore, was viewed as having become more difficult and less profitable in recent years. Moreover, nearshore fish work was viewed as less profitable, but potentially safer, than offshore fishing work as offshore fishing typically enabled a higher rate of profit but involved increased weather-related risks.

Most parents or elders engaged in fishing work did not wish for their children or grandchildren to become fishers due to the risks involved and the financial instability. A number of the households referenced dangerous weather, in particular the 1997 typhoon

that resulted in the deaths of many fishers, as a key risk for fishing and a reason for boat owners not wanting to fish themselves.

Despite the risks and instability, a number of the households indicated that they had 'no choice' but to work in fishing because of the region in which they lived, which did not have alternative livelihood options. They also indicated that switching to a new fishing gear (to go further out to catch a more profitable species) or into aquaculture would be a better livelihood. However, these households indicated that they were unable to afford the transition without government support, indicating that the fishers perceived a gap in government support that would otherwise enable their livelihoods.

Finally, offshore boat owners acknowledged a need to fish illegally in foreign waters, but felt constrained from doing so by the threat of arrest. Boat owners viewed the wage structure (a % of the value of the catch) as fair, claiming that it gives workers an opportunity to earn a lot (i.e. more than a stable, daily wage). This is, of course, under the assumption that there is enough fish to catch.

2.4.2 Fish workers and boat captains (2017)

Several themes emerged in the fish worker interview data. Workers indicated that recruitment of workers generally occurs through word of mouth, via boat owners and captains or friends and family. Some of the workers had heard of brokers being used, and of related exploitation and abuse, but had not personally been recruited through a broker nor had they personally experienced exploitation or abuse. They nevertheless flagged that fishing is very risky and that it had become more difficult to recruit workers, resulting in a shortage of labour. Workers also expressed a generally accepted fact that there is not enough fish in Vietnamese waters, and that many Vietnamese boats fish illegally in foreign waters to cope with this shortage.

While some fishers indicated that they liked fishing, there was an undercurrent of workers not having a real choice due to lack of alternative livelihood options. However, workers had the freedom to switch boats based on their own judgement and discretion. Implicit trust seemed to exist between boat owners, captains, and workers, despite no formal contracts being signed. Wages were dispersed using a benefit-sharing system, and workers seemed to think this was fair.

2.4.3 Similarities between boat owners and internal migrant workers

While the two sets of interviews were conducted three years apart, with the initial 2014 scoping interviews serving as the impetus to follow up on fish work in off-shore fisheries in early 2017, a few points of comparison are worth mentioning. In both cases, boat owners, captains and workers in 2014 and 2017 all perceived and felt constrained by a situation in which fish stocks in Vietnamese waters are declining. An interesting point of comparison that may point to a worsening of the situation between 2014 and 2017 is the wage benefit sharing. In 2014, boat owners indicated that they typically took 60-70% of the catch value, leaving 40-30% to be divided amongst the workers. However, one boat owner indicated that if it became too difficult to recruit workers, he would change the benefit-sharing to 50/50 to attract more fishers. In the 2017 interviews, all workers and

captains stated that the benefit-sharing ratio was usually 50/50, perhaps indicating that by 2017, boat owners were forced to lower their share of the profit in order to account for labour shortages and attract workers. Another point that potentially indicates a worsening of the situation is the way in which boat owners and captains talked about illegal fishing. In 2014, boat owners stated that though they had tried fishing illegally, it was too dangerous and they would not do it again. In 2017, captains who described fishing illegally acknowledged the risk involved but justified it as a necessity due to the lack of fish in Vietnamese waters, perhaps indicating a higher tolerance of risk due to a perceived worsening of the fishing industry. In both the 2014 and 2017 interviews, boat owners and workers alike indicated some desire to switch out of fishing or to upgrade their fishing portfolio, but felt constrained by lack of alternative livelihood options, inadequate resources and familial ties to tradition.

Chapter Three: The Thai Case

3.0 Introduction

The interview data discussed below was collected in both Cambodia and in Thailand. The first data set was collected in Cambodia in 2016 with former migrant workers who had returned from fishing in Thailand, in many cases prior to 2014. This data may provide a snapshot of the state of affairs in fishing in Thailand prior to the government's efforts to reform the industry under pressure from the EU. The second data set was collected in Thailand in 2016 with Cambodian migrant workers still working in Thailand at the time of the interviews, who are referred to as 'current' in the context of the two data sets. These interviews may shed light on how the government's reform efforts have impacted migrant fish workers. In both cases, the interviews provide insight into the perspective and experiences of Cambodian migrant fish workers in Thailand at certain points in time.

3.1 Reflections of Former migrant fish workers to Thailand (pre-2014)

Five interviews with eleven Cambodian workers who had returned from fishing in Thailand were conducted in 2016. The majority of the workers fished in Thailand prior to 2014, meaning that the experiences they faced occurred before the Thai government began to reform the fishing industry under pressure from the European Union. The workers were interviewed in Koh Sralao, Cambodia, and had experienced a broad range of working conditions in Thailand.

Table 7: Fishing Profile of Former Migrant Workers (Pre-2014)

Time in Thailand	# workers	Wages	Species	Time at sea/trip
4 months – 10 yrs.	6 – 40/boat	Varied	Crab, red snapper, other	12 days – 10 months

n=5

There was a wide variety in the experiences of the workers interviewed. The length of time the Cambodian workers spent fishing in Thailand ranged from four months to ten years, with an average of three years. The number of workers per boat ranged from 6 to 40 workers. Salary varied considerably, with some workers expressing pay per day and others pay per a certain number of months. For example, one worker received 280 bahts per day (\$9 USD), while another earned 100 bahts (\$3.28 USD) over four months. Three workers indicated that their wage was based on a percentage of the value of the fish caught, while the remaining interviews did not specify how wages were dispersed. Another worker indicated that he didn't know his pay rate and would only receive it at the end of one year. Four workers fished for crab, one for red snapper, and the remaining interviews did not indicate the species caught. The crab boats would spend 1 to 2 months at sea, while the red snapper boat spent 12 days at sea. Two boats had over 20 workers, both of which spent 10 months of the year at sea, indicating that transshipments at sea likely occurred.

The interviews revealed workers' perspective of the state of fishing in Cambodia and in particular, of fishing in Koh Sralao, the village where the interviews took place and where the vast majority of workers were from. This provided some context as to why

Cambodian men (and women) living in Koh Sralao would choose to migrate to Thailand for work. A key point often repeated was that Cambodian wages were much lower than what could be earned in Thailand. One worker explained, as an example, that men in Cambodia can earn 5 USD per day as a construction worker, but can earn 12.50 USD in Thailand. The promises from brokers that workers could earn a better wage in Thailand, at least \$250 USD/month, would entice workers to migrate. There had been a significant depletion of fish stocks in the waters near Koh Sralao, and this was largely due to overfishing associated with an increase in fishers from outside the village, and subsequently meant that they could not earn as much as before. Depleted fish stocks was also linked to sand dredging. Sand dredging was viewed as having destroyed the fish and sea grass sanctuary, which in turn had negatively impacted people's dependence on fishing as a livelihood in the region.

The emergence of factories in the bigger cities, such as Pnomh Pen, as well as in provinces, was cited as an alternative livelihood option to fishing, and one of the reasons why the demographic in Koh Sralao had become mostly the elderly and the young. Young people who were able to work usually left the village to find work elsewhere, either in factories in the city or across the border in Thailand. Households in Koh Sralao often depended on remittances sent from elsewhere. One worker expressed that it was particularly difficult for men to find work in Cambodia, saying that the factories in Pnomh Pen 'need women' but men find it more difficult to find work.

As for fishing work in particular, one worker explained that because of the depleted fish stocks, not many households in Koh Sralao depended on fishing as their sole income anymore. He estimated that in 2016, 80% of the households did not fish anymore. Another worker estimated that 40% of young people were leaving to find work opportunities elsewhere. One former migrant worker explained that two years ago many people from the region wanted to work in Thailand. However, the Thai government's reforms and increased enforcement of immigration law had resulted in less migration in recent years. This was in addition to the fact that many people in the region had heard bad stories about fishing in Thailand. Even if they have fishing skills, according to one worker, people from Koh Sralao preferred to go to Thailand to work on land, and did not want to send their children to work as fishers. They explained: "*even those who have fishing skills, want them to go to Thailand to do something else. Many people here have had a bad experience with fishing in Thailand and have heard more bad news about this. People do not want to send their children, prefer them to work in Thailand on land*" (Cambodia Interview 3).

A number of reasons were given for choosing to migrate to Thailand for work in fishing. Unemployment and lower wages in Cambodia were the most common reasons. A few workers also indicated that they had migrated because of the need to pay off debt. A decline in fish stocks in Koh Sralao due to overfishing and sand dredging was also cited as a reason for turning to Thailand. Whatever the reason, it was evident that households faced challenges in earning enough income to support their families in Cambodia, and that the promise of higher returns in Thailand drove them to cross the border.

The interviews with former migrant workers who had returned to Koh Sralao, Cambodia documented eleven stories of fish work in Thailand. All of the workers had

migrated to Thailand for work prior to 2014, but were, at the time of the interview, living again in Koh Sralao, Cambodia. All of the workers worked on Thai fishing boats for varying lengths of time, except one worker that worked in a factory making fishing nets. An overview of each workers' migration story is provided below, followed by an analysis of their working conditions.

Table 8: Former Migrant Worker Stories (Pre-2014)

Worker	Key insights into working conditions
1	He owed money to a Cambodian microfinance institution but was able to improve his livelihood and lessen his debt after four years in Thailand; earned \$250 USD/two months.
2	She was unable to find work in Cambodia and followed family to Thailand for work; earned \$7 USD/day on crab boat for five months.
3	He used a broker to travel to Thailand and worked on a large boat (40 workers) for less than a year. It stayed at sea most of the year but he fled without receiving his wages due to difficult working conditions (incl. being held at gun point).
4	The work was not difficult; he had a good boss and was thus willing to go to Thailand again.
5	He worked illegally for four years but was arrested and imprisoned for having illegal materials. He was in prison for 7 months and was treated poorly.
6	He worked in Thailand in 2011. He killed his boat captain after an altercation on the boat and fled to Vietnam.
7	He worked for a Thai company fishing in Cambodian waters for four months but returned to Cambodia because he was not making enough money; earned only \$3.28 USD total due to bad weather.
8	He worked first with an all Cambodian crew with no issues, then for a crab boat where he was forced to work in rough seas and quit because the work was too hard; only saved \$82 USD over 2 years.
9	He worked on a large boat (20-30 workers) for 10 years and became vice-captain. They fished in Indonesian waters and would only return to land for two months of the year.
10	He worked on a crab boat with all Cambodian crew; only issues were bad weather.
11	He worked illegally in a factory making fishing nets but quit after one year as it was too risky; police often searched the factory.
Total	11 workers (five interviews)

Source: Cambodia Interview data

It is important to note that each of these workers had the benefit of hindsight as, while they had previously migrated to Thailand for fish work, they were back in Cambodia at the time of the interviews and were able to reflect on their past experiences. The following section will analyze key elements of the working conditions described in the workers' stories.

3.1.4 An analysis of working conditions experienced by former migrants to Thailand (pre-2014)

This section will provide an analysis of the key elements of working conditions in fisheries described in the interview data with former migrant workers to Thailand. This includes the process by which workers end up at the fishing location (recruitment of workers), risks at sea and future plans regarding work in Thailand. The working conditions described below may shed light on the state of affairs in Thai fisheries before the government began to implement reforms in 2014.

3.1.5 Recruitment Process

The point of recruitment by a broker, middleman or employer is a pivotal point in the migration journey for work across borders. While recruitment may often be demand driven, workers also often seek out brokers themselves to assist them in crossing the border. It is often the process of recruitment that results in workers being burdened with debt due to both service fees charged by the broker, and fees required for visas and work papers.

Throughout the interviews a few stories emerged of experiences with brokers. One worker went with a broker to Thailand and paid \$200 USD to be smuggled over the border in a covered truck. It was a complicated process, involving a graduated informal scheme to allow access to Thailand. For example, he paid a fee to get to Trat, a district not too far from the border, and if going further, would have had to pay again. He did not have a good experience: *“I had a bad experience in Thailand, cannot travel, only stay in Trat territory and felt tension everyday”*(Cambodia Interview 1). Another worker had a friend that was ‘cheated’ by a broker. The broker originally took them to one place to work, but then took them again to somewhere else much farther away. His friend worked for five years at sea without his friends or family receiving any news, claiming that some of the workers on the boat tried to kill themselves. The worker explained that: *“Most brokers are not good, have no morals, and push the workers”* (Cambodia Interview 1). A third worker had an uncle who used to work as a broker. He would walk through the mountains to smuggle migrants into Thailand for 200 Baht (\$7 USD) per person. It would take five hours to avoid the border. He smuggled many people into Thailand to work as fishers near the Cambodian border. However, his uncle was arrested by police for smuggling in illegal workers two years prior to the interview and remained in prison at the time. One worker explained that brokers particularly need to find workers to work in the offshore fisheries and that they especially look for workers to go illegally. He claimed that workers in the offshore fisheries would be forced to work and do drugs.

The interviews also shed light on the various actors involved in the recruitment process, including agencies and brokers. There are many agencies and brokers in cities such as Phnom Penh looking to recruit workers. It can cost \$300 USD to go to Thailand. If workers cannot pay the fee upfront then the broker will pay the fee but the worker will have to pay them back. If the worker cannot pay all the money that they owe, the broker will keep the workers passport until the money is paid. One worker knew of an agency based in Phnom Penh that would help people find work in Thailand. The workers would pay the agency to process their passports and other documents. They mostly would work in the factories in Thailand, not fishing. He commented that it seemed safer to go illegally. He said that he saw a lot of cheating in the fishing system, with workers being sold to boats and not receiving their pay even after working hard. However, another worker

claimed that there were more legal agencies than before, and that many people know they should go legally now. Using an agency typically took far longer than traveling to Thailand via a broker. In the past, using a broker was the best option as migrants could get to Thailand quicker and there were not many legal agencies. If they used an agency now, it was viewed as different than before. However, another worker insisted that it is not easy to go find work in Thailand and that it mostly depends on luck, stating: *“If lucky, you will have a good boss, but most of the workers, 70% have a bad experience in Thailand”* (Cambodia Interview 1). He also claimed that the number of people working illegally in Thailand had decreased since 2015.

3.1.6 Risks

The nature of fishing is such that, especially in the offshore, risks to personal health and safety are high. However, while typical risks at sea such as storms and bad weather are to be assumed, workers on fishing boats in Thailand have also experienced violence, malnutrition and restrictions of freedom.

The interview data revealed a number of risks that workers had witnessed, including fights on the boats, workers being shot and thrown overboard, drug use at sea, and deaths due to being overworked. For example, one worker said that five or six years ago when he fished in Thailand (likely 2010 or 2011), he witnessed three people be shot and killed on the boats. He also witnessed drug use at sea, and deaths due to fights and being overworked. He stated: *“some big boats they use drugs and violence happens more. Sometimes they push or they kill someone into the water”* (Cambodia Interview 5). Another worker indicated that he had heard via Facebook and other workers that some fishers had died from starvation in Thailand. When living in Thailand, one worker said he saw workers ask their boss for permission to go on land to buy something. They were denied this, resulting in an altercation with the captain of the boat. Another worker was hit by his boat captain for not being able to speak Thai and subsequently murdered the captain and fled the country.

Working on a bigger boat was viewed as more dangerous than working on a small boat because there is more violence and not enough food for all workers. Workers have to compete for food. They rotate to take turns eating and if the catch is very high they may work for a whole day or more without being able to eat. Working on a small boat is, however, more dangerous than working in a factory as bad weather and violence still occur. However, the salary of a factory worker is lower than a fish worker as in the boat you get both a daily wage and free food.

Workers also emphasized that working in Thailand was particularly difficult for those who came illegally due to restrictions on freedom. One worker stated: *“without papers you cannot move, only stay on boat, can kill you and cannot file a complaint so need to stay on the boat”* and another said: *“if worker goes to Thailand with no passport or visa (even informal) it is very difficult to work and live, have no freedom”* (Cambodia Interview 1). Another stated: *“It is not easy, very difficult and very tense as you go there illegally and do not feel safe living or working with Thai people”* (Cambodia Interview 1).

3.1.7 Future plans for work in Thailand

Nine of the workers interviewed indicated that did not want to go back to Thailand and were happy to be back in Cambodia. Only two workers indicated that they would feel safe to go back and this was because they did not have bad experiences the first time, with one indicating that they had a good boss who was kind to them. However, they also stipulated that they would only go back to Thailand if they could go legally through an agency because otherwise they would be worried the police would arrest them. It was also stated that people in Cambodia seem to go to Thailand less than before, as they can now find safer work in factories in Cambodian cities. Staying in Cambodia, however, was dependent on being able to have a job and earn enough money. One worker stated: *“if someone has a choice, they should stay in Koh Sralao. I don’t tell people to go to Thailand because I am worried that they will end up working in a bad place with a bad boss”* (Cambodia Interview 1).

3.1.8 Key themes from reflections of former migrant workers to Thailand (pre-2014)

Several themes emerged in the interview data described above. In particular, fish workers in Koh Sralao flagged that they were facing a decline in fish stocks due to overfishing and sand dredging. Cambodian workers in Koh Sralao indicated that they had travelled to Thailand for work, often illegally, due to unemployment in Cambodia, the lure of higher wages in Thailand, and the need to pay off debt. However, the majority of workers that returned to Cambodia did not want to return to Thailand for fish work, nor would they recommend that their friends or family do so either. Thailand had garnered a bad reputation amongst the Koh Sralao community, in particular, for work in the fishing sector. Recruitment of workers mainly occurred via illegal brokers but an increasing need to use legal agencies was acknowledged. Violence and abuse in fish work were frequently described – commonly occurring between workers and between workers and captains. Violence was viewed as more likely to occur on the larger boats. In particular, workers without legal documentation were viewed as more likely to face difficulties in Thailand, including fears of arrest and needing to hide on the boats. Factories were subsequently viewed as a better option for work because it was perceived as safer.

The next section will analyze the data from migrant Cambodian workers who were still fishing in Thailand at the time of the interviews in 2016.

3.2 Reflections from current migrant fish workers in Thailand (2016)

In May 2016, eleven interviews involving ten Cambodian migrant fish workers working in Rayong, Thailand were conducted. Five of the interviews also included the wives of migrant fishermen. These migrant workers were still working in Thailand at the time of the interviews, two years after the international scandal that broke the news of labour abuse, exploitation and slavery in Thailand’s fishing sector. By this time, the Thai government, under pressure from the EU and the international community, had begun to implement reforms to the fishing sector, including via reinforcement of immigration laws and inspection of boats at port. However, some of the workers also reference fishing work experiences that pre-date the 2014 reforms. It is important to note that this data set was quite disparate in terms of the kind of information provided in each interview which resulted in some gaps in the data.

Table 9: Current Migrant workers' Fishing Profile (2016)

Time in Thailand	Species caught	Time at sea/trip	Workers
3 days – 20 years	Octopus, shrimp, crab, small fish	10-15 days	2-8/boat

N=11

The length of time the Cambodian workers had spent in Thailand ranged from a few days to twenty years. Five workers had been in Thailand for more than ten years, two of which had been in Thailand for twenty. The most common type of species caught were octopus, as well as shrimp, crab and small fish. Three workers spent 10 to 15 days at sea per fishing trip; the remaining interviews did not address time spent at sea. Number of workers per boat ranged from two to eight, though comments about work on larger boats were made. It was also often noted that usually workers on the boat would be Khmer, while captains and bosses would usually be Thai.

In Rayong, newly arrived Khmer migrant workers would either rent a room themselves, stay temporarily with other workers who had already arrived, or would live directly on the boat. It was referenced that there were many Khmer families living in residential 'blocks' in the area. In the blocks, there might be 100 families living and 80% of them would be Khmer, the rest would be Thai. Many of them engaged in fishing as their main livelihood. At the port, one worker described how it was not safe for Khmer workers at night and that he had witnessed a lot of violence. However, he indicated that because of the Thai government's reinforcement of immigration laws, it had become safer than before. They also explained that it was more difficult to catch fish than before due to a decline in fish stocks. The price of fish on the market had declined but the cost of fishing equipment had increased.

The two most common reasons that Cambodian men and women migrated to Thailand for work were that Thailand provided a higher wage (referenced 9 times), and lack of job opportunities in Cambodia (also referenced 9 times). Other reasons for migrating (referenced once each) included: having debt, having no farm land, wanting to change jobs, cheaper for having children, better living conditions, and that fishing was more difficult and unstable in Cambodia. Another reason provided was the active recruitment of workers by brokers. Workers acknowledged that working in Thailand was difficult, but necessary in order to support their families. One worker commented that while he still saw a lot of Khmer workers coming to work in Thailand in 2016, more of them were coming to work in factories instead of in fishing. He explained that working on land is much better than working at sea because on land there is more freedom to visit other places. The wife of a migrant fish worker stated: "*life of labourers in Thailand is sad and terrible, but some families must force their members [to] do it, [as] they have no many job options*" (Rayong Interview 1).

The following section will analyze the working conditions experienced by the migrant Cambodian workers in Rayong, Thailand.

3.2.1 An analysis of current working conditions in Thailand (2016)

This section will provide an analysis of the key elements of working conditions in fisheries described in the interview data with migrant Cambodian workers still fishing in Thailand at the time of the interviews in 2016. This includes the process by which workers end up at the fishing location (recruitment of workers), wages, risks at sea, and future plans. It is important to note that some of the experiences they reference occurred prior to 2014.

3.2.2 Recruitment Process

Use of brokers was the main avenue by which these workers had migrated to Thailand. Five workers indicated that they had personally traveled to Thailand via a broker. Brokers were typically informed by bosses or boat captains when they needed more workers for their boats. The brokers would then actively recruit Cambodian workers to cross the border, often illegally. The brokers would guarantee the workers that there would be no difficulties or issues as long as they followed them. Once workers reached Thailand, the captain of the boat would keep them in an isolated place such as the boat, in order to evade police inspection.

One worker came to Thailand through a broker in a van. An employer had already agreed to take him and had asked a broker to pick him up. It took about two months for him to get his work permit to live and work in Thailand. During that time, he was advised to never leave the boat. While living on the boat, he was provided with food. He had never lived on a boat before and became seasick. Another worker (22 years old) migrated to Thailand twice – once with the support of a fellow worker, and the second time through a broker. The second time (in 2012), his employer filled out his paperwork for him and made sure he was working legally. A third worker's neighbor was a broker and took him to work in Batheny, where he ended up staying and working as a fisherman for seven years. He said his experience in Batheny was terrible (which is described further in 'Risks' section).

3.2.3 Wages

Wage modalities varied. Captains received wages as a percentage of all profits earned (7-10%) but most workers were paid day by day, ranging from 400 baht to 500 baht daily (\$13 - \$17 USD). For example, one worked from dawn to dusk on a small boat, earning 400 baht per day (\$13 USD). Two workers were paid monthly, one earning \$250 USD per month, the other \$98 USD per month. Two other workers received a percentage of the value of the profit made by the boat, receiving their pay every two weeks. One worker tried to quit fishing because he realized it was too hard for him. However, his employer convinced him to keep working by reminding him that he would not be able to find a job in Cambodia. He worked a month and a half and was paid 13,000 baht (\$426 USD). One interview also indicated that the employer gave their workers 2000 baht (\$650 USD) for personal needs for the duration of time that the boat was docked.

3.2.4 Risks at sea

Many of the workers in the interviews indicated that the large boats that spend longer times at sea are viewed as particularly dangerous and known to have issues.

Workers described hearing of fights and shootings that had resulted in deaths on the larger boats. This was linked to workers forming different groups on the boats and fighting amongst themselves, particularly if alcohol or drugs were involved. If a worker died while on the boat, the body would be thrown overboard without informing relatives or filing a complaint with the police. For example, one worker had a terrible experience fishing in Batheny, Thailand for seven years. He stated: *“I was really scared and I wished that ‘please don’t happen to my life.’ There was nobody taking care of all the victims”* (Rayong Interview 5). He said he witnessed many Khmer workers be shot to death by their Thai captain. He also witnessed workers being stabbed to death by their co-workers. When it came to seeking help, he indicated that there was not much cell reception on the boat, and that the captain would not let them use their phones freely. He explained: *“There are not many options to get help from the outside when we have a problem on the boat. Normally we [would] call the police or a soldier whenever we have an issue with each other. But the issue is, phones [don’t have] much reception and the captain won’t let us use phones freely”* (Rayong Interview 5).

However, two workers indicated that these kind of conflicts ‘happened a long time ago’ when security was much worse. Another worker said he had heard a lot about violence amongst workers but had never witnessed it directly. Similarly, another worker claimed that compared to two years ago (2014), working in fishing was not as dangerous as before. Another worker claimed that most violence and conflict would not happen on the boats, but rather at the port because workers would have access to drugs and alcohol with no one to supervise or ‘manage’ them. Similarly, one worker described how it was not safe for Khmer workers at the port at night and that he had witnessed a lot of violence. However, he indicated that because of the Thai government’s reinforcement of immigration laws, it had become safer than before. He also confirmed that the Thai police would check the boats at the port before they left for the sea, and when they came back. If the police noticed someone was missing from the boat, the boat captain would be held accountable.

Long hours, lack of sleep and seasickness were also flagged by workers. As one worker explained: *“we must try to work hard all day... most of the days, we worked from early morning until overnight, so we have never had enough sleep ...in order to satisfy our captain”* (Rayong Interview 5). This same worker demonstrated how after only 15 days of work at sea, his hand had become degraded by sea water. He also explained that if a worker didn’t have enough strength, they may become seasick and fall overboard. When this happened, the captain or boss would not help. Often the workers would need to help each other.

Restrictions on freedom were particularly experienced by illegal workers. One worker explained that workers who do not have their official documents to work *“always struggle with their living in Thailand and they can’t live freely”* (Rayong Interview 4). Another worker indicated that it had become more difficult to work in fishing in Thailand than before because the Thai government had reinforced immigration laws and illegal workers feared arrest.

Conflicts on the boat were predominantly handled by boat captains. The captain is regarded like a village chief and any conflicts on the boat are brought to the captain to

solve. One worker emphasized that every fisher in Thailand must work hard, be flexible, follow the advice of the captain, and “*be patient with bad things (such as rude words) that are going to happen*” (Rayong Interview 5). In the event that there are issues on the boat that have to be addressed by the police, both parties of the conflict will have to pay a large bribe if they want to avoid being arrested because they are illegal workers. Consequently, help from outside sources such as the police was difficult to get and not often sought.

3.2.5 Future Plans

The workers in this data set largely indicated that they would continue to work and fish in Thailand, except for one worker that had decided fish work was too difficult. While most workers desired to return to Cambodia, and some might return temporarily, most felt that they had not yet saved enough money to do so permanently. This was true even for workers that had been in Thailand for 7+ years, indicating that it is difficult for the workers to save money despite wages being higher than in Cambodia. For example, one household indicated that though they want to go back to Cambodia in the future, they must first save money to buy land for a rice farm as otherwise it would be hard for them to survive and have a livelihood in Cambodia. Another worker indicated that he regularly sent money back home to his relatives and wouldn't return until he had saved a lot of money. However, workers would not want their families or friends to follow their example. As one worker explained: “*I have never called my relatives, friends or neighbors to come and work [in Thailand] because I can't guarantee that this place is 100% good to make a living*” (Rayong Interview 2).

3.2.6 Impact of government reforms on current migrant worker experiences

There seemed to be a general consensus amongst the workers that the Thai government reforms implemented post-2014 had made working in Thailand more difficult than before, especially for those without legal documentation. In order to work legally in Thailand, foreigners need to have a passport, a non-immigrant 'b' visa, and a work permit. The non-immigrant 'b' visa is valid for a term of 90 days travel (single entry) and then 1 year travel to Thailand (multiple entries) to conduct business or be employed by a Thai company. The work permit will stipulate what type of job the migrant will do and the specific employer. In order to be considered legal, migrant workers must have all three documents and match the information in their work permit. Otherwise, they may be fined and/or arrested.

The Thai government reforms seemed to impact workers directly in two respects – via an increasing pressure to have legal documentation, and police inspections of boats at port, with a corresponding increase of fear of arrest. A wife of a fisher involved in one of the interviews estimated that in 2015 about 70% of Khmer workers were in Thailand illegally, and that in 2015, due to a government crackdown, a large number of Khmer workers were arrested and sent back to Cambodia because they did not have the official papers. As one worker explained: “*a couple years ago, workers did not need to have [work permits] so soon like nowadays because the Thai government didn't reinforce the immigration laws like recently. You [could] suspend it for long period of time. [Now], a large number of people who [migrated] to Thailand need to get [the work permit] very soon, if not they face [being arrested] a lot from police*” (Rayong Interview 10).

Five workers did not have formal papers at the time of the interviews, including one who had been in Thailand for seven years. One worker had just recently had his visa extended, paying 6200 baht (\$203 USD) for a two year period. Another worker indicated that his employer extended his visa for him and deducted the cost from his salary. However, he did not know how much it would cost or how much his employer would deduct. He also said that he didn't know whether or not the work permit would allow him to work with other employers, saying: *"I just know that most of formal papers [provide] access [to] only one province and are only for work, not for walking or visiting"* (Rayong Interview 8). Another worker did not have legal documentation when they first came to Thailand and were arrested by the Thai police. However, they were released after they told the police who their employer was. One worker said that after arriving in Thailand, it took two months to get a work permit and that his employer did it for him. During those two months, he was advised to never leave the boat. He said that a couple years ago, the Thai government wasn't as strict with the work permits. Another worker claimed that it had become harder to work as a fisher in recent years, because the Thai government had reinforced immigration laws. A wife of one of fishers confirmed that: *"there are some illegal workers hiding themselves in boats at all times. They dare not go out because they fear the police [will] arrest and fine them"* (Rayong Interview 11).

Another worker claimed that if Khmer workers have the proper legal documentation they will have no issues living in Thailand, and another claimed that working in Thailand had become less dangerous than before, stating: *"it is safe and reliable after Thai government reinforced the immigration laws and even working conditions on the boat [have been improving] from time to time. It was not dangerous like a couple years ago"* (Rayong Interview 10).

A number of workers confirmed that they had witnessed police inspecting boats at port. The police would take pictures of the workers before they went fishing and again when they returned to port. The police told the workers that they do this in order to protect them and to be able to file a complaint if someone is found to be missing from a boat. The captains are held responsible if someone goes missing and will be asked by police to provide compensation to the victim's family. Sometimes the police would also install GPS systems to monitor the boats, especially the larger ones. One worker suggested that while he was okay with the boat inspections, he had heard a lot of other workers complain about them. He claimed that the police inspect even the smaller boats. However, one worker indicated that he had never seen any Thai police inspect a boat that he was working on, despite having worked on several boats. He stated: *"No one came to monitor the boat. Every time we are at port we go to buy goods then back to work in the sea freely. There are no police observing us"* (Rayong Interview 5).

3.2.7 Key themes from reflections of current migrants in Thailand (2016)

Several themes emerged in the interview data described above. The two most common reasons why Cambodian men and women had migrated to Thailand for work were that Thailand provided a higher wage (referenced 9 times), and lack of job opportunities in Cambodia (also referenced 9 times). The use of brokers to get to Thailand was common. While stories of violence and deaths at sea were shared, it seemed that the majority of these incidences had happened in years past, and that the Thai

government's reforms had resulted in a modest increase of safety on the boats. However, the reinforcement of immigration laws and procedures was leading to migrants being forced to hide and live on boats to evade police inspection until legal documents could be attained. Police inspections of boats at the port seemed to be happening frequently, although one worker claimed he had never seen an inspection despite working on several different boats. Regardless, workers expressed a clear perspective that the Thai government had become more rigid with its immigration laws. Thus, workers without legal documents faced restrictions on their freedom and the threat of arrests, fines, and deportation. Despite the difficulties faced and the wish to return home, the need to save money while working in Thailand was prioritized over returning to Cambodia.

3.3 Analysis of key themes emerging from the Thai data sets (Pre-2014 and 2016)

Several themes emerged from the 2016 data sets, allowing for a comparison between Cambodian migrant workers who used to fish in Thailand prior to 2014 (referred to as 'former' migrants), and those who were still working in Thailand at the time of the interviews in 2016 (referred to as 'current' migrants). Former migrants who were back living in Cambodia at the time of the interviews described violence and abuse in Thai fisheries as common prior to 2014. Consequently, the majority did not wish to return to Thailand for fish work. Their comments indicated that many of them had previously migrated to Thailand using illegal brokers. However, it was recognized that migrating legally, likely through private recruitment agencies, was now the better way to go because it had become more difficult to work in Thailand illegally. The interviews with Cambodian migrants who were still working in Thailand at the time of the interviews echoed these findings. While violence and abuse was described, the incidents described seemed to have occurred on larger boats prior to the Thai government reforms. The Thai government reforms seemed to have resulted in a modest increase of safety on the boats, while simultaneously increasing fears of arrest and deportation for those still working illegally. However, unlike the former migrants who had returned, the current migrants were not yet planning to return to Cambodia because they had not achieved their goals. These themes will be further explored in the next chapter through supplementation with relevant secondary sources.

Chapter Four: Analysis of working conditions in Thai and Vietnamese fisheries

4.0 Introduction

The following chapter compares the working conditions and experiences described by fish workers in Thailand and Vietnam, and reflects on the key similarities and differences found in these two working contexts. I further draw on relevant academic literature and recent media reports to contextualize and expand on the key findings of the interview data. After the multi-port analysis, the work of Derks (2010b) will be used as a point of departure to discuss what, if anything, has changed in the Thai context since her analysis in 2010. Finally, I will discuss conclusions and recommendations related to the freedoms and unfreedoms experienced by migrant workers in the fishing industry.

4.1 Migrant workers, internal and regional

It is important to note that this comparison between the Vietnam and Thai data is imperfect. The interviews were conducted in 2014, 2016, and 2017. The data represents a snapshot of particular migrant fish workers in a particular port at a particular time. Even as the data set spans multiple years, it is not longitudinal in the sense of following the same workers, captains or boat owners. Further, there was also greater disparity in the Thailand data set – i.e., allowing for a broader range of experiences and perspectives, but also resulting in data gaps. Even so, there was enough data to enable for comparative analysis. This comparison will focus on four key elements of migrant fish work – recruitment, wages, risks at sea and agency – and will be supplemented with recent secondary sources (such as media, reports, and academic journals) to bolster the findings of or fill gaps in the data.

The main similarity between the Thai and Vietnam cases is that in both cases, pressure from the European Commission and the associated threat of export sanctions resulted in the national governments attempting to clean up their fishing industries – at least as far as IUU fishing goes – with varying degrees of success. The IUU fishing threats also contributed to an emphasis on working conditions, albeit to a far greater extent in Thailand. Further, both cases are focused on the experiences of offshore migrant fish workers with working conditions.

In Thailand, the EU ‘yellow card’ issued in April 2015 was removed in January 2019 after four years of reforms by the Thai government. Their efforts have included: new fisheries and maritime laws, reforms to the management of its fleet of fishing vessels, establishing a system of inspections at port, full implementation of the United Nations Food and Agriculture Organisation (FAO) Port States Measures agreement, inspection of labour at sea, implementation of a traceability system to track the origin and legality of fish products, and the dedication of more resources to the fight against IUU fishing, among others (EU Commission, 2019b; Thai Department of Fisheries, 2018). The EU Commission deemed these reforms satisfactory and removed the yellow card in January 2019.

By contrast, the yellow card issued to Vietnam in October 2017 is still in place, with the European Commission planning to do a third inspection this year (2020). The yellow

card was issued for a variety of IUU related concerns, but in particular, the prevalence of Vietnamese vessels fishing illegally in other countries waters. While “the country’s significant improvement in the monitoring, control and surveillance of fishing vessels have been noted...the sector has remained weak in managing foreign vessels visiting local ports to import fishery products [and] traceability has not yet met the EC’s requirements” (*TheStar*, Mar 5, 2020). If IUU fishing continues, Vietnam may face a ‘red card,’ which would ban imports to the EU. Even with only the yellow card, Vietnamese fish product imports to the EU have declined “from 18% to 13% of Vietnam’s exports,” causing the EU to go from being Vietnam’s second largest import market to its fifth (ibid).

In the case of Vietnam, the government’s responses to the yellow card have been ongoing and it is difficult to determine how they may be impacting the fishing industry and the experiences of its internal migrant workers. There is no secondary literature on this, other than the recent work of the Environmental Justice Foundation, and no systematic survey of worker experiences; the interview data does not speak to this. In Thailand on the other hand, it is possible to begin to see, through both the interview data and secondary literature how the reforms have been implemented and impacted the experiences of migrant workers, which will be discussed below.

The most significant difference between the two cases is the kind of migrant workers prevalent in the fishing industry. In Vietnam, the interviews were with boat owners and internal Vietnamese migrants (i.e. they were migrating from one region of Vietnam to another for fish work), while the Thai case focused on regional migrants from Cambodia fishing in Thailand. This is reflective of the overall migration inflows and outflows of the two countries. Vietnam has significant amounts of internal migration, but receives few international migrant workers. Meanwhile, Thailand has more international migration than Vietnam (UNESCO, 2018). Interestingly, as a proportion of population, Cambodia outstrips both Vietnam and Thailand in both categories of migrants, having both high levels of internal migration and high levels of international inflows and outflows (UNESCO, 2018).

Vietnam has experienced increasingly high levels of internal mobility (Coxhead and Shrestha, 2017). In 2017, the estimated number of internal migrants in Vietnam was over 6 million, not including those that were unregistered, indicating that the numbers were likely higher (De Luca, 2017). While internal mobility may be associated with less risks than international migration, “internal migration can be a response to livelihood precarity, a risk management strategy, or a way to seize economic opportunities” (Betcherman, Haque and Marschke, 2019, p. 3). In other words, the same forces that work to push and pull migrants across borders can also play a role in internal migration. Even in the case of internal migrants, inequalities exist between migrants and non-migrants. For example, internal migrants are often required to pay more for essential services than those who are still living in their place of permanent residence (De Luca, 2017).

In the case of Vietnam, internal mobility is much more likely to flow from rural areas to urban, however rural-rural migration can also occur (Kneebone, Yea and Ligam, 2013). Internal migrants moving from poor, rural communities may be seeking waged jobs in the cities, while Vietnamese migrants going from rural to rural regions often did so to “move

from areas of low productivity to high productivity” (Kneebone, Yea and Ligam, 2013, p. 21). In the case of fishing, this could mean moving from small scale fishing to offshore fish work, or switching out of fishing into an alternative livelihood.

The difference in type of migration flows accounts for much of the differences (see Table 10) between the two cases that will be expanded upon below. The comparison will focus on four key elements of migrant fish work – recruitment, wages, risks at sea and agency – and will be supplemented with recent secondary sources (such as media, reports, and academic journals) to bolster the findings of or fill gaps in the data.

Table 10: Key Points of Country Comparison

Country	Recruitment	Wages	Risks	Agency
Vietnam	Direct contact with boat owners / captains or via friends / family. Informal migration process.	Profit-sharing system.	Bad weather. Hints of forced and child labour (extent unknown).	Limited career choices. Able to switch boats frequently.
Thailand	Illegal brokers; private recruitment agencies. Complex, formal migration process.	Varied, including daily or monthly wages + profit-sharing system.	Labour abuse common pre-2014 on larger boats. Safety on boats better in 2016, but hints of increasing debt bondage.	Migration choice made in absence of alternatives. Cannot switch employers with ease.

4.1.1 Recruitment

Much more has been written about the recruitment process into Thailand (see Marschke & Vandergeest, 2016; Vandergeest, 2019; but also Verité, 2019) than internal migration within Vietnam.

The Vietnam interview data indicated that recruitment of workers mostly occurred through direct contact with boat owners and captains, or via the networks of friends and family. Four workers, including one boat captain, indicated they had heard of brokers being used as well, though the workers interviewed had not been recruited this way themselves. Two of these workers had heard of brokers using forced labour to recruit workers, indicating that a shortage of fish workers may lead to a boat owner accepting whoever is introduced to them for work regardless of how they got there.

Fish workers in Vietnam depended largely on social networks to facilitate internal migration within Vietnam. A UNESCO policy brief confirmed this, indicating that 46.7% of internal migrants in Vietnam “learn about their migration destination from family/friends...[and] rely on their friends (40.5%) and family (32.6%) for assistance” (2018). Language barriers are not an issue in Vietnam, other than adapting for local dialects. Overall, the process of recruitment for internal migration seemed more informal and less complex than the process for migrant workers going into Thailand, who predominantly used brokers and private recruitment agencies to cross the Cambodian

border into Thailand. In the interviews with Cambodian workers who had migrated to Thailand for fish work, experience with brokers was much more widespread.

In the Thai case, the interview data provided insight on the recruitment process during two time periods – before the Thai government’s reforms to the fishing industry, and after. Before the Thai government’s reforms, recruitment by illegal brokers was common despite the fact that workers without legal documentation were more likely to face difficulties in Thailand. Correspondingly, the majority of workers that returned to Cambodia did not want to return to Thailand for fish work nor would they recommend their friends or family do so either. Thailand had garnered a bad reputation amongst the Cambodian community, in particular for work in the fishing sector.

After the Thai government began to reform the fishing industry in 2014, the use of illegal brokers remained common but use of private recruitment agencies seemed to be gaining traction because of a crackdown on illegal immigration. While a memorandum of understanding exists between Cambodia and Thailand that manages migration between the two countries, the process for a Cambodian worker to travel using the formal MOU process is complicated, takes a long time, and can become quite expensive. Indeed, “private recruitment agencies have become the gatekeepers of the formal migration process” with no regulations or transparency on the costs they can charge to aspiring migrants (Verité, 2019). According to one report, the average cost set by private recruitment agencies, although there are no standardized or regulated rates, is approximately 600 USD (Verité, 2019). This is in contrast to the estimate of what it actually costs to facilitate the MOU process of migration from Cambodia to Thailand, which is approximately 161 USD (Verité, 2019), indicating that there is a significant markup on the cost of formal migration (see table below). It is not surprising then that use of legal migration channels is at less than 10% for Cambodian migrants to Thailand (Verité, 2019).

Table 11: Recruitment Costs to Thailand Compared

Cost of legal MOU process ¹	\$ 161 USD
Average price set by MOU agencies ¹	\$ 600 USD
Range of payment by workers to illegal brokers ²	\$ 7 – \$200 USD

Sources: Verité 2019¹; Interview data²

Cambodians that migrate to Thailand for work do so because of the lack of jobs and decent pay in Cambodia, as well as to pay off debt. The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) reports that 2.5 million Cambodians hold the largest amount of microfinance debt in the world, averaging more than \$3800 per loan holder and equal to one third of the country’s 2018 GDP (LICADHO, 2019). Their report reveals that “Microfinance institutions (MFIs) regularly pressure their clients to sell land in order to repay their loans.. and that the rapid growth of the sector, lax regulatory environment, and demands for profit growth from foreign investors had led to abuses, land loss, and the exploitation of MFI clients across the country” (2019, p. 2). This is possible because many poor households are encouraged to use their land titles as collateral to receive microloans that they likely should not have been offered in the first place, facilitated by inadequate regulation of the industry and corrupt officials willing to pressure land sales. This leads to poor loan holders looking for alternative strategies to

pay back their debts. For example, of the 28 households that held microloan debts, 18 had a family member migrate due to debt, and 13 had engaged in child labor (LICADHO, 2019). The interview data also revealed that three Cambodian workers had debt from microfinance institutions. Indebtedness to MFIs (and private lenders) is thus one piece of the puzzle that pushes Cambodians to migrate to Thailand for work.

Migrants who decide to travel to Thailand for work illegally may be able to work with more freedom than those who have formal papers, because formal papers tie migrants to one specific employer in one specific sector, curtailing the ability of migrants to leave exploitative employers. In addition, migrant workers rely more on social networks and information from friends and family regarding working conditions of their perspective jobs, and less so on the formal mechanisms for migration because they simply do not provide much information about the jobs available (Verité, 2019). This is another reason why migrants may prefer migrating for work illegally rather than wading through the opaque and complex formal process. However, the interview data reveals that Cambodian migrants to Thailand feel increasing pressure to migrate using formal channels or to initially migrate illegally but then secure work permits through their employer or broker once they are already in Thailand. This pressure, as described by the Cambodian migrants in the interview data post-reforms, is due to the Thai government's crackdown on illegal migration and the desire for social benefits that having legal status would afford. However, illegal migration still occurs and workers described newly arrived migrants hiding in boats, practically living in them, in order to evade police inspection until they were able to secure work permits.

In a 2019 report released by Verité called *Thailand Bound: An Exploration of Labour Migration Infrastructures in Cambodia, Myanmar and Lao PDR* highlighted four ways by which Cambodians travel to Thailand. The first way is legally through the formal MOU process using a Cambodian private recruitment agency, arriving with valid passports and entry passes. The second way is informally via brokers, who may be strangers but are also commonly friends and family recruiting on behalf of their Thai employers. The third way is by themselves crossing the border by foot, and the 4th is riding motorcycles across the border in the morning and returning at night using a seven day border pass (2019). Ultimately, Verité (2019) found that a significant number of migrants are still using informal and illegal migration channels to Thailand, despite the risks involved, with only a small number opting to use the legal but more expensive and complex MOU process.

Given that the average cost of migrating using a private recruitment agency is 600 USD, it is no wonder that migrants are turning to informal channels. Indeed, while 600 USD maybe the average, there have been reports of much higher fees being charged to migrant workers. It is important to note that this is true across the board for all migrant workers, including those working in construction, agriculture, seafood processing and domestic work. Nevertheless, an August 2019 report by the Thompson Reuters foundation revealed that Cambodian workers living and working in Thailand in the fish sector had accrued debt up to 980 USD for work registration fees and other expenses (Blomberg and Wongsamuth, 2019). This article echoed the stories found in the interview data regarding workers living on the boats while waiting for their formal papers to be

processed. Blomberg and Wongsamuth (2019) noted that, “informal fees, time-consuming visits to government agencies, and confusion over legal processes have long dissuaded migrants from obtaining legitimate jobs”. By contrast, the interview data indicated that two former Cambodian migrants to Thailand had paid a minimal \$7 USD and \$200 USD, respectively, to illegally cross the border, which is much less than fees charged via the agencies. The issue then, is that the current system places migrant workers in a position where the formal process is too complex, expensive, and time consuming, while the informal route to Thailand is typically less expensive (though also carries the risk of exorbitant fees charged by unscrupulous brokers), but leaves migrant workers unprotected and at risk of arrest and deportation. Cambodian migrants risk migration to Thailand for the promise of better wages and the opportunity to improve their livelihood. Thailand, for its part, depends on the migrant workers to fill many jobs, including in fishing, that Thai citizens do not want to do. However, the process of migration itself can prevent Cambodian migrants from improving their livelihoods by leaving the cost of migration on their shoulders and allowing for the possibility of debt bondage, loss of mobility due to fears of arrest and deportation, and the inability to leave or switch employers.

Beyond the debt accrued via markups on fees, migration whether via private agencies or informal brokers also includes the risk of exploitation and abuse at the job site. Prior to the Thai government reforms, one worker described being cheated by a broker and taken to a work site to work for five years at sea with no contact allowed with friends or family. This worker indicated that fish workers on the boat tried to kill themselves. One worker also described how, if a worker cannot pay the fees upfront, the broker or agency may pay it for them but will hold the workers passport until the money is paid back, essentially removing their ability to move freely within Thailand, to switch employers, or to cross borders.

It becomes obvious that different actors in the migration and recruitment process, such as private recruitment agencies, informal brokers, and Thai employers, take advantage of policy, legal, and enforcement loopholes to mark up the cost of migration to make a profit at the expense of migrant workers seeking to make a better life for themselves. Cambodian recruitment agencies, Cambodian and Thai brokers, and Thai employers benefit from the financial burden placed on poor, low skilled migrants seeking work in Thai fisheries. Even so, while the Cambodian Thai migration nexus is difficult to navigate and can increase the precarity of already vulnerable migrant workers, Cambodian migrants attempt to navigate this system to the best of their ability, depending on friends and family for insight into jobs and working conditions, taking out loans to afford the costs associated with migration, and sending remittances back home to Cambodia if they are successful in their endeavors.

When it comes to comparing the two cases, it is clear that Thailand’s migration routes are in flux, in part linked to policy reforms not always being enforced but also those trying to evade such reforms. While there may be more known about the Thai case, it is hard to pin down given the varied experiences of migrant workers, not only in fisheries. The interview data hints at brokers and private recruitment agencies playing a sustained role in facilitating the migration journey. This makes sense given that to cross a nation’s

borders for work is much more complicated than travelling within one's own country (and incidentally, more costly). That being said, while the Vietnam data hints at broker usage, informal and familial links seem to be the more common path of entry into different fishing locales within Vietnam. More research needs to be done on the recruitment experiences of internal migrants in Vietnam.

4.1.2 Wages

In Vietnam, wages were dispensed using a benefit-sharing system based on the value of the fish caught per trip minus expenses. For example, in the 2014 data Vietnamese boat owners indicated that they typically took 60-70% of the catch value, leaving 40-30% to be divided amongst the workers. However, one boat owner indicated that if it became too difficult to recruit workers, he would change the benefit-sharing to 50/50 to attract more fishers. In the 2017 interviews, all workers and captains stated that the benefit-sharing ratio was usually 50/50, perhaps indicating that by 2017 boat owners were forced to lower their share of the profit in order to account for labour shortages.

While the data revealed limited evidence of monthly income, the range in the data set was between \$258 USD to \$430 USD. To place in context, the current monthly minimum wage in Vietnam ranges from \$132-\$190 USD (Samuel, 2019). Thus offshore fish work has the potential to be lucrative within the context of low wage work. However, in the interview data, a boat captain emphasized that sometimes fish workers make a lot of money and sometimes they don't make any money at all: income is dependent on a multitude of factors – fish stocks, bad weather, competition with other fishers, access to gear types etc. Kneebone, Yea and Ligam (2013) note that despite the range of incomes, fishing and farming households “still experienced financial difficulties, especially in the rainy season when fishing and farming work was difficult...going into debt was unavoidable for many households” (p. 41). They go on to link these financial difficulties and debt with the higher than average number of children being sent to migrate from these households to urban areas for work, with internal migration (and child labour) being utilized as a livelihood strategy.

In the Thailand data, wage modalities were more varied. Most workers seemed to receive a daily wage (based on the interview data, ranging from \$13-\$17 USD), but monthly income and income based on a benefit-sharing system every two weeks (similar to the wage structure in Vietnam) was also reported. In some cases, workers may be paid both a basic wage and a share of the catch (ILO, 2013). The benefit-sharing system may be more common than the interview data suggests, as Vandergeest (2019) has documented that “wages are often paid as share of catch, in part to reduce risk to owners, given the high level of uncertainty in the catch, but also to incentivize workers to work long hours” (p. 6). According to research done by the ILO in 2013, the average monthly income for migrant fishers in Thailand was 6,483 baht (\$204 USD). However, it's important to note that in a benefit-sharing structure, the amount of income is dependent on how much fish is caught.

The interview data would suggest that the wage structure in Vietnam is more standardized (i.e. most boat owners use a benefit-sharing system) while the Thai fishing industry is less so, contributing to a wider spectrum of wage modalities. It is important to

note that the interviews did not always provide information on wages, particularly in the Thai data.

4.1.3 Risks at Sea

In Vietnam, risks experienced by workers tended to be those characteristic of fishing work, such as bad weather and damaged boats. In terms of labour abuse, none of the workers had experienced or witnessed violence or abuse. One worker explained that because it is hard to recruit workers, boat owners must treat their workers well or no one will work for them.

However, the interview data does suggest that unacceptable work may be an emerging issue in need of further research in Vietnamese offshore fisheries. For example, one worker began working in the offshore at age seven (far below the C-188 minimum age for work in fishing, which is 16), hinting at child labour, while three others indicated that they started as teenagers (age unknown). Long hours per day (13 hours) are referenced, with lack of adequate rest time. Transshipments at sea are described, involving water shortages for workers. One worker had heard of brokers kidnapping fishers and forcing them to work on Vietnamese vessels in Malaysia, while a captain had heard of a case where young people were forced to work without wages on offshore boats because they owed money to a third party. The captain justified this incident by explaining that, because of labour shortages, boat captains and owners must take who they can get. His justification of this incidence of forced labour suggests that boat owners/captains are desperate for workers. This is significant because how Vietnam fisheries cope with labour shortages will have implications for the experiences of workers. The data hints that Vietnamese fisheries may be coping in ways that lead to unacceptable working conditions. Further research is needed.

However, the relative absence of violence on Vietnamese vessels may also be due to the fact that most workers are Vietnamese internal migrants. One hypothesis is that because the Vietnamese industry is not dependent on migrant workers to the same extent that the Thai sector is, there is less opportunity to exploit vulnerable migrants who may not have legal status and may be viewed more easily as the 'other' and thus less than, or more disposable, than citizens. Indeed, Vandergeest (2019) outlined how in Thailand, "transborder migrant workers were paid less than local or Thai national workers, and were comparatively limited in their ability to force employers to improve their working conditions through individual or collective action" (p. 5). In Vietnam, a similar status of being 'less than' permanent residents can be experienced by internal migrants, who will not have full access to government services if they are not living in the place where they are registered as permanent residents (Kneebone, Yea and Ligam, 2013). However, this discrimination appears to be more acute in the case of international migrants. That being said, hints of unacceptable work in Vietnamese offshore fisheries is emerging.

There have also been reports of child labour in Vietnamese fisheries from secondary sources (McVeigh, 2019; Kneebone, Yea and Ligam, 2013). Child labour in Vietnam has not received the same amount of media coverage or research as the violence and abuse documented in Thai fisheries. *The Guardian* has reported that "children as young as 11 are working aboard Vietnamese vessels fishing illegally for

seafood that could end up on sale in supermarkets in the EU and US” drawing from an investigation by the Environmental Justice Foundation (McVeigh, 2019). The EJF report indicated that the detained vessels were mainly from Song Doc. This is interesting, considering that data collected by Betcherman and Marschke (2016) illustrate the relative prosperity of the fishing households in Song Doc Town who are able to invest in the more capital intensive offshore fishing boats and gear and in turn, reap higher profits (p. 29). That said, this research did not focus on fish workers.

Research by Kneebone, Yea, and Ligam (2013) from Monash University specifically focused on child labour and migration from Hue province to Saigon, Vietnam. They documented 67 cases of child migration for labour, noting that recruitment of children was usually through someone that the family knew and trusted, and that child labour was normalized in the sending communities as often children were already doing unpaid labour to support their families work. Further, they noted that, “children predominantly came from poor families with multiple siblings, and or where the parents work in fishing jobs...” (p. 23, 2013). In other words, fishing households, due to financial difficulties, poverty and the precarity associated with fish work, were found to be more likely to send their children to migrate for work.

In contrast, Cambodian migrants who had worked as fishers on Thai vessels had commonly experienced themselves, witnessed, or heard of, violence and abuse at sea. However, many of the stories of violence and abuse were incidents that had occurred prior to the Thai government’s reforms in 2014. Before 2014, Cambodian migrants described witnessing: workers being shot and killed and thrown overboard, seasickness, stabbings, drug use at sea, death due to fights among workers and overwork, starvation, competitions for food, and restrictions on freedoms such as limitations on cell phone use. Working on a bigger boat was typically considered more dangerous than working on a short-haul vessel because of the longer period spent at sea, and because of the likelihood of more violence due to higher number of workers and not enough supplies. Long days, lack of sleep, and degradation of the body by seawater were also difficulties faced by migrant workers on Thai vessels. Violence and conflict while at port was also reported. One worker linked this to the consumption of alcohol and drugs and the lack of supervision of migrant workers at night. If the police become involved in conflicts on the boat, workers indicated they might have to pay a large bribe to avoid arrest or deportation because they are illegal workers. While not explicitly mentioned in the interviews, violence and exploitation at sea may have a racial component, given that boat captains and owners are typically Thai, and workers are usually migrants from neighboring countries.

In contrast, one worker claimed that though he had heard of difficulties faced by men who worked on the larger boats, this only happened a long time ago and had never witnessed himself. Indeed, interviews with Cambodian migrants who were still fishing in Thailand at the time of the interviews in 2016 seemed to indicate a decrease in levels of violence since the Thai government’s policy reforms, but correspondingly, an increase in restrictions of freedom for those working in Thailand without formal documentation. This makes sense given the Thai government’s overhaul of the Thai fishing sector and reform of migration polices and regulations. A few workers expressed a perception that the Thai fishing sector had become safer in recent years and that this was directly related to the

Thai government's reinforcement of immigration laws. They confirmed that the Thai police would check all boats at they left port, before spending time out at sea, and also when boats returned to port. If anyone was found missing or without proper documentation, the boat captain would be held accountable.

However, while the Thai government's reinforcement of immigration laws may have contributed to a decline in the worst forms of abuse and exploitation, restrictions on freedom, mobility and corresponding fears of arrest and deportation for workers without proper legal status remain. Further, stricter immigration laws have not curtailed the mark-up of the cost of migration for workers leading to continued opportunities for exploitative recruitment agencies and labor brokers to prey on vulnerable migrant workers for profit. Indeed, stricter immigration laws may contribute to incidents of debt bondage, whereby migrants, who feel increasing pressure to migrate using formal routes, take on debt to afford the mark-up on fees by private recruitment agencies and thus need to work to pay it off.

A key point of comparison to note here is that in Vietnam, the data suggests that a shortage of workers would lead to boat owners treating fishers better and increasing workers share of the profit in order to attract and maintain a work force. However, there are hints of unacceptable work being an emerging issue in Vietnamese fisheries, as well as hints of child labor. By contrast, in Thailand, a shortage of workers resulted in an influx of migrant workers that are often treated poorly and preyed upon for profit by actors in the migration nexus. As Vandergeest notes, "there are significant differences in working conditions based on a number of factors, including opportunities for workers to leave a vessel, and whether workers are transborder migrants or not" (2019, p. 326). Transborder migration seems to involve more risk than internal migration, with more opportunity for unscrupulous actors to take advantage of migrants that are far from home.

4.1.4 Agency

Agency can be analyzed by looking at a variety of factors, including: the reason that migrants began working in fishing, a migrants perspective on continuing to be a fish worker, the capacity of migrants to leave or switch employers once hired, and the ways in which migrants utilize the migration process towards their own goals, despite challenges.

In the Vietnamese data, data was divided between boat owners and migrant fish workers who came from other parts of Vietnam. A number of the boat owners indicated that they had 'no choice' but to work in fishing because of the region in which they lived. They expressed a perception that there were no alternative livelihood options available to them. In some cases and especially in the nearshore, boat owners expressed a desire to switch to a new fishing gear that would enable them to go further out to catch a more profitable species, or to switch into aquaculture which was perceived as a better livelihood option. However, these boat owners indicated that they were unable to afford the transition without government support to do so. Boat owners perceived a gap in government support that would otherwise enable them to transition to a better livelihood.

For fish workers, however, there seemed to be some tension or contradiction in the workers responses about their opinion of fish work. When pressed for reasons why they liked fishing, workers gave somewhat evasive responses, saying that it was because it was the traditional, family career or the traditional work in their village, and because they lived in a coastal area. When asked whether or not they would like to do a different job, there seemed to be three general responses amongst the workers: 1) that they would not want to change careers because there were no alternative career options for them, and it would be hard to find another job; 2) that even though a job on land may be safer and generate more income, it was not for them because they would miss the sea; 3) if they did switch jobs, it would be to a different fishing gear or into aquaculture. Overall, fish work could not neatly be categorized as a choice for these workers, but rather was the work that was accessible to them.

While the workers may not be switching out of fishing, some workers do have the choice to switch between different boats. Workers indicated that they had switched boats many times, for a variety of reasons. They indicated that they would switch boats if the income being made was too low, if the boat owner was too tough, if the benefit sharing was unfair, or if they couldn't get along with the other fishers. Two boat captains also indicated that they had switched boats multiple times. They emphasized that they trusted the boat owner not to cheat them, but can also estimate the amount of fish catch to confirm. Trust between worker and boat owner is generally assumed, given that no formal contracts are signed amongst the workers. Offshore internal migrant fish workers seemed to indicate that they enjoyed fish work, but there was a very obvious undercurrent that they did not have a real choice because they could not perceive or access alternative livelihoods. That being said, internal migrant fish workers in Vietnam indicated that they have the freedom to switch boats based on their own judgement and discretion and would do so in order to find better working arrangements.

In Thailand, the interview data provided insight into why Cambodians would make the decision to work in Thailand as fishers, despite the challenges of working in Thailand being well known. The two most common reasons that Cambodian men and women migrated to Thailand for work were that Thailand provided a higher wage, and lack of job opportunities in Cambodia. Other reasons for migrating included: having debt, having no farm land, wanting to change jobs, that its cheaper for having children, better living conditions, and that fishing was more difficult and unstable in Cambodia. Another reason provided was the active recruitment of workers by brokers. One worker explained that while working in Thailand is more difficult than working in Cambodia, they have to compromise in order to earn enough income to support their family. Another worker admitted that he would never want his friends or family to work in Thailand, unless they could not find work in Cambodia.

Overall, Cambodian migrants in Thailand chose to migrate to Thailand for work because they perceived an opportunity for a better livelihood that was otherwise not available to them. Many, particularly for workers who had migrated from fishing villages into offshore fish work, were well aware of the challenges that they would likely face while in Thailand, as stories from previously returned migrants had given Thailand a bad reputation amongst their community. The migrants saw migrating to Thailand as

necessary for their household, but not desired. Many would have preferred to stay and work in their home country if good wages and jobs had been available to them. Important here is that, while the slavery scandal that erupted in 2014 focused on extreme cases of trafficking and slavery, the vast majority of workers have chosen to migrate to Thailand despite the challenges that they may face, and, while they will likely not face abject slavery or trafficking, they face all the associated risks of both the migration journey and of the poor working conditions in fishing that have been discussed.

Vandergeest and Marschke (2020) note well that, “the slavery, trafficking, and forced labour frameworks fail to take into account how displacement and poverty forces people to sell their labour power, and how they may not have a lot of choice about where and to whom they sell their labour” (p. 21). At two significant points in the migrant journey, the point of choosing to work abroad and the process of recruitment, Sarkar (2017) argues that poverty and a lack of options intersects with the predatory nature of the migration industry to “blur ‘the line between consent and coercion’” (p. 198). This is seen in both the Vietnam and Thai data – whether it may be ‘choosing’ to work in fishing because workers perceive no other viable option, or ‘choosing’ to migrate for fish work in order for their households to survive or overcome debt etc. The choice to work in fishing or to migrate for fish work is often made in the absence of or limited alternatives. Indeed, the process of migration itself may result in a form of forced labour related to paying back recruitment and registration fees, adding an additional burden that restricts the ability of migrants to switch employers or exit fishing.

It is important to note that the Thai data did not include interviews with the most vulnerable or exploited workers. There were some indications of forced labour and stories of exploitation, abuse, death, and poor working conditions – though most of these stories seem to have occurred before the Thai government’s policy reforms that began in 2014 and continued to ‘trickle down’ at the time of the interviews. Due to stricter reforms, migrants expressed that working in Thailand was safer than before, but that if you migrated illegally one would face restrictions on freedom of movement and the risk of arrest and repatriation. Further, registration as a migrant worker in Thailand often results in restrictions on the ability to switch employers. By contrast, the internal migrant workers in Vietnam had much more freedom to choose a preferred employer.

Nevertheless, within the limited scope of livelihood options available, migrant workers are often acting strategically, to the best of their ability, to make the most of their migration journey. Olivia Killias (2010), analyzing Indonesian migration to Malaysia for domestic work, argues that the choice of migrants to migrate illegally can also be framed as active resistance to a coercive state-sanctioned migration scheme. As noted earlier, Cambodian workers migrating to Thailand are also often doing so outside of the parameters of the state-sanctioned MOU process between Cambodia and Thailand. As previously explained, the formal MOU process is complex, expensive and can contribute to similar situations of bonded labor due to the mark-up on the cost of migration by private recruitment agencies. Circumventing this via illegal channels, as Killias (2010) has noted in the Indonesian case, can be seen as strategic resistance to an exploitative state-sanctioned process so that migrants may secure a better livelihood in Thailand. However, in the case of Thailand, recent crackdowns on illegal migration may push some migrants

to opt for formal migration channels – forcing them to weigh the threat of arrest and deportation against the risk of debt and/or bonded labour.

The formation of labour unions and the ability to advocate for better conditions and pay can be another indication of worker agency. While the interview data did not speak to this, it is important to note that recently and despite barriers, migrant workers are organizing to advocate for better working conditions in the fishing sector in Thailand. Workers have formed the Seafood Workers' Group, representing five fish processing factories in one Thai province, while in another, Cambodian fishing households have created the Samae San Fishermen's Alliance (Orlowski, 2020). While this is a good start, the International Labor Rights Forum (ILRF), an advocacy organization, continues to demand that the Thai government allow formation of unions by those of any nationality and to guarantee freedom of association and collective bargaining (Orlowski, 2020).

Ultimately, the intersection of the interview data and relevant sources shows that, while internal migrant workers in Vietnam have limited choices and face difficulties associated with their internal migration for work in fishing, these migrants, in large part due to the nature of internal migration, have a greater degree of agency, particularly when it comes to the ability to choose and switch employers, than transborder Cambodian migrants in Thailand.

4.1.5 Conclusion

While these different data sets document different experiences and challenges for migrant fish workers, a common theme throughout both is the link between declining fish stocks due to exploitative IUU practices, and a shortage of labour for fish work, both in the nearshore and in the offshore. These pressures are contributing factors to unacceptable working conditions in fisheries. How each country has handled these challenges, with Thailand depending on an influx of international/regional migrants (in particular from Cambodia), and Vietnam on internal migrants and illegal fishing in foreign waters, has had and will continue to have impacts on the working conditions experienced by fish workers. Both the Thai case and the Vietnamese case highlight unacceptable working conditions in fisheries, particularly in the offshore. While the situation appears overall better for internal migrant workers in Vietnam, the data hints that unacceptable work and child labor in offshore fisheries may be an emerging issue. In the Thai case, conditions of unacceptable work are much more evident, in part due to more complex migration routes and the international scrutiny on Thai fisheries that has led to more research and media investigations on the issue. Further, Cambodian migrant workers in Thailand may face more unacceptable working conditions because they are transborder migrants, meaning they may not have the language skills to talk to a captain or employer and may face racism or discrimination in a way that internal migrants in Vietnam may not given their citizen status. While the analysis above begins to hint that unacceptable work, including child labour, may be an issue in Vietnamese fisheries, more research is needed in this area.

4.2 (Un)freedoms of migrant fish workers in Thailand

In this section, I will explore, using primarily the findings of the interview data but also relevant secondary sources, whether Derks (2010b) analysis remains applicable today and what, if anything, has changed for Cambodian migrant workers in Thailand's fisheries, especially in light of efforts spurred on by international scrutiny under the watchful eye of the EU to clean up the sector.

A key question that Derks (2010b) set out to answer was how to make sense of the apparent contradictory representations of migrant workers in Thailand – often depicted as migrants that are either 'legal' vs 'illegal' or as migrants that are either voluntarily working, mobile and unruly vs migrants that are victims (i.e. being forced to work, trafficked etc.). Derks (2010b) emphasized that while there are a multitude of ways of labeling migrants, these labels are usually constructions that do not capture the varied and often contradictory reality of migration for fishing work to Thailand. She described degrees of (im)mobility that Cambodian workers experience at different localities throughout the migration process – as migrants, fishers, and labourers, on the boat, and in the harbor, noting that it is possible to claim that migrant fishers have both freedoms and unfreedoms in their work and lives in Thailand.

Migrant fishers can be said to have freedom (mobility), as they are often moving “across borders, between harbors and from one employer to another,” but also degrees of unfreedoms (immobility), found in restrictions while at sea due to the nature of the work itself and the control and coercion exercised by boat captains, restrictions on shore imposed through state policies in collusion with the interests of employers and the constant threat of arrest by police, and a dependency on their employer due to debt incurred through brokers or moneylenders, profit-sharing structures that delay wage payment until the end of a work term (often one to two years), and the protection from deportation offered by being bound to an employer, ultimately causing fishers to “become immobilized at the place of destination” (p. 918, 2010b). Thus, Derks (2010b) sheds light on the experiences of Cambodian fishers in Thailand by moving beyond the dichotomous categorizing of migrants as either free or unfree, or legal or illegal, to show that migrant fish workers, despite not being enslaved or trafficked in the traditional sense, are bound to their work on fish vessels in large part due to migration policies and processes and associated working conditions, and yet, still experience degrees of freedom.

Since Derks (2010) analysis, much has remained the same. The interview data shows that Cambodian migrants still experience degrees of immobilization, and freedoms and unfreedoms, throughout the process of migration, both on the boats and in the harbour. Migrants have 'freedoms' in that they are able to cross the Cambodian-Thai border in search of better livelihoods (and sometimes back again to visit family), and live 'mobile' lives via the nature of work on boats that may travel to the offshore or to other nations waters, with some migrants expressing that they would miss the sea if they were to ever stop fishing.

However, migrants also experience 'unfreedoms' or immobility, in much the same way that Derks (2010) originally described – with the constant threat of arrest or

deportation if they are caught without official papers, which, once they are obtained, bond migrants to a single employer. This often prevents migrants from leaving the harbour, with one worker indicating that “*most of formal papers [provide] access [to] only one province and are only for work, not for walking or visiting*” (Rayong Interview 8). For those without formal papers, restrictions on mobility are even more acute. However, even the harbour is a contested space. In the interview data, one worker described how it was not safe for workers in the harbour at night and that he had witnessed a lot of violence. Further, workers echoed some of what Derks (2010) observed – that migrants are often viewed as unruly in the harbours because they have access to drugs and alcohol. Indeed, one worker claimed that most of the violence and conflict would not happen on the boats, but in the harbour, because workers would have access to drugs and alcohol with no one to supervise or ‘manage’ them.

On the boats, workers face ‘management’ by boat captains and boat owners. Derks (2010b) emphasized that the structure of work on the boat “facilitates the efficient exercise of control over and order among the relative large number of workers constrained to a small space surrounded by water” (p. 924). She highlighted the role that the captain plays in managing fish workers, often through verbal abuse and physical violence. In the interview data, one worker explained that the captain is regarded as a village chief, and that any conflicts on the boat are brought to the captain to solve. Another worker stated that workers must follow the advice of the captain and ‘*be patient with bad things (such as rude words) that are going to happen*’ (Rayong Interview 5). In one instance, a worker described seeing a fellow worker ask their ‘boss’ for permission to buy something on land, which they were then denied, resulting in an altercation. Another described how their boat captain would not allow them to use their cellphones freely. It becomes clear that Derks (2010b) analysis that migrant workers face degrees of immobilization or unfreedoms in both the harbour and on the boats is still applicable today.

However, some elements of Derks (2010b) analysis require updating. For one, in Derks (2010b) analysis, the workers interviewed without exception indicated that they would all receive their wages via profit-sharing calculated after 12 to 30 months of work. One worker had run away before receiving their wages. A similar story of a worker running away before receiving their wage at the end of one year’s work was found in the interview data, but the vast majority of workers appeared to receive daily or monthly wages. This gives the impression that withholding of wages for 1-2 years is not as common as it was in 2009, which would reduce dependency on a particular employer. This is not to say that this doesn’t happen at all, but that there may now be more varied payment modalities and a lessening of long-term wage calculation, i.e. in general, fisheries work in Thailand is now based on set wages.

Another key point of difference is that Cambodian workers in the interview data communicated a clear perception that work in fisheries and on the boats had become safer due to the Thai government’s reforms. Correspondingly, however, workers indicated that it had become harder to work as a fisher in Thailand in recent years because of a government crackdown on illegal immigration. While Derks (2010b) made the key point that workers are often immobilized by fear of arrest, fines and deportation, the interview data suggests that this fear has become more acute in recent years. One worker indicated

that after he arrived in Thailand, it took two months for him to receive his work permit. During those two months, he was advised to not only never leave the harbour, but to never leave the boat. He stated that compared to a couple years ago, the Thai government had become more rigid on workers needing to have work permits. Another worker claimed that at any given time, there are illegal workers hiding and living on boats for fear of arrest, fines, and deportation.

Derks (2010b) analysis also flagged that due to the cost and complexity of the official MOU process, “migration of Cambodian migrants for the Thai fishing industry takes place largely outside of the gaze of the state” with the legal channels “basically ignored by those seeking work(ers) in the fish industry” (p. 921). There was widespread use of illegal brokers, but some experienced migrants would also find their own way using social networks. However, in the interview data, some workers expressed that legal agencies had become more accessible and that, due to government crackdowns, there is more pressure than before to secure legal documents and papers. However, one worker indicated that he still felt that it was safer to migrate illegally because he felt that there was a lot of ‘cheating’ in the fishing system, with workers being sold to other boats and not receiving their pay even after working hard. Indeed, despite the perceived pressure by workers in the interview data to migrate using the formal process due to fears of arrest, Verité (2019) has found that informal migration channels continue to be widely used.

Derks (2010b) indicated that migrants would usually use their own resources to cover the cost of migration – approximately \$100 USD – because brokers and employers would not advance the cost of the fees if migrants could not pay them, often resulting in migrants taking out loans. By contrast, in the interview data a worker explained how, if workers cannot pay recruitment fees upfront the brokers or agencies will pay the fee but require that the worker pay the amount owed back once at the work site. If the worker cannot pay all the money back, the broker will keep the workers passport until they are able to, effectively holding them captive until the debt is paid. This is similar to Derks (2010b) explanation of how employers advance the cost of registration of workers (about 4,000 baht) and deduct this from wages while keeping the original documentation in order to deliberately keep workers bound to them for the duration of employment until wages are dispensed (often 12-30 months) (p. 926). However, the interview data suggests that not only are migrants being advanced the costs of registration as an employee to a particular employer, but also the costs of migration itself via agencies or brokers, adding an extra layer of debt burden. If passports or other identifications are withheld, whether a worker is registered or not, workers cannot move freely beyond the limitations of the harbour because not having access to their documents puts them at risk of arrest, fines and/or deportation.

The interview data also suggests that boat inspections are happening as part of the Thai government’s reforms, with workers indicating that they have seen police regularly inspecting boats. Fish workers interviewed by Vandergeest & Marschke (2020) viewed these inspections at port as enabling identification of the worst kinds of labour abuse and as having contributed to better working conditions for fishers. However, some sources claim that inspections are not done effectively. Indeed, one report claims, “boat inspections are superficial and that labour abuses are rarely identified” (Ng, 2020).

Human Rights Watch (2018) has also flagged that forced labour has continued in Thai fisheries despite the efforts of the Thai government because of poor implementation and enforcement. Further, the increased presence of police in harbors to inspect boats may also exasperate migrant workers feelings of being 'managed' and fears of arrest, fines and deportation.

Both Derks (2010b) and Killias (2010) argue that migrants are vulnerable to abuse and exploitation due to the migration mechanisms and processes of the states involved (both destination and origin) and that "immigration laws serve as instruments of labour subordination...developed in the global economy to create a flexible, disposable workforce" (Derks, 2010a, p. 846). Derks (2010a) notes that all of the actors involved in the migration journey – from brokers to government officials – have benefited from a process by which the livelihood strategies of poor migrants are co-opted by a profit-driven, state-sanctioned migration complex. Indeed, Gallagher (2015) argues that migration-related exploitation is inevitable without significant reformation of global migration regimes.

Taken all together, the picture that emerges is one where, since the media expose in 2014, incidences of extreme violence and slavery on boats in Thailand have declined. Indeed, workers interviewed have expressed a perception that working on Thai boats has become safer in recent years due to international scrutiny and government reforms. However, restrictions on the mobility and 'freedom' of migrant workers continue, mirroring much of what Derks (2010b) had described. Desmond Ng (2020) said it well, "while the new rules have changed the nature of the exploitation, they have not eradicated it." His report states, "despite the efforts of the government, exploitation in Thai fisheries still occurs owing to lax inspections, the withholding of wages and evasive reflagging of vessels" (Ng, 2020). The report goes on to highlight that while violence used to be the main way migrants were kept from leaving boats, withholding of wages and debt bondage are now more likely to be used to coerce or manage migrants.

Ultimately, this analysis reveals that migration via debt may be rising due to private recruitment agencies, brokers, and employers that take advantage of policy loopholes to inflate the cost of migration. In other words, while the extreme markers of slavery may no longer be evident, there are hints that debt bondage is an increasing risk for migrants who feel increasing pressure to use state-sanctioned migration channels.

4.3 Conclusion

Both the Thai and Vietnam cases demonstrate that migration for fish work, whether internally within ones' own country or across borders, is a complex process utilized by migrants to attain work in a precarious livelihood that, due to a variety of factors, includes the risk of labor exploitation. Labor shortages in the fishing industry, combined with declining fish stocks and, in the case of Thailand, dependence on regional migrant workers, complicates efforts to achieve safe and dignified work in the sector. This risk is more likely and more acute when migrants are crossing international borders, and particularly, when doing so illegally. However, state-sanctioned migration schemes are not risk free, and in fact, can contribute to and maintain the precarity and exploitation of migrant fish workers. As Gallagher (2015) aptly notes, "our globalized world, which

embraces the free movement of goods, capital, and services but resists free movement of people – which creates and sustains an insatiable demand for cheap labour while restricting its capacity to be delivered legally – ensures a well-stocked pond from which traffickers, and indeed smugglers, can easily fish” (p. 67).

While the scandal that brought the plight of enslaved fish workers in Thailand to the worlds’ attention in 2014 has catapulted concerns about ‘seafood slavery’ to the attention of scholars and activists, the focus on extreme cases of slavery and trafficking, while useful to an extent, does not address the systemic and complex array of factors that contribute to the precarity of migrant fish workers and the degrees of freedoms and unfreedoms they experience, both during the migration journey, and whilst they are at their destination working to improve their livelihoods. Annuska Derks (2010a) challenges us to not see ‘slavery’ as the opposite of ‘freedom’, as is often the case for modern abolitionists, but rather to understand that the differences between the two are often gradual and contextual. Vandergeest and Marschke (2020) have further argued that the use of a slavery framing often results in rescue without due consideration for that which is often most important to workers themselves – improved working conditions and receiving their pay. While the slavery framing allows actors to be off the hook once an individual has been removed from a particular slavery experience, it does not address the nexus of contributing factors that resulted in that experience to begin with, nor does it address the subtle, but nevertheless coercive, forces that work to keep workers bound to their employment in exploitative conditions that do not quite meet the traditional definition of slavery. In this case, a poorly regulated, state-sanctioned and profit-driven migration system can be seen as contributing to the conditions that facilitate the exploitation of poor migrant fish workers, resulting in both freedoms and unfreedoms for workers. Without reforming this system, a slavery framing cannot offer workers meaningful protection or prevent unacceptable working conditions.

In Vietnam, efforts to regulate the fishing industry and improve the working conditions of fishing households and internal migrants would be bolstered by provision of support, whether via government or non-government entities, that enables fishers to transition from low-income livelihoods such as nearshore fishing to more profitable enterprises such as offshore fishing, as well as to transition out of fishing and into alternative livelihoods. This was a consistent request of the boat owners interviewed in Vietnam. Kneebone, Yea and Ligam (2013) also advocate that poor coastal households in financial crisis need further support in order to lessen the likelihood of dependence on child labour. The Vietnam case would also benefit from further investigation, particularly on labour conditions and child labour in fisheries, as the literature on this to date has been limited.

In Thailand, the migration process from point of contact with a recruitment agency or broker, to travel across the border, and to the job site, requires an overhaul that transfers the burden and the cost of migration from the migrant to either the employer or the government (Harkens et al., 2017). It also requires regulation of private recruitment agencies so that fees are standardized across the board and workers are not charged exorbitantly. The Thai government should also reform worker registration such that workers are not tied to a particular employer (Harkens et al., 2017). If this is not

addressed, unscrupulous actors and predatory states will continue to exploit migrant workers and place them in positions where debt-based migration further increases their risk of exploitation and hinders their ability to improve their livelihoods. Thailand should also allow migrant fish workers to unionize and have a voice through which to lobby for better working conditions and pay. Another angle worthy of further understanding is the over indebtedness of Cambodians to microfinance institutions. This has emerged as a concerning reason that Cambodians may choose to migrate for work to Thailand. The predatory nature of MFIs needs to be mitigated, including banning the holding of land as collateral. In light of the recent COVID-19 pandemic, this is especially important. Activists warn that hundreds of thousands of Cambodian migrants may lose their jobs in Thailand and return home due to the COVID-19 pandemic with no means to pay off their debts, increasing the risk of loss of land and livelihood (LICADHO, 2020).

In conclusion, this thesis contributes to an understanding of the experiences of Cambodian migrant workers in Thailand and internal migrants in Vietnam working in nearshore and offshore fisheries. It is important to note that Cambodian migrant workers in Thailand may face more unacceptable working conditions than Vietnamese internal migrants because of their status. As transborder migrants, they may not have the language skills to talk to a captain or employer and may face racism or discrimination in a way that internal migrants in Vietnam would not given their citizen status. More research could be done on the impact racism and cultural/linguistic barriers on migrant worker experiences with unacceptable working conditions. While progress has been made, both Vietnam and Thailand still have work to do to clean up their respective fishing industries. The labor issues in Thailand, particularly as they pertain to migrants, remain of concern. While illegal migration channels can be dangerous for migrant workers, the state-sanctioned MOU process is not necessarily better and requires careful oversight and further reform as outlined above. Regarding Vietnam, more research needs to be done on emerging concerns of unacceptable work and the prevalence of child labour in fish work. While private sector and non-profit actors have their place, the kind of reforms required in both cases are those that must be implemented and enforced by Vietnamese, Thai and regional governments.

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