

# Human Rights of Migrant Fishers

The Dialogue on Migration, Labour and Fisheries Management, held at Bangkok in December 2013, reached a consensus on the rights of migrant fishers

The migration of workers has been a global reality for long, but the circumstances and areas of labour migration have changed. While official attempts strive to make migration safe and decent, the fact remains that migrants continue to provide the 'cheap' labour that all kinds of industry are only too willing to engage. The fisheries sector also attracts migrant workers, particularly in the medium-sized offshore fleet where owners try to reap profits by any means, thereby not only harming the fish stocks but also compromising the safety and human rights of migrant fishers on board fishing vessels. The current issue of *SAMUDRA Report* highlights the various facets of this problem as played out in Thailand and captured through a dialogue in Bangkok between all the stakeholders (see page 40).

Migrant fishers—those employed or engaged on board vessels registered in States of which they are not nationals—are often found in many inshore, offshore and distant-water fishing operations around the world. In Asia, migrant fishers form a significant share of the fisher population in Thailand, Korea, Malaysia and Taiwan. Nearly 80 per cent of fishers in Thailand, for example, are believed to be migrants. They include about 100,000 migrant fishers mainly from Myanmar, Cambodia and Lao PDR, making Thailand the top destination for migrant fishers in the world.

The outcome of the Bangkok Dialogue on migration, labour and fisheries management clearly demonstrates the dependence of the Thai fishing industry on migrant fishers. While most of them work on a voluntary and regular basis, significantly many have been trafficked and are engaged in conditions of forced labour on board fishing vessels. The Dialogue discussed the major problems beleaguering migrant fishers on board Thai fishing vessels in Thai and adjacent maritime zones. It examined how existing legal and policy measures address these issues.

The Dialogue recognized that migrant fishers are the engine of Thai fishing. An effective labour standard for the Thai fishing industry could guarantee decent work for migrant fishers—and, importantly, become a rousing example for other policymakers around the world. It can achieve this by guaranteeing direct benefits, especially by regularizing migrant fishers, providing them access

to labour protection and welfare, and ensuring more transparency in remuneration and greater accountability of the fishing vessel owners. A labour standard could also function as a fisheries-management tool to eradicate the perverse incentive of access to cheapened labour to fuel an unhealthy fleet expansion in the region.

There were varying shades of perception at the Dialogue about the scale and scope of the problems of migrant fishers and how to address them. Among the concerns were: Are fishing vessel owners indeed serious about regularizing undocumented fishers? Do fishers have a long-term interest in remaining in marine fishing? Should the reforms begin from the labour-supplying or the labour-receiving end of the spectrum? And, finally, should it be the fisheries department or the labour ministry that ought to take the initiative to meaningfully address these problems?

In spite of differences, there was consensus among the Dialogue partners that the existing legal protection afforded to migrant fishers is grossly inadequate, and that it had to be updated, improved and implemented, employing the best practices, especially some of the key provisions of the ILO Work in Fishing Convention, 2007. Instruments were deemed necessary to improve recruitment practices, to provide hours of rest and to specify hours of work on board fishing vessels, to prepare fishers' work agreements in their own language and to draw up a crew list, to repatriate abandoned fishers, to ensure regular and transparent payments, to protect occupational safety and health, to provide social security, to impart training in the use of fishing gear, to assist with unionization and setting up a complaints redress mechanism, and to open effective communication channels, among other things, towards improving conditions of migrant fishers on Thai fishing vessels. It was agreed that adopting these measures could help address issues related to trafficking and forced labour, on the one hand, and retention of fishers in Thai fishing, on the other.

What was gratifying about the Bangkok Dialogue was that it was able to arrive at a broad consensus on what could have been a contentious issue. Migrant fishers, it was universally felt, are workers with inalienable rights, both labour and human. 

