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**Civil society organizations' recommendations
to enhance Thai fisheries' competitiveness in global market**

Due to the situation of sea fisheries in the global market in the past few years, Thailand has decided to ratify the International Labour Organization (ILO)'s C188 - Work in Fishing Convention to enhance protection standards in its fisheries sector in compliance with international standards. It will significantly contribute to the reform of fisheries sector amidst the crises related to Illegal, unreported and unregulated (IUU) fishing and trafficking in person.

Nonetheless, the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR) has submitted a Direct Request asking the Thai government to clarify issues concerning the implementation of the Convention due to various outstanding concerns regarding how Thailand has actually implemented the ILO Convention C188 that has been ratified by Thailand. It has asked Thailand to explain about measures to enhance occupational safety standards, fair contract of employment, adequate medical treatment for migrant fishing workers while working aboard the boat, and the review of the effectiveness of Thailand's public employment services. However, Thailand has procrastinated the sending of replies to such inquiry reflecting its negligence to act according to the obligations arising from such ratification. A lack of awareness regarding the importance of such inquiry, or negligence, or a lack of enthusiasm to respond to the Committee's questions shall inadvertently affect the credibility of Thailand's fishery industry sector and its downstream industries in the global market. Otherwise, it may have a serious bearing on its attempt to apply for an OECD membership.

The inquiry aforementioned reflects how there is a devil that hauntingly lingers and impairs protection process in our fisheries sector. And it shall hamper Thailand's image in the international community and global market. This may include **the devil of dangerous work** due to the lack of protection measure and occupational safety and health among fishers who continue to succumb to work-related injuries. An effort to shore up safety and inspection measures according to the law and clear remediation measures is therefore crucially important. There is also **the devil of unequal power and inequality** which has given rise to a lack of measures to promote collective bargaining and negotiation between the employer and the employee. A lack of labour protection laws and measures are a big loophole that have led to rampant labour rights violation which has become a much more prominent issue in the global trade forum and the issue widely exists as far as employment in fishery sector is concerned. **The devil of laws and policies** is a major monster that has been lurking and affecting Thailand's fisheries sector for almost a decade. This has led to a lack of labour protection laws in fisheries sector that comply with international standards. The existing laws become so redundant and hamper the efficiency of their enforcement. Meanwhile, management of foreign workers in fisheries sector has simply brought about vulnerabilities of the workers regarding their legal status. This has simply increased the fees they have to pay to acquire work permits. A lack of strategic plan for the management of labour shortage and sustainable employment in fisheries sector has made Thailand trapped in such devilish cycle.

Based on the above information, the devil in Thailand's fisheries sector is not related to certain individuals, or certain fishing boats, or factories. Rather, it refers to a structural problem which leaves the workers stranded in the unsafe environment, a lack of bargaining power and the laws that

fail to catch up with reality. In order to explore ways to enhance the protection of fishers and to address the above problems, the Migrant Working Group (MWG) has the following recommendations for the Thai government, the Ministry of Labour and concerned agencies as follows;

1. Develop the Ministerial Regulation on Labour Protection in Sea Fishing Work to ensure its compliance with C188, or at least to affirm the principle of not compromising the standards of labor protection in the fishing industry. Therefore, an effort should be promptly made to revise the Labour Protection in Fishery Work Act to ensure its compliance with the ILO Convention no. 188 and the Direct Request submitted by the ILO's Committee of Experts on the Application of Conventions and Recommendations.

2, The Thai government and the Ministry of Labour should concentrate on increasing access to social security and medical treatment of workers in fishery work in compliance with international standards and social protection standards. This may include the revision of the Announcement of the Ministry of Labour Regarding Health and Welfare Benefits for Fishing Workers.

3. The Thai government should consider recognizing the right to organize and form a labour union of fishers to protect their right to collective bargaining, to ratify the LO Conventions no. 87 and 98 and to urgently revise relevant laws to ensure compliance with such Conventions including the revision of the Labor Relations Act, among others.

4, The government should set out policies and measures to enhance labour standards while maintaining Thailand's competitiveness. This may include reform of Thailand's fisheries sector according to the framework of FTA between Thailand and European Union, giving support to Thai entrepreneurs, particularly in fisheries and seafood sectors to ensure they are able to conduct the comprehensive human rights and environmental due diligence (HREDD) throughout the supply chain, among others.

5. The Thai government and the Ministry of Labour should devise a mechanism to develop a strategy for addressing labor shortages and protecting workers in the sustainable fishing industry, through the participation and collaboration of all sectors.

“The devil in Thailand's fisheries sector is not related to certain individuals. Rather, it refers to a structural problem which leaves the workers stranded in the unsafe environment, a lack of bargaining power and the laws that fail to catch up with reality. If Thailand wants to become a leader in sustainable fishing, such devil has to be addressed through legal reform and serious enforcement of the law as well as clear political will.”

Migrant Working Group (MWG)