

The Root Causes of Labour Trafficking in the Thailand Fishing Industry: A Long Chain of Structural Problems

Charupol Ruangsuwan

Royal Thai Armed Forces Headquarters, Chaengwattana Road, Laksi, Bangkok 10210 Thailand
Email: charupol.r@gmail.com

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Abstract

Labor trafficking in the Thai fishing industry has placed Thailand into a spotlight for half a decade, especially in the eyes of the global community. Therefore, as a major seafood and fishing-related products exporter, Thailand has been unavoidably hit by negative impacts. However, the common perception on the issue among Thais has always been merely a brutal criminal problem rather than a structural problem. This small issue, somehow, leads to the misunderstanding and the “inaccurate design” of the solution, which in turn undermines the effectiveness of the efforts to tackle the problems. According to the studies, labor trafficking in the Thai fishing industry is, in fact, a long chain of intertwined structural problems, consisting of a number of issues such as economic, political, and social. The problem of labor trafficking in the Thai fishing industry has been evolved from the combination of bad working conditions in the fishing industry, the Thai rapid growth as a result of globalization and global trade, the tremendous increase of job opportunities among Thais and the labor scarcity in the fishing industry due to the outflow of Thai laborers, the domestic problems in Thailand’s neighboring countries and the obvious economic disparity between Thailand and its next-door neighbors, and so forth. This combination created both high-demand and high-supply of migrant laborers to fulfill the system. However, due to the Thai law in the past, which was designed to reserve jobs for Thais, the mentioned demand and supply of laborers could not meet freely and legally. This led to the birth of brokers, who became the middlemen to marry the demand and supply of laborers via irregular channels. Illegal migrant workers, therefore, became vulnerable because of the lack of proper protection from the law, which made them easily exploited in the labor trafficking manners. This illustrates that labor trafficking in the Thai fishing industry is, in fact, the outcome of numerous problems that intertwined and became a long chain of structural problems, rather than a mere crime.

Keywords: *Labor trafficking, human trafficking, labor trafficking, Thailand fishing industry, structural problems*

1. Introduction

In the past half-century, it would be no exaggeration to say that almost all Thais would be accustomed to the term “human trafficking” or “labor trafficking in the fishing industry”. It also recognizes the impact that Thailand has suffered from the problem. In 2014, Thailand was downgraded to Tier 3 in the Trafficking in Persons report (U.S. Department of State, 2014), resulted as a heavy pressure from the international community to improve the situation of human trafficking, or risk losing its huge market share in exporting fishery products worldwide (The Guardian, 2015). The fact, that Thailand exported fishery products valued at approximately 7 billion US dollars each year, clearly illustrates that the problem of labor trafficking in the Thai fishing industry not only negatively impacts Thailand’s credibility but also well known that it could have an impact on the overall national economy if Thailand could not handle with outside pressure (EJF, 2013). The question of what is “human trafficking in the fishing industry” thus, has become one of the most popular social questions recently. However, the explanations from both local and foreign academics and public officials continue to focus on perceiving it as “a form of crime” and the explanations of its brutal activities but somehow overlook the root causes of the problem. Therefore, this gap can lead to the inappropriate design of the solution, and the failure to address the underlying cause. This article wants to reveal another aspect of the problem of labor trafficking in the Thai fishing industry through the study of the evolution of the Thai fishing industry, historical situation, labor situation, as well as the application of the economic concept in order to explain that the problem of labor trafficking in the Thai fishing industry is not merely a form of a crime, but a structural problem that interrelates in economic, political and social context. These structural problems arise from the incompleteness of the management system as a whole, which is covered and interrelated by various problems such as regulation and practice problems, market and economic

condition problems, political problems both inside and outside the country, and so forth.

2. Objectives

This article intends to present the root causes of the problem, which is a major precursor to find proper solutions. Metaphorically, it is similar to finding and studying the leaky roof before clearing it up with the right tools.

3. Literature reviews

Pimoljinda (2002) describes the history of the fishing industry in Thailand that, prior to the 1960s, Thai fisheries were based on small-scale equipment and were conducted along the coast by self-employed locals. However, the watershed in the development of the Thai fishing industry was the introduction of trawl fishing in 1960. This shifted the landscape of the Thai fishing industry forever. Panayotou and Jetanavanich (1987) suggest that the increasing trend of trawl boats seems to be solid. The number of trawl boats alone increased from 1,872 in 1967 to more than 11,000 in 1982, approximately 6 times in 18 years. This trend undoubtedly increased the amount of fish caught, from approximately 131,000 tons in 1960 to 476,100 tons in 1964, or almost four times within only 4 years after the introduction of the trawl boats.

Both literatures were discussed in the same direction that at the same time that the Thai fishing industry expanded, seafood and fisheries related businesses emerged rapidly like shadows. This is the turning point of the Thai fishing industry, from a local career to an important export of Thailand. As a result, the demand for marine resources grew significantly and constantly. However, when the demand of marine resources has increased, the marine resources in Thai waters have declined. Therefore, a number of fishing vessels were forced to go further from Thai waters in order to maintain the amount of caught fish. In short, this phenomenon made the fishing career undesirable for Thai nationals as it is one of the 3D (dirty, dangerous, and difficult) jobs, and led to job abandonment among Thais, which later caused a labor scarcity in the Thai fishing industry.

4. Methodology

This article is a part of a full research on labor trafficking in the Thai fishing industry, which was conducted through qualitative methods; namely, documentary research, in-depth interviews, and synthesis. The reason this research was conducted in a qualitative manner is due to the clandestine nature of labor trafficking, which resulted as the lack of numerical data. On documentary research, the examinations of academic and official materials were conducted in order to receive secondary data. On in-depth interviews, seven interviews with private sector and government officials, who are involved in the fishing industry and participating in handling labor trafficking in the Thai fishing industry, were conducted in order to gain insights and unrevealed facts. The interviewees include an officer of the Ministry of Foreign Affairs, a senior researcher, two naval officers, a police officer, and an entrepreneur in fishing industry. Lastly, information from the documentary research and in-depth interviews were synthesized in order to avoid any biases and errors. The results were, then, analyzed and became the finding of this article.

5. Findings

To discuss the problem of trafficking in Thai fishing industry, it would be inevitable to mention two of the most important points: “the evolution of the Thai fishing industry and labor scarcity”. From the study of the evolution of the Thai fishing industry, it has been found that fisheries in the past were mainly done in the inner territorial waters while sea fishing was limited to coastal areas, as can be noticed from the equipment used and the size of the fishing. Therefore, fishery in the past was an occupation of locals in the area with suitable resources for fishing, which mainly used local tools such as hatchery, coop, fish trap and Chinese Purse Seine for consuming and small trading. Later in 1960, the otter board trawler was introduced in Thailand for the first time through the cooperation between the Thai Fisheries Department and Germany at that time, causing enormous popularity and change to the fishing landscape. Fisheries had been relocated from the hands of local fishermen to the hands of the wealthy investors who had the potential to invest in such modern technology at that time. As a result, Thailand's fisheries had evolved from traditional fishing for consumption to commercial fishing within a few years. This was evidenced by the growth of more than 2,000

trawlers within three years after the introduction of the otter board trawler technology in Thailand (Pimoljinda, 2002). Considering the number of fish caught from the data in Figure 1, it is evident that there was a sharp and steady increase in catches (Tons) after introducing such technology in 1960. With the rapid expansion of the commercial market and international trade, the important result was that marine resources in Thailand became a valuable supply in response to the global demand for seafood; especially in countries that are not rich in natural resources like Thailand. When demand and technology were ready, then the supplies were prepared to match such demand, which in turn resulted as seafood products became one of Thailand's major export commodities within a few years. (FAO, 2017)

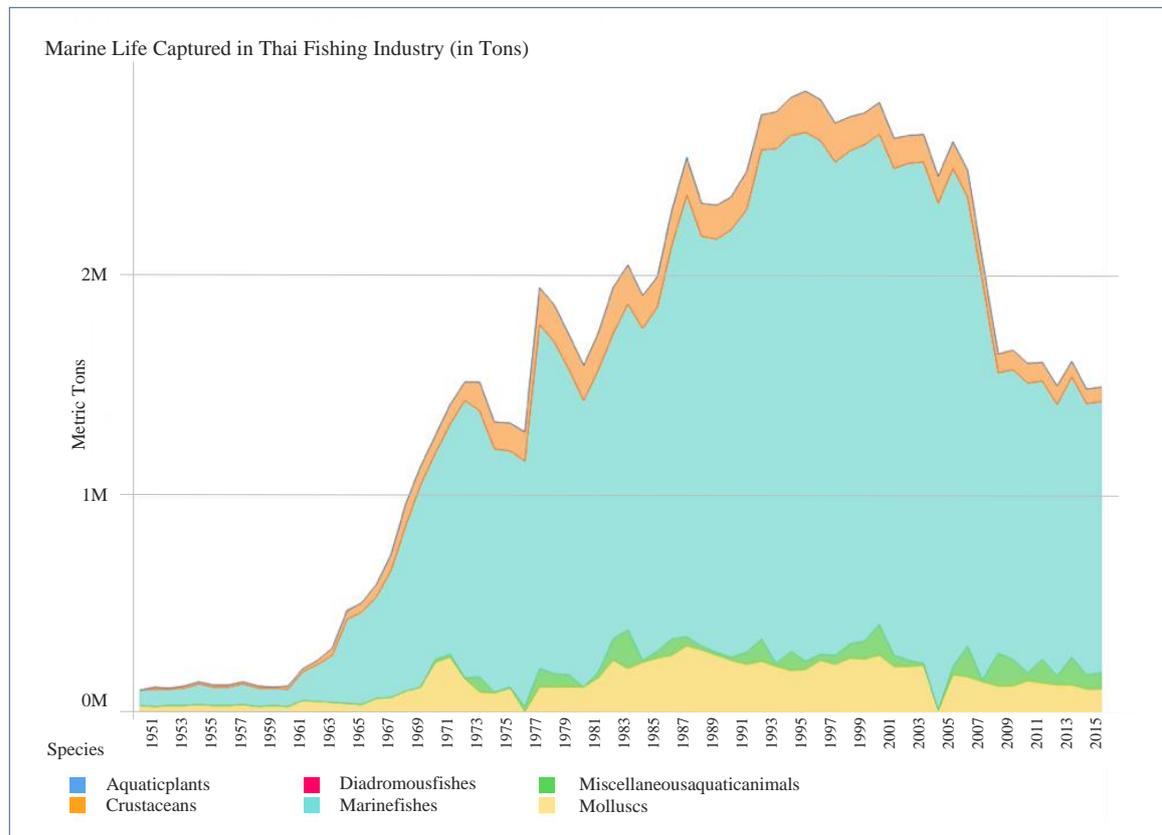


Figure 1 Number of fish caught in the Thai fishing industry (tons) from 1950 to 2015 (FAO, 2017)

But what did not evolve according to the dynamics of supply and demand were the rules and regulations controlling fishing (Ruangsuan, 2017). Seeking marine resources to meet the growing demand for commercial reason by entrepreneurs or traders had led to uncontrolled fishing and became a serious impact on marine resources in Thailand at a later time (Pimoljinda, 2002).

When fishing was aimed at commerce for decades, especially when seafood products became important export items of Thailand, the consequence was the rapid reduction of marine resources in Thai waters from over-fishing and uncontrolled fishing. Due to this, aquatic animals were captured without the control of the quantity and size, as well as the capture of aquatic animals in the breeding and aquaculture areas. The worse thing was when the fishing related product industry was expanding, such as the animal food industry made from trash fish (small fish which was not a market demand), a key ingredient of this industry. It turned out to be high value more than in the past, and as a result, the demanding of small fish fisheries, including larval fish, had expanded and the situation of marine resources in Thai waters had deteriorated, respectively (Pimoljinda, 2002). These had resulted in shortage of marine resources in Thai waters at a later time.

According to an interview with an entrepreneur of a fishing company, when catching fish in Thai waters was not enough for export purposes anymore, fishing vessels needed to travel further out of the Thai waters to catch enough fish in order to meet the needs of the market. This resulted in a change in the behavior of the fishery. Normally, fishing in the Thai waters took only about one to two weeks before returning to shore. However, when Thai waters had not enough resources, they had to go for a longer distance for fishing and sometimes it took months or years before they could return to shore. In addition, the use of “Rua Tour” (“Rua Tour” refers to boats that transport fish caught from the fishing boats to shore so the fishing boats do not have to come back to shore) was becoming an important tool in the transport of aquatic animals to the shore. In these cases, the fishing boats will be able to operate in the sea for a long period without returning home. These were the components that made the fishery career being classified in the 3D jobs (Dirty, Difficult, and Dangerous) and became an unattractive profession for Thai people (Ruangsuan, 2017).

In addition to the change of sea fishing, the industries related to fishery products, such as processing industries, were expanding and rapidly increasing their capacity to meet the needs of the large-scale market. As a result, the work in the fishery related industries became more complex, heavy and undesirable, no different to fishing on the boat. Moreover, the major natural disaster at that time or more specifically the Typhoon Gay was counted as another important factor that contributed to the negative attitudes toward fisheries. In 1989, more than 200 Thai fishing boats were sunk by the Typhoon Gay, with more than 400 deaths and more than 600 missing people (IOM, 2011). Previous laborers in the fisheries sector became concerned about their occupation and moved away from the fishing industry to other rapidly growing industries (IOM, 2011).

At that time (1980s), Thailand was moving toward a period of economic boom as a result of globalization and international trade. Thais had better education and more career and job opportunities, especially as a production base for many foreign companies, such as Toyota from Japan, which had set up a production base in Thailand from 1980-1990 (Techakanont, 2011; Toyota, 2016). The economic evolution of Thailand as a whole had resulted in many jobs which were more interesting and responsive to the needs of the labors both in terms of comfort and income, causing a large influx of workers into these factories.

The dramatic changes in the fishing occupation and other occupations make fishing occupations a profession that Thai workers did not want to do, and in turn causing serious labor scarcity in the fishing industry (Ruangsuan, 2017). However, how is the labor scarcity in the fishing sector related to labor trafficking in the fishing industry? The answer to this question needs to be understood and the next important factor which are the laws related to labor management.

5.1 Labor laws: The way to keep jobs for Thai people and unexpected results

According to the interviews, when the issue of labor scarcity arises in the fishing industry, which is a labor-intensive industry, the “demand for foreign workers” has increased in order to replace Thai workers in order to continue and supply the market (Ruangsuan, 2017). At the same time, the neighboring countries of Thailand such as Myanmar, Laos, and Cambodia were still encountering the political and economic crisis, which resulted in poverty for a large part of the population. In contrast, Thailand was progressing with the free trade era, creating economic disparity among the area and significant difference in payment of wages. Therefore, traveling to work in Thailand was one viable strategy to escape from poverty (Human Right Watch, 2010) which lead to the high desires of foreign workers to come to Thailand even though they might be paid much lower than Thai workers. As a result, this phenomenon created a high supply of foreign workers ready to come into the system (Ruangsuan, 2017).

However, the most important obstruction is that Thailand had the law to prohibit foreign workers to work within the country in certain jobs under the Alien Working Act B.E. 2521 (1978) and the Royal Decree Prescribing works relating to occupations and professions in which an alien is prohibited to engage, B.E. 2522 (1979) which were promulgated to preserve certain occupations and professions for Thai people, and the laborer in the fishing industry was also included.

When supply and demand of foreign workers were high but somehow could not meet each other freely and legally due to the restriction of the law, the “informal brokers” were emerged (we cannot use the term “illegal brokers” because at that time there was no law to restrict the action) and performed as the middlemen to marry the supply and demand of laborers via irregular channels. Moreover, it is equally

interesting that foreign workers too had the desire to access work through illegal methods as there were a high number of workers who could not legally access the system such as Rohingya workers that are declined to be the citizens of Myanmar and did not have the identification documents required for permits.

Because of the aforementioned laws, the foreign workers who came in the system within that period (1979-1993) would be all identified as “illegal”. The increase in illegal foreign workers have created many phenomena to the Thai economy, especially in the fishing industry such as the formation of the habit of using illegal foreign workers to reduce the legal production cost and the legal process. These phenomena can be perceived as one of the root causes of the current issues of labor trafficking and still undermines the efforts to improve the situation nowadays.

It can be seen that the circumstance of labor shortages in the Thai fishing industry, the crisis in neighboring countries, the economic disparity between Thailand and neighboring countries, and the supply and demand of foreign workers are all the preconditions leading to human trafficking. When there are high demands and supplies of foreign workers but could not respond to each other through legal means, and therefore, the role of informal brokers have become more prominent to connect both demand and supply together. However, this role of informal brokers could also be claimed as a factor that allowed the fishing industry to continue to create high amounts of profit even in the labor shortage situation. Moreover, undoubtedly it is also a significant factor that facilitated labor trafficking issues later on.

The Royal Decree Prescribing Works Relating to Occupations and Professions in Which an Alien Is Prohibited to Engage, B.E. 2522 (1979) was revised and allowed foreign workers to work in fisheries in 1993 because of the critical labor shortages in the fishing industry. However, the revision and also the promulgation of new laws until today still could not solve the habit, which now evolved into regularity of illegal activities relating to unregistered foreign workers in the Thai fishing industry. This issue was caused by the fact that the method of gaining illegal workers through a middleman is still the fastest and cheapest method to get laborers. Until today, the improved legal channels to facilitate foreign workers and Thai business owners (the latest royal decree is the Royal Decree on Management of Foreign Workers B.E. 2560 (2017) which is associated to the MOU between the government of the Kingdom of Thailand and the governments of neighboring countries) are still ineffective and unattractive compared to the illegal method. This is an important issue needing to be solved as soon as possible to develop legal methods (Ruangsuan, 2017).

5.2 Consequences and the labor trafficking in Thai fishing industry

When the demand and supply of foreign workers are high but could not meet each other via legal ways and a great number of foreign workers in Thailand industrial system are illegal, the following effect is that foreign workers would not receive the protection of laws and completely in control of the middlemen and business owners.

In this circumstance, the workers are vulnerable and are easily deceived to become forced labor by using economic reasons as a tool. The brokers would use some fairy tales of good payment, easy work, and the possibility of saving and sending money back home to lure the workers, leading to countless numbers of foreign workers being deceived into trafficking and placed into forced labor later on (Ruangsuan, 2017).

Moreover, the financial factor is also a major factor that flourishes labor trafficking in fishing industry. Because of the decrease in marine resources in Thai waters, remote fishing businesses have increased as well as the length of time needed to stay in the sea. In addition with the higher price of fuel, the cost of fishing, therefore, inevitably increases. Furthermore, Thailand is not the only country exporting seafood products. In fact, there are many countries which are seafood exporters. Therefore, Thailand would struggle to maintain the major market share and the status of a major seafood product exporter if its cost of operation increased, which would result in lost profit and market share. Increasing the cost of operation, therefore, would be a method many business owners would avoid.

Therefore, decreasing the cost of wages has become a survival strategy of some business owners who want to reduce the cost of operation due to the higher flexibility, especially when using illegal migrant labors. The necessity of using migrant labors caused by the labor scarcity is also a critical factor that leads to the use of forced labor. That is to say when foreign workers are incapable of traveling to Thailand, the brokers (and might also be cooperating with the business owners in some cases) will volunteer to cover every traveling cost to bring them in Thailand illegally, and the workers will have to work to pay their debt later (come first,

pay later) (Ruangsuan, 2017). When the workers went under unethical brokers or business owners whose only aim are profit, the amount of debt and the time needed to pay debt would be extended arbitrarily. In addition, when working in the sea for a long period the chance of escaping or changing work is limited to none, similar to being imprisoned and forced labor like a slave. Later, this method of employment has increased in popularity from unethical groups of people and developed into a trafficking business. The brokers would pay for the migrant workers to smuggle into Thailand before selling them to the owner of fishing businesses or to a fishing vessel with the price covering both the initial cost and profit. Then, the business owner or the boat captain will force workers to work without paying by claiming the debt which they have to buy workers from the brokers. This action has been supported by the fact that illegal workers are not under the protection of laws, and the workers' illegal status also prevents the workers themselves from reporting to the authorities.

This kind of activity usually uses violence as a tool to force the workers to work and also to prevent disobedience or escape. The action of deception, debt bondage, violence, and detention are all the actions associated with human trafficking (Anti-Human Trafficking Act (No.3), B.E. 2560 (2017)).

6. Conclusion

All aforementioned factors including the growth of Thai fishing industry, the increase of fuel cost, the issue of labor shortage in the Thai fishing industry, political and economic instability of neighboring countries, the economic disparity between Thailand and neighboring countries, the inappropriate laws that prevent demand and supply of laborers to meet legally, the issue of unethical brokers and business owners, and corruption are all intertwined and form a long chain of issues that facilitate labor trafficking in Thailand fishing industry to flourish.

It is clear that the issue of trafficking in the Thai fishing industry is not merely the problem of a crime by unethical individuals, but in fact a structural problem which has been evolved from the past until present. This structural problem is associated with the political, economic, and society issues of both inside and outside the country. Therefore, the permanent solution to this problem should begin at the root causes of the problems in all dimensions.

To solve the problem by merely suppression and to perceive this issue merely as a type of crime is not enough to address the issues and would only solve the consequences. However, to design a solution to this structural issue is a very sensitive and complicated matter. Therefore, the cooperation of thoughts and actions of every sector, including public and private sectors, as well as international cooperation are crucial to solve this problem. Moreover, to solve labor trafficking in the Thai fishing industry requires time and a careful plan implemented simultaneously. Thus, understanding the root causes of labor trafficking in the Thai fishing industry as a long chain of structural problems is crucial for planning a proper solution which may lead towards the elimination of the problem permanently.

7. References

- Alien Working Act B.E. 2521 (1978). (1978, July 8). *Government Gazette*. Retrieved from http://thailaws.com/law/t_laws/tlaw0320.pdf
- Anti-Human Trafficking Act (No.3), B.E. 2560 (2017). (2017, January 27). *Government Gazette*. Retrieved from http://library2.parliament.go.th/giventake/content_nla2557/law12-270160-19.pdf
- Environmental Justice Foundation. (2013). *Sold to the Sea – Human Trafficking in Thailand's Fishing Industry*. UK: Environmental justice Foundation. Retrieved from http://ejfoundation.org/sites/default/files/public/Sold_to_the_Sea_report_lo-res-v2.pdf
- Food and Agriculture Organization. (2001). *International Plan of Action to prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*. Rome: Food and Agriculture Organization of the United Nations. Retrieved from <http://www.fao.org/3/a-y1224e.pdf>
- Food and Agriculture Organization. (2017). *Online Query Panels*. Retrieved from <http://www.fao.org/fishery/topic/16140/en>
- Human Rights Watch. (2010). *From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand*. New York: Author.

- International Organization for Migration (IOM). (2011). *Trafficking of Fishermen in Thailand*. Bangkok: Author. Retrieved from <https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Traffic-king-of-Fishermen-Thailand.pdf>
- Panayotou, T., & Jetanavanich, S. (1987). *The Economics and management of Thai marine Fisheries*. Philippines: International Center for Living Aquatic Resources Management.
- Pimoljinda, J. (2002). Small-Scale Fisheries Management in Thailand. In H Seilert (ed.), *Interactive Mechanism for Small-Scale Fisheries Management* (p. 80-91). Bangkok: FAO. Retrieved from http://coin.fao.org/coin-static/cms/media/9/13171745222650/2002_10_high.pdf#page=86
- Royal Decree on Management of Foreign Workers B.E. 2560 (2017). (2017, June 22). *Royal Thai Government Gazette*. Retrieved from <http://www.ratchakitcha.soc.go.th/DATA/PDF/2560/A/065/1.PDF>
- Royal Decree Prescribing Works Relating to Occupation and Profession in Which an Alien Is Prohibited to Engage, B.E. 2522 (1979). (1979, May 14). *Royal Thai Government Gazette*. Retrieved from http://thailaws.com/law/t_laws/tlaw16075.pdf
- Ruangsuwan, C. (2017). *The Study of Labor Trafficking in Thailand Fishing Industry: the case of migrant labors from Myanmar in Thailand fishing industry* (Doctoral dissertation). California: Claremont Graduate University.
- Techakanont, K. (2011). Thailand Automobile Parts Industry. In Kagami Mitsuhiro (Ed.) *Intermediate Goods Trade in East Asia: Economic Deepening Through FTAs/EPAs* (p.193-229). Bangkok: Bangkok Research Center, IDE-JETRO. Retrieved from http://www.ide.go.jp/library/English/Publish/Download/Brc/pdf/05_chapter6.pdf
- The Guardian. (2015). *Thai seafood products could be banned in Europe, warns MEP*. Retrieved from <https://www.theguardian.com/global-development/2015/jul/23/thai-seafood-products-banned-europe-mep-gabriel-mato>
- Toyota. (2016). *Company Information*. Retrieved from http://www.toyota.co.th/index.php/app/page/group/about/view/company_profile
- U.S. Department of State. (2014). *Trafficking in Persons Report 2014*. Retrieved from <http://www.state.gov/documents/organization/243560.pdf>