



**Sea Fisheries: Strengthened  
Coordination to Combat  
Labour Exploitation and  
Trafficking in Fisheries in  
Southeast Asia –  
Final Evaluation**

**RAS/16/11/USA (106132)**

**Final Report**

**Submitted:  
15 September 2020**

## ILO Evaluation TITLE Page

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**This evaluation has been conducted according to ILO's evaluation policies and procedures. It has not been professionally edited, but has undergone quality control by the ILO Evaluation Unit.**

## Abbreviations and Acronyms

ACRA	Association of Cambodian Recruitment Agencies
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIS	Automated Identification System
AP2HI	Indonesian Pole & Line and Handline Fisheries Association
APINDO	Employers' Association of Indonesia
APSU	Associated Philippines Seafarer's Union
ASEAN	Association of Southeast Asian Nations
ASTUIN	Indonesia Tuna Association
BSC	Blue swimming crab
C4ADS	Center for Advanced Defense Studies
CAMFEBA	Cambodia Federation of Employers and Business Associations
CCCIF	Command Center to Combat Illegal Fishing
CIMA	Consortium of Indonesian Manning Agencies
CLC	Cambodia Labour Confederation
CMMAI	Coordinating Ministry of Maritime Affairs and Investment
CO-Jakarta	ILO Country Office for Indonesia and Timor
CSO	Civil society organization
CTA	Chief Technical Advisor
DLPW	Department of Labour Protection and Welfare
DOLE	Department of Labour and Employment
DWT-Bangkok	Decent Work Team for East and South East Asia and the Pacific
ECOP	Employers Confederation of the Philippines
ECOT	Employers Confederation of Thailand
EEZ	Exclusive Economic Zones
EJF	Environmental Justice Foundation
FAO	Food and Agriculture Organization
FFA	Pacific Islands Forum Fisheries Agency
FRN	Fishers' Rights Network
FUNDAMENTALS	ILO Fundamental Principles and Rights at Work Branch
FWA	Fishers' work agreements
GFW	Global Fishing Watch
HRDF	Human Rights Development Foundation
ICITAP	Int'l Criminal Investigative Training Assistance Program
IFC	Information Fusion Centre
IJM	International Justice Mission
ILO	International Labour Organization
IOM	International Organization for Migration
IRIS	Integrated Resource Information System
ITF	International Transport Workers' Federation
IUU	Illegal, unreported and unregulated
J/TIP	US State Department's Office to Monitor and Combat Trafficking in Persons
KPI	Indonesia Seafarers Union
MAFF	Ministry of Agriculture, Forestry and Fisheries
MARSEC	Maritime Security Center
MIGRANT	ILO Labour Migration Branch
MMAF	Ministry of Marine Affairs and Fisheries
MOL	Ministry of Labor
MOLIP	Ministry of Labour, Immigration and Population
MOM	Ministry of Manpower
MOT	Ministry of Transportation
MOU	Memorandum of Understanding
MTC	Minimum terms and conditions
NAP	National Anti-Trafficking Plans
NCCT	National Committee to Counter Trafficking
NFAT	National Fisheries Association of Thailand
NGO	Non-governmental organization
NPC	National Project Coordinator
OIC	Officer in Charge
OSH	Occupational safety and health
PARDEV	Partnering for Development

PCI	Private compliance initiative
PIPO	Port-in Port-Out
POEA	Philippine Overseas Employment Administration
PSC	Project Steering Committee
PSCO	Port State Control Officers
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RCB	Regional Coordinating Body
RCF	Regional Cooperation Framework
RFMO	Regional Fishery Management Organization
ROAP	Regional Office for Asia and the Pacific
RSO	Regional Support Office
SAFAI	Southeast Asia Fisheries and Aquaculture Initiative
SAMSA	South African Maritime Safety Authority
SDGs	Sustainable Development Goals
SEAFDEC	Southeast Asian Fisheries Development Center
SECTOR	Sector Policies Department
SFF	SEA Forum for Fishers
SMBI	Indonesian Migrant Workers Union
SMBI	Indonesian Migrant Workers Union
SPPI	Indonesian Fisheries Worker Union
STCW-F	Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel
TIP	Trafficking in Person
TOR	Terms of Reference
TRIANGLE	Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region
TTIA	Thai Tuna Industry Association
TVPA	Trafficking Victims Protection Act
UNEG	United Nations Evaluation Group
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
USDOL	United States Department of Labor
USDOS	United States State Department
VMS	Vessel Monitoring System
WCPFC	Western and Central Pacific Fisheries Commission

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## Executive Summary

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### Introduction

#### *Evaluation background*

1. In April 2017, with the support of the US State Department’s Office to Monitor and Combat Trafficking in Persons (J/TIP), the ILO launched a project titled “SEA Fisheries: Strengthened Coordination to Combat Labour Exploitation and Trafficking in Fisheries in Southeast Asia,” hereafter referred to as the SEA Fisheries project. The project was originally scheduled to end on 31 March 2020 but was extended to 31 July 2020 under a no-cost extension approved on 25 March 2020. The total budget for the project was US\$1,650,000.
2. The project aimed to “reduce trafficking and labour exploitation in fisheries by strengthening coordination at the regional and national level.”<sup>1</sup> It centered on the establishment of a multi-stakeholder regional coordinating body (RCB), consisting of government authorities, employers’ organizations and workers’ organizations from the ten ASEAN countries.<sup>2</sup> The RCB was expected to develop strategies and action plans to combat trafficking and labor exploitation in the fisheries sector for adoption at the regional level and at the national level in Indonesia and Thailand. However, resolutions or recommendations from the RCB pertaining to strategies/plans or any other matters would not be binding. Research would be carried out under the auspices of the SEA Fisheries project to provide a foundation for the development of strategies and action plans.
3. The purpose of the final evaluation is to assess the extent to which project objectives were achieved, identify lessons and emerging good practices, and provide a foundation for “future strategies, particularly in designing a potential follow-up to this project.”<sup>3</sup> The principle audience for the evaluation includes the Steering Committee of the SEA Forum for Fishers, J/TIP Office, and ILO management in country offices in Southeast Asia.

#### *Evaluation methodology*

4. An international consultant based in the United States conducted the evaluation.<sup>4</sup> It assesses the performance of the project with respect to six evaluation criteria as defined in Table 1.<sup>5</sup> The evaluation is based on qualitative research, drawing on an in-depth review of project files, written responses provided by project staff to questions posed by the evaluator, interviews with more than 42 key informants, and a literature review.<sup>6</sup> A debriefing meeting (online) on preliminary findings was held for key stakeholders on 6 August 2020.<sup>7</sup> A Draft Final Report was prepared and distributed to all individuals that were interviewed as part of the evaluation for review and comment. The evaluator addressed comments as warranted in the final version of the report. The

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<sup>1</sup> The *Project Narrative* notes that the fisheries sector refers to fishing (wild capture of fish at sea), farming and processing.

<sup>2</sup> Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

<sup>3</sup> *Evaluation TOR*

<sup>4</sup> Eric Oldsman, PhD. President, Nexus Associates, Inc.

<sup>5</sup> Key evaluation questions were developed by the evaluator and approved by the evaluation manager. These were informed by the TOR and an initial review of project documents.

<sup>6</sup> See Annexes B and C for list of documents and interviews, respectively.

<sup>7</sup> 30 people attended.

evaluation adheres to the United National Evaluation Group (UNEG) evaluation norms, standards and ethical safeguards.

## Conclusions and Lessons Learned

### *Conclusions*

5. The project accomplished a great deal, particularly given the small staff and limited time and budget. However, momentum slowed after the Inaugural Plenary Meeting in September 2019 due to uncertainty about the sustainability of the initiative, the departure of the program manager, the shift in focus from establishing the regional coordinating body to the task of developing and implementing regional strategies, and the emergence of the novel coronavirus.
6. Principal conclusions with respect to each evaluation criterion follow:
  - **Relevance.** The project aimed to tackle critical issues in the region and was consistent with constituent needs and priorities. While the original scope was defined as the “fisheries sector,” the focus was subsequently narrowed to commercial fishing vessels operating in ocean waters. Trafficking and labor exploitation in the commercial fishing sector in southeast Asia has been well documented. Stakeholders stated that the SEA Forum for Fishers addressed a need in the region and focused on the right issues. The SEA Fisheries project was aligned with the ILO strategic framework and policy outcomes.
  - **Coherence.** Some, but not all, issues that need to be addressed to combat trafficking and labour exploitation in the fishing sector require coordinated action by multiple States. The implementation of regional strategies requires actions by nation states, but the project was not designed to offer necessary assistance to individual countries. The project was not allocated sufficient resources or time to accomplish its aims.
  - **Effectiveness.**
    - The project established a regional coordination body – SEA Forum for Fishers – which fostered greater awareness of the need to protect fishers and shared information on good practices. However, the extent of participation by countries and the sixty member organizations varied significantly.
    - Research studies were undertaken as planned, but significant delays in publication reduced their utility in informing the development of the regional strategy and action plan; multiple channels were used to communicate with stakeholders.
    - Elements of a potential regional strategy are reflected in agreed action plans for the Working Groups of the SEA Forum for Fishers, but much of the planned work is still to be done. National strategies and plans for Indonesia and Thailand were not developed and this component of the project was dropped in March 2020.
  - **Efficiency and project management.** It took five months to put the project team in place and subsequent staff turnover was significant. The project manager resigned effective 31 January 2020 – six months before the end of the project. The then current national project coordinator (NPC) was appointed as the officer-in-charge (OIC), but left at the end of March 2020. An individual who had been working on the project for two months as an external collaborator was named as the NPC/OIC for the remainder of the project.

The project drew on ILO specialists in the DWT-Bangkok and Geneva for technical assistance and collaborated with other ILO projects in the region.

Roughly 20 percent of available funds remained unspent at the end of the project. This was due to a number of factors, including staffing issues, the timing of the no-cost extension, and the emergence of the novel coronavirus. The pandemic effectively precluded conducting planned studies and holding in-person meetings after February 2020.

- **Impact and sustainability.** The SEA Forum for Fishers provided a foundation for regional coordination, but regional strategies were not adopted: the project has not resulted in changes in laws, policies, or practices that might have a beneficial impact on fishers. While effort was made to secure follow-on funding from J/TIP and other donors, the project ended on 31 July 2020 without a concrete plan for the continued operations of the SEA Forum for Fishers.

### *Lessons learned*

7. There are two related lessons that can be distilled from the results of the evaluation that have implications for ILO and other organizations that might considering establishing a regional coordinating body: i) significant outreach and planning is required before launching a regional coordinating body (RCB); and ii) regional coordination needs to be coupled with on-the-ground support in individual countries.

### **Recommendations**

8. J/TIP has not expressed an intention to fund a second phase of the SEA Fisheries project and ILO support for the SEA Forum for Fishers has ceased. Donors and/or countries that want to build on the foundation that has already been established may want to consider the following recommendations.

- **Recommendation 1. Prepare a five-year strategy and annual work plan for the SEA Forum for Fishers.**

Responsibility	Priority	Time Implication	Resource Implication
ILO, donors and tripartite constituents	High	Near-term	Moderate

- **Recommendation 2. Establish a support office in each member country.**

Responsibility	Priority	Time Implication	Resource Implication
ILO, donor and tripartite constituents	High	Near-term	High



## Introduction

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### Evaluation background

9. In April 2017, with the support of the US State Department’s Office to Monitor and Combat Trafficking in Persons (J/TIP), the ILO launched a project titled “SEA Fisheries: Strengthened Coordination to Combat Labour Exploitation and Trafficking in Fisheries in Southeast Asia,” hereafter referred to as the SEA Fisheries project. The total budget for the 40-month project was US\$1,650,000. The project ended on 31 July 2020.
10. ILO is required to conduct a final evaluation of the project per the cooperative agreement with J/TIP and ILO’s own policy guidelines.<sup>8</sup> As stated in the *Terms of Reference* (TOR) for the final evaluation, its purpose is to assess the extent to which project objectives were achieved, identify lessons and emerging good practices, and provide a foundation for “future strategies, particularly in designing a potential follow-up to this project.”<sup>9</sup> The principle audience for the evaluation includes the Steering Committee of the SEA Forum for Fishers, J/TIP Office, and ILO management in country offices in Southeast Asia.

### Evaluation methodology

11. An international consultant based in the United States conducted the evaluation.<sup>10</sup> It assesses the performance of the project with respect to six evaluation criteria as defined in Table 1.<sup>11</sup> The evaluation is based on qualitative research, drawing on an in-depth review of project files, written responses provided by project staff to questions posed by the evaluator, interviews with more than 42 key informants, and a literature review.<sup>12</sup> A debriefing meeting (online) on preliminary findings was held for key stakeholders on 6 August 2020.<sup>13</sup> A Draft Final Report was prepared and distributed to all individuals that were interviewed as part of the evaluation for review and comment. The evaluator addressed comments as warranted in the final version of the report. The evaluation adheres to the United National Evaluation Group (UNEG) evaluation norms, standards and ethical safeguards.
12. Every evaluation is subject to caveats and limitations. In this instance, these include data availability, travel restrictions, and budget constraints. With respect to data availability, limitations of the Integrated Resource Information System (IRIS) preclude a thorough analysis of expenditures by project objective and/or activity. With respect to travel restrictions, it was not possible to conduct fieldwork in the region as originally contemplated due to the novel coronavirus. The

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<sup>8</sup> In August 2017, the J/TIP Office commissioned a consultancy to conduct a “process evaluation” of the SEA Fisheries project. The report was completed in March 2019. See *Evaluation of the SEA Fisheries Project: A Multi-stakeholder Initiative to Strengthen Coordination for Combatting Trafficking in Fisheries in Southeast Asia. Final Report*. March 2019. ILO accepted the report in lieu of a mid-term evaluation.

<sup>9</sup> *Evaluation TOR*

<sup>10</sup> Eric Oldsman, PhD. President, Nexus Associates, Inc.

<sup>11</sup> Key evaluation questions were developed by the evaluator and approved by the evaluation manager. These were informed by the TOR and an initial review of project documents.

<sup>12</sup> See Annexes B and C for list of documents and interviews, respectively.

<sup>13</sup> 30 people attended.

budget allocated for the evaluation allowed for a level of effort of approximately 45 person-days. These caveats and limitations do not affect the validity of the evaluation results.

**Table 1. Evaluation Criteria and Associated Evaluation Questions**

Criteria and Definition	Questions
<p><b>Relevance and strategic fit</b> The extent to which overall goal of the project – reduction in labour exploitation trafficking in fisheries – and related objectives was consistent with ILO policy, the decent work agenda, and constituent needs and priorities.</p>	<ul style="list-style-type: none"> <li>• To what extent was the project aligned with the ILO strategic framework and policy outcomes (particularly Outcomes 8 and 9) and associated Sustainable Development Goals (SDGs)?</li> <li>• To what extent was the project aligned with decent work agendas in the SEA region, particularly the two priority countries (Indonesia and Thailand) identified in the <i>Project Narrative</i>?</li> <li>• To what extent was the project aligned with specific requests for technical assistance from countries in the region, particularly Indonesia and Thailand, as well as the needs expressed by other stakeholders, including employers’ organizations, workers’ organizations, public intergovernmental organizations, and other non-governmental and civil society organizations?</li> </ul>
<p><b>Coherence (validity)</b> The extent to which the strategy adopted by the SEA Fisheries project was logical and consistent, focusing on activities for which the ILO is best suited.</p>	<ul style="list-style-type: none"> <li>• To what extent was the goal of reduced labour exploitation and trafficking in fisheries dependent on better regional coordination?</li> <li>• Were the relationships between project activities and objectives clear and logical?</li> <li>• Were project activities necessary <u>and</u> sufficient to accomplish the main goal of the project?</li> <li>• Were planned project activities properly sequenced and integrated with other ILO projects?</li> <li>• Was the project budget aligned with the scope of the project?</li> <li>• How did project activities address gender and inclusion issues?</li> </ul>
<p><b>Effectiveness</b> The extent to which planned activities for the SEA Fisheries project were undertaken, outputs were produced, and the three objectives were achieved.</p>	<ul style="list-style-type: none"> <li>• Were project activities implemented as planned and did they result in intended outputs?</li> <li>• What progress did the project make toward achieving objectives, particularly with respect to the establishment of a regional coordinating body and the adoption of regional/national strategies and plans to combat labor exploitation and trafficking in fisheries?</li> <li>• To what extent did the research studies and initiative assessment inform the development of regional/national strategies and plans?</li> <li>• How did the project deal with gender and inclusiveness in terms of participation in the SEA Forum for Fishers and in the strategies/plans to combat labor exploitation and trafficking of fishers?</li> <li>• What factors advanced or hindered the project’s effectiveness?</li> </ul>
<p><b>Efficiency and project management</b> The extent to which resources made available to the SEA Fisheries project were used to generate results at the least cost.</p>	<ul style="list-style-type: none"> <li>• Was project management and staffing adequate?</li> <li>• Did the project receive adequate technical backstopping from the ILO?</li> <li>• To what extent did the project coordinate activities with other relevant ILO projects?</li> <li>• How much money was spent on different activities/outputs? Do these expenses appear reasonable in relation to results achieved?</li> </ul>
<p><b>Impact</b> The progress achieved with respect to the overall goal of the SEA Fisheries project with respect to reduction in labor exploitation and trafficking in fisheries.</p>	<ul style="list-style-type: none"> <li>• To what extent did the project lead to stronger regional coordination and, by extension, a reduction in labour exploitation and trafficking in fisheries?</li> </ul>
<p><b>Sustainability</b> The likelihood that any changes brought about by the SEA Fisheries project will persist now that the project has ended, particularly with respect to the continued operations of the regional coordinating body.</p>	<ul style="list-style-type: none"> <li>• What progress was made in ensuring sustainability, particularly with respect to the continued operations of the SEA Forum for Fishers after the project ended on 31 July 2020?</li> </ul>

## Description of SEA Fisheries Project

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### Project origins

13. The initial idea for the project originated in February 2016 when a J/TIP official contacted ILO following a mission to Thailand and suggested the need for some sort of mechanism to coordinate efforts by stakeholders in the region to address forced labor and trafficking in the fishing sector.<sup>14</sup> In its initial response, ILO agreed that there was need for a regional “convening body with secretariat support to assist in coordinating efforts...” and indicated that the organization was well placed to take this on.<sup>15</sup> At the request of J/TIP, ILO – led by the Regional Migration Specialist attached to the DWT-BKK – submitted an initial concept note for a two-year project based on a budget cap of US\$1 million in March 2016. The concept note went through a number of iterations over the next few months based on consultations with government authorities in Indonesia and Thailand and further discussions with J/TIP.<sup>16, 17</sup> ILO submitted a formal request for funding to the US State Department in August 2016, which included a six-page *Project Narrative* (Section 2) that lays out the rationale for the project, defines its overall goal and objectives, specifies activities to be undertaken, outlines a monitoring and evaluation plan, and summarizes ILO’s capability and experience.<sup>18</sup> The proposal was subsequently revised and resubmitted in November 2016 and again in March 2017. The US Department of State approved funding on 4 April 2017 for a three-year project with a total budget of US\$1.5 million.<sup>19</sup>

### Project objectives and activities

14. As stated in the *Project Narrative*, the goal of the project was as follows: “To reduce trafficking and labour exploitation in fisheries by strengthening coordination at the regional and national level.”<sup>20,21</sup> To this end, the *Project Narrative* delineates three objectives as well as associated activities as

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<sup>14</sup> Email from G. Hermsmeyer, J/TIP to M. Bussi and other ILO staff dated 12 February 2016.

<sup>15</sup> While not referenced in the *Project Narrative*, key informants indicated that the idea for the regional coordinating body was based on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) initiated in 2002. The Bali Process is a voluntary and non-binding initiative. Members of the Bali Process include 45 countries as well as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the United Nations Office on Drugs and Crime (UNODC). It is co-chaired by the Governments of Australia and Indonesia. In 2011, members endorsed the Regional Cooperation Framework (RCF), which encourages member States to take actions to reduce irregular migration in the Asia-Pacific Region. A Regional Support Office (RSO) was established in 2012 to facilitate information sharing, provide assistance on capacity building, and support particular projects. The Bali Process holds Ministerial Conferences, Senior Official Meetings, and Working Group meetings on a periodic basis. <https://baliprocess.net>

<sup>16</sup> For example, the original concept note called for a “Ministerial Meeting to endorse the regional strategy/action plan.” This was dropped in subsequent versions of the concept note.

<sup>17</sup> According to key informants, consultations were held with the Ministry of Labour and the Ministry of Social Development and Human Security in Thailand as well as the Ministry of Manpower and the Ministry of Marine Affairs and Fisheries in Indonesia.

<sup>18</sup> The submission was accompanied by a letter of support (dated 18 August 2016) from the Director General of Labor Inspection Development and OSH, Ministry of Manpower of the Republic of Indonesia dated. According to a key informant, a letter from government officials in Thailand was requested, but was not forthcoming.

<sup>19</sup> The PARDEV Minute Sheet was issued on 28 April 2017. The Minute Sheet and attachments were sent to Co-Jakarta and copied to DWT-Bangkok, ROAP, Co-Manila, Co-Hanoi, SECTOR, FUNDAMENTALS, MIGRANT and PROGRAM. The circulation list does not include the country office for Thailand, Cambodia and Lao PDR, or the Liaison Office in Myanmar.

<sup>20</sup> The *Project Narrative* notes that the fisheries sector refers to fishing (wild capture of fish at sea), farming and processing.

<sup>21</sup> The U.S. Government defines trafficking in persons “as the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud or coercion. Under the Trafficking Victims Protection Act (TVPA) and consistent with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo

shown in Table 2.<sup>22</sup> The project centered on the establishment of a multi-stakeholder regional coordinating body (RCB), consisting of government authorities, employers’ organizations and workers’ organizations from the ten ASEAN countries.<sup>23</sup> The RCB was expected to develop strategies and action plans to combat trafficking and labor exploitation in the fisheries sector for adoption at the regional level and at the national level in Indonesia and Thailand. However, resolutions or recommendations from the RCB pertaining to strategies/plans or any other matters would not be binding. Research would be carried out under the auspices of the SEA Fisheries project to provide a foundation for the development of strategies and action plans.

**Table 2. Project Objectives and Planned Activities as Presented in *Project Narrative***

<p><b>Objective 1:</b> Regional body established and existing national bodies (in Indonesia and Thailand) supported to improve coordination in combating trafficking in the fisheries sector</p>	<ul style="list-style-type: none"> <li>• <b>Activity 1.1:</b> Appraisal and design that outlines the mandate, composition and functions of the regional body, based on consultations with key stakeholders, and consideration of comparable consultative processes and MSIs within and beyond the region (e.g. ASEAN Forum on Migrant Labour, COMMIT, Bali Process, SSSTF, etc.), as well as drawing links with these bodies with shared aims.</li> <li>• <b>Activity 1.2:</b> Senior officials meetings, together with social partners, CSOs and buyers convened at the regional level to review design and TOR of the Convening Body and decide regional coordination priorities.</li> <li>• <b>Activity 1.3:</b> A convening body and secretariat is set up, incubated by IL, as per the TOR, and with support from key governments and development partners</li> </ul>
<p><b>Objective 2:</b> Coordinated strategies and action plans adopted to enhance the complementarity and efficiency of the various initiatives ongoing to combat trafficking in the fisheries sector</p>	<ul style="list-style-type: none"> <li>• <b>Activity 2.1:</b> Mapping of current and planned anti-trafficking activities concerning sea fisheries at the regional level and in priority countries (Indonesia and Thailand).</li> <li>• <b>Activity 2.2:</b> Adoption of a results-oriented and gender-responsive regional strategy and action plan, with an emphasis on enhanced bilateral and multilateral cooperation, in close coordination with existing regional initiatives (e.g. SEAFDEC, SSSTF, ASEAN, COMMIT).</li> <li>• <b>Activity 2.3:</b> Adoption of results-oriented and gender-responsive <b>national</b> [emphasis in original] strategies and action plans for Thailand and Indonesia, in close coordination with existing government structures (e.g. CCCIF in Thailand, and Task Force in Indonesia). (a)</li> </ul>
<p><b>Objective 3:</b> Independent research and analysis is undertaken to underpin the development of the strategies and action plans, fill knowledge gaps and measure progress</p>	<ul style="list-style-type: none"> <li>• <b>Activity 3.1:</b> Research is commissioned, jointly reviewed and widely shared to inform the range of interventions in the sector.</li> <li>• <b>Activity 3.2:</b> Targeted assessments of specific types of interventions are carried out to determine their efficiency, impact and sustainability</li> <li>• <b>Activity 3.3:</b> Platforms for enhancing communication on progress, international standards and good practices are established at the national and regional level (e.g. newsletter, website and social media).</li> </ul>

Notes: (a) This activity was dropped from the Project Logical Model submitted with the request for a no-cost extension in February 2020.

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Protocol), as well as the Protocol of 2014 to the Forced Labour Convention, individuals may be trafficking victims regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. Despite a term that seems to connote movement, at the heart of the phenomenon of trafficking in persons are the many forms of enslavement, not the activities involved in international transportation. Notably, elements of trafficking can include, but do not require movement.”

<sup>22</sup> See Annex A for the full project logical model, which specifies outputs, outcomes, indicators and targets for each activity. The annex notes revisions to the original log frame made in January 2018 and March 2020.

<sup>23</sup> Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

## Project management and staffing

15. The project was conducted under the direction of the ILO Country Office for Indonesia and Timor (CO-Jakarta). Principal responsibility for technical backstopping was assigned to the regional Decent Work Technical Support Team for East and Southeast Asia and the Pacific (DWT-Bangkok).<sup>24</sup>
16. A small staff based in Jakarta was assigned to the project, including a chief technical advisor (CTA, “project manager”), national project coordinator (NPC), communications officer,<sup>25</sup> and a finance and administration assistant.<sup>26,27</sup> ILO retained external collaborators (consultants) to supplement project staff, who undertook research studies, supported/facilitated meetings, and provided other assistance.<sup>28</sup>
17. Unlike other ILO projects, a Project Steering Committee (PSC) consisting of representatives from tripartite constituents was not established at the outset of the project to advise on matters related to the design and implementation of the project. That said, as part of the process of establishing a regional coordinating body, a Steering Committee for the SEA Forum for Fishers (see below) was named in November 2018 and first met in August 2019 – 27 months after the project began.

## Project duration and budget

18. The project was originally given two technical staff, US\$1.5 million, and three years to fulfil objectives and accomplish the goal. The project started on 1 April 2017 and was scheduled to end on 31 March 2020. In August 2019 the decision was made to increase the total project budget by US\$150,000 to US\$1.65 million to provide additional staff resources.<sup>29</sup> The cooperative agreement was further amended in March 2020 to extend the project to 31 July 2020 under a no cost extension.<sup>30</sup>

## Major project events and milestones

19. Table 3 provides a chronology of major events and milestones from inception through 31 July 2020.

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<sup>24</sup> PARDEV Minute Sheet, 28 Apr 2017.

<sup>25</sup> The communication officer position was added in October 2019.

<sup>26</sup> Section 6 – Budget Narrative included as part of the submission to J/TIP indicates that ILO would hire a Project Manager (P4), National Officer (NO) and a Finance and Administration Assistant (G5), which would be located in Jakarta and “employed for the duration of the project.” The budget was later revised to include a Communications Officer and several interns.

<sup>27</sup> The CTA joined the project at the end of September 2017 and resigned effective 31 January 2020. See below for discussion of staff turnover.

<sup>28</sup> See Annex B for TORs for external collaborators retained under the project.

<sup>29</sup> Amendment to Cooperative Agreement dated 19 August 2019.

<sup>30</sup> Amendment to Cooperative Agreement dated 25 March 2020.

**Table 3. Project Chronology**

Date	Event/milestone
01 Apr 2017	Project start date (a)
14 Aug 2017	[1 <sup>st</sup> ] National Project Coordinator (NPC) begins assignment (b)
17 Sep 2017	Project Manager (CTA) begins assignment
30 Sep 2017	National tripartite consultation meeting in Indonesia (Jakarta)
30 Nov 2017	National tripartite consultation meeting in Thailand (Bangkok)
12-23 Feb 2018	Mission by Project Manager to the Philippines
05-08 Mar 2018	Mission by Project Manager to Thailand
19-22 Mar 2018	Mission by Project Manager to the Philippines
27 Mar 2018	Publication of <i>Background Paper. Consultative Forum on Regional Cooperation Against Human Trafficking, Labour Exploitation and Slavery at Sea</i>
27-28 Mar 2018	Consultative Forum on Regional Cooperation Against Human Trafficking, Labor Exploitation and Slavery at Seas in Southeast Asia (Bali)
14-19 Apr 2018	Mission by Project Manager to Thailand
20-24 May 2018	Mission by Project Manager to Thailand
02-13 Jun 2018	Mission by Project Manager to Myanmar
21 Jun 2018	National tripartite consultation meeting in Thailand (Bangkok)
26 Jun 2018	[2 <sup>nd</sup> ] National Project Coordinator (NPC) begins assignment (Note: b)
10 Jul 2018	National tripartite consultation meeting in Indonesia (Jakarta)
30 Oct – 02 Nov 2018	Mission by Project Manager to Thailand
06-07 Nov 2018	Mission by Project Manager to Malaysia
15-16 Nov 2018	Mission by Project Manager to the Philippines
26 Nov 2018	SEA Fisheries Project website goes live
26-29 Nov 2018	Workshop on Strengthened Regional Coordination to Combat Trafficking and Labour Exploitation in Fisheries in Southeast Asia held during Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries (Bali) <ul style="list-style-type: none"> <li>• Resolution calling for establishment of SEA Forum for Fishers adopted</li> <li>• TOR for SEA Forum for Fishers endorsed subject to approval by national authorities, if required</li> </ul>
11-15 Feb 2019	Mission by Project Manager to Thailand
26 Mar 2019	<i>SEA Fisheries Process Evaluation</i> completed
27-29 Mar 2019	First round of Working Group meetings (online)
10-12 Jul 2019	Second round of Working Group meetings (online)
01 Aug 2019	First meeting of Steering Committee of SEA Forum of Fishers (Manila)
19 Jul 2019	Publication of <i>Working Paper. Indonesia's Fisheries Human Rights Certification System: Assessment, Commentary and Recommendations</i>
19 Aug 2019	J/TIP approved additional funding (US\$150,000) for project
26-30 Aug 2019	Study trip to South Africa for officials from Indonesia, Philippines and Thailand
25-26 Sep 2019	Inaugural Plenary Meeting of the SEA Forum for Fishers (Bali) <ul style="list-style-type: none"> <li>• Resolution on establishment of SEA Forum for Fishers adopted</li> <li>• TOR for SEA Forum for Fishers reaffirmed</li> <li>• Two Recommendation issued: i) Recommendations to Flag and Coastal States and ii) Recommendations to Market States</li> </ul>
22-23 Jan 2020	Third round of Working Group meetings (online)
31 Jan 2020	Project Manager resigns
24 Mar 2020	Publication of <i>ILO Working Paper: Indonesia and the Work in Fishing Convention, 2007 (No. 188): A Comparative Analysis</i> and <i>ILO Working Paper: the Philippines and the Work in Fishing Convention, 2007 (No. 188): A Comparative Analysis</i>
25 Mar 2020	J/TIP approves no-cost extension for project to 31 July 2020
01 Apr 2020	[3 <sup>rd</sup> ] National Project Coordinator begins assignment
21 May 2020	Special COVID Meeting (online)
06 Jul 2020	Thai-Indonesia meeting on C188 and port State inspections (online)
31 Jul 2020	Project end date

Notes: (a) The PARDEV Minute Sheet was issued on 28 April 2017. (b) The initial NPC resigned on 10 April 2018 and was replaced by a new NPC, who started work on 26 Jun 2018. The second NPC resigned on 31 Mar 2020 and was replaced with a third NPC on 01 Apr 2020  
Source: Evaluator based on review of project documents

## Principal Findings

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### Relevance

***While the original scope was defined as the “fisheries sector,” the focus was subsequently narrowed to commercial fishing vessels operating in ocean waters.***

20. The *Cooperative Agreement* attached to the PARDEV Minute Sheet dated 28 April 2017 states, “This initiative will conduct research, institutionalize a convening body to integrate ASEAN regional efforts, and develop regional and national strategies to enhance efforts to combat trafficking in person in the *seafood sector*.” The *Project Narrative* states that the project “aims to reduce trafficking in the *fisheries sector*,” noting that the *fisheries sector* refers to fishing (capture), farming and processing (*italics added*). The mandate for the SEA Forum for Fishers is stated as follows: “The SEA Forum for Fishers is a non-binding voluntary multi-stakeholder initiative to strengthen coordination among the Members to combat trafficking in persons, forced labour, modern slavery, as well as labour exploitation in the *fishing and seafood* sector through an integrated, holistic, human rights-based and action-led approach.”<sup>31</sup> That said, in practice, the SEA Fisheries project concentrated on issues related to commercial fishing vessels operating in coastal waters and on the high seas. Given limited resources, the project manager decided “early on” to narrow the focus based on the particular “characteristics of sea-based work” and the priorities expressed by stakeholders, particularly in Indonesia.<sup>32</sup>

***Trafficking and labor exploitation in the commercial fishing sector in Southeast Asia has been well documented.***

21. Various reports by the ILO and other organizations have highlighted serious human and labour rights abuses in the commercial fishing industry in the region, particularly with respect to migrant workers from Cambodia, Indonesia, Myanmar and the Philippines. See, for example, the publications listed in Table 4. Most studies focus on trafficking of migrant workers from labor sending countries to work on fishing vessels flagged in different States, for example, migrant workers from Myanmar working on fishing vessels flagged in Thailand or migrant workers from Indonesia working on fishing vessels flagged in Taiwan. However, fishers from the same country as the flag State have also been shown to be subject to significant labour abuses.

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<sup>31</sup> The names of two working groups also reference the seafood industry – WG3 Harmonizing labour standards in the fishing and seafood industry in SEA, and WG5 Increasing access to remedy for survivors and victims of trafficking in the fishing and seafood industry.

<sup>32</sup> Written response from project manager.



**Table 4. Selected Publications on Trafficking and Forced Labor in Fisheries**

2018	<i>Baseline research findings on fishers and seafood workers in Thailand (a)</i>	ILO
2017	<i>Global Estimates of Modern Slavery: Forced Labour and Forced Marriage</i>	ILO, Walk Free Foundation, and IOM
2016	<i>Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry</i>	Coventry University, Gov. of Indonesia, and IOM
2016	<i>Made in Taiwan: Government Failure and Illegal, Abusive and Criminal Fisheries</i>	Greenpeace
2015	<i>Pirates and Slaves: How Overfishing in Thailand Fuels Human Trafficking and the Plundering of Our Oceans</i>	Environmental Justice Foundation
2015	<i>A Report of Migrant Children &amp; Child Labourers and Seafood Processing in Thailand's Fishing Industry</i>	Terre des Hommes Germany and Labour Rights Promotion Network Foundation (LPN)
2014	<i>In African Waters. The Trafficking of Cambodian Fishers in South Africa</i>	NEXUS Institute and IOM
2014	<i>Work in Fishing in the ASEAN Region: Protecting the Rights of Migrant Fishers</i>	ILO
2013	<i>Trapped at Sea. Using the Legal and Regulatory Framework to Prevent and Combat the Trafficking of Seafarers and Fishers</i>	NEXUS Institute
2013	<i>Sold to the Sea: Human Trafficking in Thailand's Fishing Industry</i>	Environmental Justice Foundation
2013	<i>Employment Practices And Working Conditions In Thailand's Fishing Sector</i>	ILO
2011	<i>Trafficking Of Fishermen In Thailand</i>	IOM

Notes: (a). The report was produced under the EU-funded project titled, Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (Ship to Shore Project). It found labor abuses to be widespread – 71 percent of fishers reported one or more indicators of forced labour; the comparable figure for workers in the seafood-processing sector was 44 percent.

22. Every year the US State Department (USDOS) issues a report on human trafficking. As indicated in Table 5, at the time the proposed project was first discussed in 2016, USDOS classified five countries in the region as Tier 2, three countries as Tier 2 Watch List, and one country as Tier 3.<sup>33</sup> As part of the justification for these classifications, the report cited instances of forced labor in the fishing sector in most of these countries, particularly with respect to migrant workers on foreign-flagged fishing vessels. For example, with respect to Indonesia, the report notes, “Reports continue of Indonesian fishermen in forced labor on Taiwanese and South Korean fishing vessels in non-Indonesian waters... The government reported a significant number of foreign men have been subject to forced labor in Indonesia waters, including from Burma, Cambodia and Thailand; most of the vessels belong to Thai parent companies that operate under the auspices of Thai-Indonesia shell companies.” With respect to Thailand, the report goes on to state, “Trafficking in fishing remains a concern. Thai, Burmese, Cambodia and Indonesian men are subject to forced labor on Thai and foreign-owned fishing vessels.” With respect to Myanmar, the report notes, “Some Burmese men in the Thai fishing industry are subjected to debt bondage, passport confiscation, threats of physical or financial harm, or fraudulent recruitment; some are also subjected to physical abuse and forced to remain aboard vessels in international waters for years.”

<sup>33</sup> Tier 1. Countries whose governments fully meet the Trafficking Victims Protection Act’s (TVPA) minimum standards. Tier 2. Countries whose governments do not fully meet the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance. Tier 2 WATCH LIST. Countries whose governments do not fully meet the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year. Tier 3. Countries whose governments do not fully meet the minimum standards and are not making significant efforts to do so.

**Table 5. Trafficking in Person (TIP) Status**

Country	2016	2017	2018	2019	2020
Brunei	Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 2 Watch List
Cambodia	Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 2 Watch List
Indonesia	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2
Lao PDR	Tier 2 Watch List	Tier 2 Watch List	Tier 3	Tier 2 Watch List	Tier 2
Malaysia	Tier 2 Watch List	Tier 2	Tier 2 Watch List	Tier 2 Watch List	Tier 2 Watch List
Myanmar	Tier 3	Tier 2 Watch List	Tier 3	Tier 3	Tier 3
Philippines	Tier 1	Tier 1	Tier 1	Tier 1	Tier 1
Singapore	Tier 2	Tier 2	Tier 2	Tier 2	Tier 1
Thailand (a)	Tier 2 Watch List	Tier 2 Watch List	Tier 2	Tier 2	Tier 2
Vietnam	Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 2 Watch List

Notes: (a) Thailand had been classified as Tier 3 in the 2014 and 2015 TIP Reports.

***Stakeholders stated that the SEA Forum for Fishers addresses a need in the region and is focused on the right issues.***

23. The government of the Indonesia signalled its support for the project in a formal letter included in the original request for funding submitted by ILO to J/TIP; it was the only country to do so.<sup>34</sup> Some key informants noted that there was some confusion early on among constituents in Thailand with respect to the relationship between the Ship to Shore Right Project and the SEA Fisheries Project. This was addressed over time through a series of consultations. The Thai Government became more interested in the SEA Fisheries project after ratification of C188 in January 2019 as a vehicle for highlighting its leadership on this matter in the region.<sup>35, 36</sup>
24. The commitment and/or interest of different constituents in the SEA Forum for Fishers during the course of the project was manifest in multiple ways: agreement to serve on the Steering Committee, attendance at regional coordination meetings, participation in online working groups, governments’ requests for assistance, financial support of governments for regional meetings, invitations extended to the project team by various parties to present at meetings. As discussed below, the extent of participation and support provided to the SEA Forum for Fishers varied within and across countries in the region.
25. In general, stakeholders interviewed as part of this evaluation voiced support for the project, noting that the SEA Forum for Fishers addressed a need in the region and was focusing on an appropriate set of issues. However, some called attention to the fact that the issue of migrant workers varied by country depending on whether the country was a labor-sending State, a labor-receiving State, or both. Others suggested that the emphasis placed on international trafficking of migrant workers was too limited, noting, that while migrant workers are at particular risk, fishers can be subject to forced labor and exploitative labor conditions regardless of whether the fishers crossed a border to work. In this regard, efforts to combat forced labor and labor exploitation begin with the establishment of sound labor laws based on international labor standards, which are applicable to all workers regardless of nationality or immigration status.

<sup>34</sup> No MOUs were signed with any parties participating in the project.

<sup>35</sup> Key informant interviews.

<sup>36</sup> On 21 April 2015, the European Commission put Thailand on formal notice (“Yellow Card”) for failing to combat illegal, unreported and unregulated (IUU) fishing, requiring the country to implement corrective measures in order to avoid a ban on exports of fishery products to the EU. While IUU standards do not make explicit mention of employment or working conditions, it was generally understood that the EU expected Thailand to take action on this front as well. The yellow card was lifted in January 2019, following ratification of C188 and P29.

***The SEA Fisheries project is aligned with the ILO strategic framework and policy outcomes.***

26. The project was fully consistent with the main aims of the ILO – promote rights at work, encourage decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues through tripartite engagement. As indicated in *PARDEV Minute Sheet* (dated 27 April 2017) the project was aligned with Policy Outcomes 8 and 9;<sup>37</sup> however, Policy Outcomes 2 and 7 were relevant given stated objectives and reported activities (see Table 6). The *PARDEV Minute Sheet* also references a regional policy outcome for Asia and the South Pacific: RAS 151 - Improved Capacities of Governments and Social Partners to Manage Labour Migration.<sup>38</sup> These outcomes are aligned with Sustainable Development Goal (SDG) 8. Decent Work and Employment Growth.

**Table 6. Relevant ILO Policy Outcomes**

Policy Outcome (a)	Outcome Statement
<b>Referenced in PARDEV Minute Sheet</b>	
Policy Outcome 8. Protecting workers from unacceptable forms of work	<ul style="list-style-type: none"> <li>• More effective policies and regulations, informed by an enhanced knowledge base on the extent and patterns of unacceptable forms of work in different sectors, occupations and groups, including migrants, indigenous peoples, people living with HIV and persons with disabilities;</li> <li>• Improved institutional capacity for implementation of policies and regulations, with a focus on the eradication and prevention of forced labour and child labour and all forms of discrimination; the promotion of equal remuneration with emphasis on women in female-dominated, low-paying occupations; the protection of workers from working conditions that put at risk their life or health, including harassment and violent behaviour; and the promotion of freedom of association and of collective bargaining for workers at higher risk of unacceptable forms of work; and</li> <li>• Strengthened advocacy and partnerships with concerned multilateral organizations, civil society groups and media, especially in respect of the eradication of forced and child labour, the promotion of equal remuneration with emphasis on women in female-dominated, low-paying occupations, and the prevention and protection of women and men from work-related violence and harassment.</li> </ul>
Policy Outcome 9. Fair and effective international labour migration and mobility	<ul style="list-style-type: none"> <li>• Improved national legislation, policies and bilateral or multilateral agreements that are fair, effective and gender sensitive, inclusive of persons with disabilities, aimed at reducing governance gaps related to international labour migration and mobility in the protection of migrant workers' rights and the functioning of labour markets, in line with international labour standards; and</li> <li>• Strengthened capacity to implement and monitor fair governance frameworks and to deliver inclusive services for the protection of migrant workers' labour rights; the promotion of productive employment and decent work for migrant workers, refugees, and other forcibly displaced persons.</li> </ul>
<b>Other Relevant Policy Outcomes</b>	
Policy Outcome 2. Ratification and application of international labour standards	<ul style="list-style-type: none"> <li>• Increased reach of international labour standards through wider ratification;</li> <li>• Enhanced action by tripartite constituents and other actors at country level for the application of international labour standards, supported through national and multilateral planning frameworks such as DWCPs and United Nations Development Assistance Frameworks (UNDAFs) or equivalent planning frameworks; and</li> <li>• Effective engagement of and ownership by tripartite constituents in the preparation, adoption, reporting and review of international labour standards.</li> </ul>
Policy Outcome 7. Promoting workplace compliance through labour inspection	<ul style="list-style-type: none"> <li>• Improved OSH policies, systems, programmes and legal frameworks, including collective agreements and their improved implementation based on social dialogue and an expanded knowledge base underpinned by empirical evidence and good practice;</li> <li>• Improved workplace compliance policies, systems, programmes and legal frameworks and their improved implementation through strengthened national capacity of labour administrations, labour inspectorates and other responsible authorities for prevention, enforcement, remediation and dispute settlement; and</li> <li>• Developed or strengthened institutions and mechanisms for tripartite social dialogue, industrial relations and collective bargaining with a view to fostering the involvement of governments, employers' and workers' organizations in addressing inequality and enhancing workplace compliance, including in global supply chains.</li> </ul>

Notes (a) Programme & Budget for 2018-19 Biennium

<sup>37</sup> The *Project Narrative*, itself, does not reference either ILO Policy Outcomes or Regional Outcomes.

<sup>38</sup> The corresponding Country Programme Outcomes are as follows: **Thailand**. THA153 - Governments and social partners in Thailand develop and implement policies to protect women, men and children from unacceptable forms of work and THA176 - Government and social partners in Thailand develop and implement policies to manage migration, protect migrant workers and combat trafficking in line with ILO principles Indonesia. **Indonesia**. IDN102 - Enhanced labour migration governance towards better protection and empowerment for Indonesian women migrant workers, domestic workers and fishers

## Coherence

### ***Some, but not all, issues that need to be addressed to combat trafficking and labour exploitation in the fishing sector require coordinated action by multiple States.***

27. The rationale for the establishment of a regional coordinating body laid out in the *Project Narrative* revolves around the notion that “limited communication” among tripartite partners in the region had led to “disjointedness” of interventions with respect to the prevention of trafficking of fishers, protection of victims, and prosecution of offenders.<sup>39</sup> The regional coordination body was expected to bring together stakeholders in the region to address a wide range of issues.<sup>40</sup> In this regard, the RCB was seen as a mechanism to: i) increase awareness of the need to protect fishers, particularly international migrants, ii) share information on good practices; and iii) coordinate joint actions by multiple countries.
28. In this regard, some elements of regional strategies identified by the project – establishment of systems to share information on particular fishing vessels suspected of labor abuses, development and implementation of a common protocol for port State control, and execution of agreements on transborder migration based on agreed principles – are dependent on coordinated actions by parties, primarily government authorities, across multiple countries. However, others are not. For example, the harmonization of national laws in the region based on the ratification of *existing* conventions such as C188 is dependent on actions by individual countries. The RCB may provide a forum for discussing provisions of the conventions, sharing information on practices adopted in different countries and/or encouraging States to ratify conventions, but ratification does not require the coordination of activities across borders.

### ***The implementation of regional strategies requires actions by nation states, but the project was not designed to offer necessary assistance to individual countries.***

29. The *Project Narrative* envisions the “adoption” of regional strategies, presumably by members of the regional coordinating body. However, as discussed below, strategies agreed by the body revolved around changes in policies, laws and practices in sovereign nations, which were not bound by decisions of the body. Furthermore, resolutions, recommendations or other pronouncements by the body did not necessarily connote official endorsement by participating government authorities or other member organizations.
30. A theory of change is intended to reflect the logical sequence of cause and effect relationships that link project activities to the stated goals. In this case, the goal included the reduction of trafficking and labour exploitation in the fishing sector. To a great extent, the strategies defined by the SEA Forum for Fishers represented just an initial step. For example, one of the strategies discussed below revolved around the adoption of a common protocol for port State control pursuant to C188.

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<sup>39</sup> *Project Narrative*

<sup>40</sup> The *Project Narrative* identifies an “initial list of regional coordination priorities,” including, *inter alia*, activities related to promoting social dialogue, documenting and sharing information on good practices, identifying and addressing “factors which increase vulnerability to trafficking (such as corruption, lack of rule of law),” promoting the adoption of ILO guidelines for flag State and port State inspections, “developing and rolling out wage protection mechanisms and remittance services,” endorsing a set of common victim-ID procedures and guidelines, and expanding “strategic partnership among intergovernmental organizations. (See Box 1.)

However, to have an effect on trafficking and labor exploitation, legislation and/or regulations required to enact the protocol would need to be enacted, vessel owners and fishers would need to understand their obligations and rights, the competent authority would need to have the requisite capacity to implement the protocol (including staff and budget), inspection procedures (and associated tools and information systems) to implement the protocol would need to be established, inspectors would need to carry out their assignment as intended, and sufficiently large sanctions would need to be imposed by administrative or judicial authorities not only to punish offenders but to deter unwanted behaviour in the future.

31. The port State control strategy as well as others considered by the SEA Forum for Fishers are dependent on actions at the national level; however, the project was not devised to provide the type and magnitude of support needed to implement strategies in individual countries.<sup>41</sup> Project staff were based only in Jakarta and insufficient resources were allocated to implementation at the national level..

***While the project took place within an established international legal framework, not all countries in the region were parties to relevant agreements.***

32. The project took place within the context of an international legal framework established by treaty or other instruments, including UN Protocols, ILO Conventions, and other intergovernmental agreements.<sup>42</sup> Table 7 lists relevant international agreements along with their status in ASEAN countries. The only binding international agreement that addresses employment or working conditions aboard fishing vessels is the Work in Fishing Convention and the only signatory in the region is Thailand, which ratified it on 30 January 2019.<sup>43,44</sup> The Convention requires States to ensure that crew aboard commercial fishing vessels have decent working and living conditions. It specifies minimum standards with respect to recruitment and placement; rest period and other conditions of service; written work agreements; food and accommodation; safety and health; medical care; and social security. Legislation has been enacted in Thailand in accordance with C188 and a series of regulations have been issued. (Thailand also ratified P29 in June 2018 and enacted requisite legislation in April of the following year.) As discussed in more detail below, the SEA Fisheries project carried out C188 gap analyses in Indonesia and the Philippines, which highlighted provisions of existing laws that are not aligned with the Convention.

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<sup>41</sup> Regional fisheries management organization (RFMO) and other regional organizations established pursuant to the PSMA also do not have the capacity to work with national governments to implement port State control with regard to trafficking, forced labor or other forms of labor exploitation.

<sup>42</sup> The United Nations Convention on the Law of the Sea, 1994 (UNCLOS) governs State jurisdiction over vessels and other activities at sea. Most responsibility is vested in flag States, particularly with respect to vessels operating on the high seas; however, coastal States and port States have rights and obligations with respect to fishing vessels operating in their water or calling on their ports conferred through UNCLOS as well as other agreements.

<sup>43</sup> ILO provided extensive assistance to Thailand with respect to the ratification of C188 and P29 under the EU-funded Ship to Shore Right project. This included reviews of existing laws to identify changes needed to comply with the C188 and P29 (“gap analysis”), extensive support for a series of consultations with key constituencies, written responses to questions posed by the Government, technical comments on draft laws prepared by the Government, testimony in public hearings, letters of support urging government action, and informal discussions with key policymakers and constituent representatives.

<sup>44</sup> Under the Port State Management Agreement (PSMA), the six parties to the agreement in the region are required to place tighter controls on foreign-flagged vessels seeking to enter and use their ports to land or tranship fish in order to prevent, deter and eliminate illegal, unreported, and unregulated fishing (IUU). However, the PSMA does not address labor issues.

**Table 7. Status of Relevant International Agreements**

Agreement	Org	Purpose	Date of entry into force	No. of Parties	ASEAN Parties
<b>Trafficking and forced labor</b>					
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	UN	Supplements the United Nations Convention against Transnational Organized Crime. It calls on States to adopt legislative and other measures to prosecute trafficking as a criminal offense, support and protect trafficking victims, and cooperate with other States.	Dec 2003	176	Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam
Protocol of 2014 to the Forced Labor Convention, 1930 (P29)	ILO	Requires States to criminalize and prosecute forced labor and take effective measures to prevent forced labor and provide victims with protection and access to remedies, including compensation.	Nov 2016	45	Thailand
<b>Migrant employment</b>					
Migration for Employment Convention (Revised), 1949 (No. 97)	ILO	Establishes standards for recruitment and working conditions of migrant workers based on the principle of equal treatment of migrant workers and nationals with regard to laws, regulations and administrative practices that concern living and working conditions, remuneration, social security, employment taxes and access to justice	Jan 1952	50	Philippines
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	ILO	Requires States to respect the basic human rights of all migrant workers, including irregular migrants. It also provides that lawfully present migrant workers and their families should be entitled to equal treatment and equality of opportunity, e.g. equal access to employment and occupation, trade union and cultural rights and individual and collective freedoms.	Dec 1978	25	Philippines
<b>Fishing</b>					
Work in Fishing Convention (C188)	ILO	Sets mandatory requirements for working and living conditions on commercial fishing vessels.	Nov 2017	18	Thailand
International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel personnel, 1995 (STCW-F 1995)	IMO	Sets mandatory requirements for certification and training for crews of seagoing fishing vessels of 24 meters in length and above in order to improve safety conditions.	Sep 2012	33	Indonesia
Cape Town Agreement of 2012 on the Implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977	IMO	Sets mandatory requirements for safety measures on fishing vessels of 24 m in length and over, including stability and seaworthiness, machinery and electrical installations, life-saving appliances, communications equipment, fire protection, and fishing vessel construction.	Not yet in force	14	0 —
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	FAO	Sets mandatory requirements for Ports States to conduct inspections of foreign-flagged fishing vessels seeking to enter their ports to land or transship fish, refuse entry to vessels engaged in IUU, and share information with other States to facilitate enforcement.	Jun 2016	64	Cambodia, Indonesia, Myanmar, Philippines, Thailand, and Vietnam

Sources: Evaluator based on the following: <https://www.ilo.org/dyn/normlex>; <https://treaties.un.org>; <http://www.fao.org/port-state-measures/background/parties-psma/en/>; and <http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/status-x.xlsx>.

***The project built on activities undertaken by multiple units within the ILO.***

33. ILO has been involved in efforts to protect fishers, including migrant fishers, from labor abuses for more than 20 years. Much of this work has centered on the development, ratification and implementation of the Work in Fishing Convention (C188). The Convention is supplemented by the accompanying Work in Fishing Recommendations (No. 199). In addition, ILO has published tools, guidelines, and working papers related to the Convention, including *Guidelines to Undertake a Comparative Analysis of the Work in Fishing Convention, 2007* (2011); *Frequently Asked Questions: Work in Fishing Convention, 2007* (2012); *Guidelines for Port State Control Officers Carrying Out Their Duties under the Work in Fishing Convention, 2007* (2012); *Fishers First: Good Practices to End Labour Exploitation as Sea* (2016); *Decent Work for Migrant Fishers* (2017); *Working Paper: The Flexibility Clauses of the Work in Fishing Convention, 2007* (2017); and *Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels* (2017). The Sector Policies Department (SECTOR) has led this work.
34. A partial list of conferences, workshop, and expert meetings related to C188 is shown in Table 8. Most of these events were organized by SECTOR; however, the two regional meetings held in Indonesia were organized by the ILO through its Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region project (TRIANGLE). It should be noted that representatives of government authorities, employers' organization and workers' organizations in Southeast Asia participated in these events as experts or observers.

**Table 8. Selected Meetings on to Work in Fishing Conventions (C188)**

Date	Event	Location	Participating SEA countries
18-22 Sep 2017	Tripartite Meeting on Issues relating to Migrant Fishers	Geneva	Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand
25-26 Nov 2015	International Conference on Labour Exploitation in the Fishing Sector in the Atlantic Region	Oslo	Indonesia, Myanmar, Philippines, Thailand
21-25 Sep 2015	Meeting of Experts to Adopt Flag State Guidelines for the Implementation of the Work in Fishing Convention, 2007	Geneva	Indonesia, Malaysia, Philippines, Thailand
28-29 Apr 2015	Second Regional Meeting on the Protection of Migrant Fishers: ASEAN Review of 'Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels'	Jakarta	Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam
12-13 Sep 2013	ASEAN Regional Meeting on Work in Fishing: Increased Knowledge Base and Sharing Good Practices	Makassar	Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Thailand, Vietnam
15-17 May 2013	Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (No.188)	Geneva	Indonesia, Malaysia, Philippines, Thailand
11-15 Feb 2010	Tripartite Meeting of Experts to Adopt Port State Control Guidelines for Implementation of the Work in Fishing Convention, 2007	Geneva	-

Source: Evaluator based on notes of proceedings.

35. The SEA Fisheries project also built on activities undertaken by ILO to address issues related to forced labor and labor migration. The focal point for these activities within the ILO is the Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) and the Labour Migration



Branch (MIGRANT). The work most relevant to the project is the Fair Recruitment Initiative, which aims to prevent human trafficking and forced labour; protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment process; and reduce the cost of labour migration and enhance development outcomes. The initiative has included the development of general principles and operational guidelines for fair recruitment as well as work on a definition of recruitment fees and related costs.<sup>45</sup>

36. Finally efforts to enforce national laws with respect to employment and working conditions generally fall within the remit of ministries of labor, specifically the labor inspectorate. Within the ILO, responsibility for helping government strengthen labor administration rests with the LABADMIN/OSH Branch. LABADMIN/OSH has undertaken significant work in the region. Most notably, it worked with government authorities in selected provinces in Indonesia to establish policies and procedures to inspect labor conditions aboard commercial fishing vessels.
37. The SEA Fisheries project dealt with trafficking, forced labor, labor migration and labor inspection, specifically in the fishing sector. As such, it encompassed issues that cut across SECTOR, FUNDAMENTALS, MIGRANT and LABADMIN/OSH. However, under ILO policy, responsibility for technical backstopping could only be assigned to one unit – in this case, FUNDAMENTALS.

***The project was not allocated sufficient resources or time to accomplish its aims.***

38. A major issue with respect to the design of projects is whether the staffing, budget and duration were aligned with the aims of the project. As discussed in more detail below, the project lacked the resources needed to accomplish stated goals and objectives.

## **Effectiveness**

***Objective 1. The project established a regional coordination body, which fostered greater awareness of the need to protect fishers and shared information on good practices.***

39. Objective 1 focused on the establishment of a regional body to bring together government authorities, employers' organizations, workers' organizations, intergovernmental organizations, international buyer groups, and other non-governmental and civil society organizations to develop and implement a coordinated regional strategy to combat trafficking and labor exploitation in the fisheries sector.
40. A series of stakeholders meetings,<sup>46</sup> national tripartite consultation meetings,<sup>47</sup> and three regional coordination meetings were held under the auspices of the SEA Fisheries project as part of the process of establishing a regional coordinating body. The three regional coordination meetings are listed in Table 9: all were held in Bali, Indonesia and included representatives of government

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<sup>45</sup> See *General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs*, 2019.

<sup>46</sup> As noted above, as part of the process of establishing the SEA Forum for Fishers, the project manager undertook missions to four of the ten ASEAN countries: Malaysia (1), Myanmar, (1) Philippines (3), and Thailand (5).

<sup>47</sup> Four tripartite national consultation meetings were held in Indonesia (2) and Thailand (2). No national tripartite consultation meetings were held in the Philippines or other ASEAN countries due to the lack of project staff in these countries and insufficient financial resources to convene these types of meetings. (Written response provided by former project manager.)



authorities, employers’ organizations, workers’ organizations, intergovernmental organizations, and nongovernmental and civil society organizations.

**Table 9. Regional Meetings**

Date	Title	SEA Countries Represented	Major Outputs of Meetings
27-28 Mar 2018	Consultative Forum on Regional Cooperation Against Human Trafficking, Labour Exploitation and Slavery at SEA (Bali)	Ten (10): Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam	<ul style="list-style-type: none"> <li>Adopted Conclusions on Regional Cooperation Against Human trafficking, Labour Exploitation and Slavery at Sea</li> </ul>
26-27 Nov 2018	Workshop on Strengthened Regional Coordination to Combat Trafficking and Labour Exploitation in Fisheries in Southeast Asia (Bali)	Eight (8): Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Thailand, and Viet Nam	<ul style="list-style-type: none"> <li>Adopted Resolution on the Southeast Asian Forum to End Trafficking in Persons and Forced Labor of Fishers (no 1)</li> <li>Adopted Terms of Reference (TOR) – Southeast Asia Forum to End Trafficking in Persons and Forced Labor of Fishers</li> </ul>
25-26 Sep 2019	Inaugural Plenary Meeting of the SEA Forum for Fishers	Seven (7): Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Thailand, and Viet Nam	<ul style="list-style-type: none"> <li>Adopted Resolution on the Southeast Asian Forum to End Trafficking in Persons and Forced Labor of Fishers (no 2)</li> <li>Reaffirmed TOR for SEA Forum for Fishers with no change</li> <li>Adopted two recommendations: i) <i>Recommendations to Flag and Coastal States</i> and ii) <i>Recommendations to Market States</i></li> </ul>

Source: Evaluator based on project documents, including *Quarterly Report* and *Notes on Proceedings*

41. The first regional meeting took place 27-28 March 2018, which included a series of presentations on labor exploitation and trafficking in fisheries and produced a meeting document titled, *Conclusions on Regional Cooperation Against Human Trafficking, Labour Exploitation and Slavery at Sea*. It called, inter alia, for the establishment of a regional coordinating body. Building on the results of the meeting and subsequent consultations with key stakeholders, participants from eight countries met again on 26-27 November 2018.<sup>48</sup> Meeting participants adopted a resolution which, “subject to government approval process, where necessary,” called for the establishment of a regional coordination body – Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers (SEA Forum for Fishers) – based on the stated Terms of Reference (TOR) for the body including, *inter alia*, its mandate, membership, governance, working groups, and secretariat.<sup>49,50</sup> The TOR was subsequently reaffirmed (without amendment) by Resolution of the SEA Forum for Fishers at its Inaugural Plenary Meeting in September 2019. A summary is presented in Table 10.

<sup>48</sup> The workshop was part of a four-day conference entitled, Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries, which was jointly organized by the SEA Fisheries project and SECTOR. Following the workshop held under the auspices of the SEA Fisheries project, a second workshop was led by SECTOR – Workshop on Promotion of Decent Work For Fishers in Southeast Asia – which focused on the promotion, ratification and implementation of the Work in Fishing Convention (C188).

<sup>49</sup> *Resolution on the Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers*, 29 November 2018.

<sup>50</sup> The Thai government (MOL) proposed the insertion of the caveat in the November 2018 Resolution “to reserve its position in case official approval is needed. However, to date, MOL has not needed to adopt official action to continue its participation with the Forum. No government has required official approval to continue participation with the Forum, as the Forum is a nonbinding voluntary mechanism.” (Written response from project manager.)



**Table 10. Summary of Terms of Reference for the SEA Forum for Fishers**

<b>Mandate</b>
<p>The TOR states, “The SEA Forum for Fishers is a non-binding voluntary multi-stakeholder initiative to strengthen coordination among the Members to combat trafficking in persons, forced labour, modern slavery, as well as labour exploitation in the fishing and seafood sector through an integrated, holistic, human rights-based and action-led approach. The stated objectives of the SEA Forum for Fishers are as follows:</p> <ul style="list-style-type: none"> <li>• “To promote and facilitate collaboration, social dialogue based on the right to freedom of association and collective bargaining, good industrial relations, sustainable economic development, decent work and social protection in the fishing and seafood sector.</li> <li>• To eliminate trafficking in persons in Southeast Asian fisheries by strengthening coordination and increasing the efficiency and efficacy of the efforts already underway at the national and regional levels.</li> <li>• To promote human rights, fundamental principles and rights at work, and other relevant international standards and obligations, such as in ILO Conventions and the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children for fishers and migrant fishers in Southeast Asia.</li> <li>• To strengthen cooperation between Members from labour-sending States, transit States, and labour-receiving States, port States, and flag States on labour migration governance to facilitate safe, regular and orderly migration consistent with international labour standards.</li> <li>• To develop regional protocols and a clear division of responsibilities to strengthen exercise of the respective jurisdiction of flag States, port States and labour-sending States, particularly in relation to inspections of vessels, interventions, identification of victims and victim assistance including to migrant fishers who are abandoned in a State of which he or she is not a national.</li> <li>• To develop regional protocols for improved data collection and sharing, to share best practices and information between Members including on national labour administration and inspection systems.</li> <li>• To promote meaningful access to justice for fishers, including free or affordable complaint mechanisms in cases of alleged abuse of their rights, effective and appropriate remedies where abuse has occurred, and to strengthen mutual legal assistance among governments to that end.</li> <li>• To promote the ratification and effective implementation of the Work in Fishing Convention (No. 188), Protocol to the Forced Labour Convention, 2014 (P029), and other instruments relevant to the fishing sector through consultation and ensure coordination among agencies at the national, regional, and international levels.”</li> </ul>
<b>Membership (a)</b>
<p>The TOR defines members as follows: “... national government authorities; trade unions as representatives of workers in and from Southeast Asia and other non-governmental civil society organizations; representatives of employers including industry associations and private employment agencies in and from Southeast Asia, and businesses that source from the fishing and seafood industry in Southeast Asia.” The TOR states, “Changes to the Membership, including any new Members, may be made on the recommendation of the Steering Committee and by an ordinary vote of the Membership.</p>
<b>Governance</b>
<p>The TOR states, “The strategic direction for the SEA Forum for Fishers shall be guided by a Steering Committee,” consisting of three representatives from government authorities (including the chair of the committee), three representatives of worker’ organization (including a vice-chair), and three representatives of employers’ organizations (including a vice chair). The Steering Committee is expected to meet at least twice per year. [It] will “make recommendations to be adopted by the Membership” through an ordinary vote or a super majority vote with respect to any proposed “changes to the mandate, structure and operating modalities of the SEA Forum for Fishers.” The initial members and chairs were expected to serve through the end of the project. The TOR states, “Subsequent Members of [the] Steering Committee will be nominated and elected by the Membership through a super majority vote. Subsequent Chairs of the Steering Committee will be nominated and elected by the Steering Committee through a super majority vote [two-thirds of the voting body].”</p>
<b>Working Groups</b>
<p>The TOR identifies five working groups, which would meet at least quarterly: i) Trafficking in persons (TIP) risk identification and alert: data sharing and vessel monitoring; ii) Regional protocol for port State control and inspection of labour conditions on fishing vessels; iii) Harmonizing labour standards in the fishing and seafood industry in SEA; iv) Fair recruitment of migrant fishers in and from SEA; and v) Increasing access to remedy for survivors and victims of trafficking in the fishing and seafood industry.</p>
<b>Secretariat</b>
<p>ILO is named as the Secretariat for the SEA Forum for Fishers through the end of the project.</p>

Notes: (a) The TOR also establishes a category of non-voting participants labelled as “technical advisors,” which would “serve as resources in their relevant area of expertise...” The organization named as technical advisors, include ASEAN Intergovernmental Commission on Human Rights (AICHR), Center For Advanced Defense Studies (C4ADS), Environmental Justice Foundation (EJF), Food And Agriculture Organization (FAO), Global Fishing Watch, Greenpeace, International Justice Mission (IJM), International Organization for Migration (IOM), Interpol, Liberty Shared, Plan International.

Source: Evaluator based on Terms of Reference adopted in Nov 2019 and reaffirmed in Sep 2019.

A nine-person Steering Committee for the SEA Forum for Fishers was appointed and met once.

42. The Steering Committee consisted of representatives of government authorities, employers’ organizations and workers’ organizations in Indonesia, Philippines, and Thailand as shown in Table 11.<sup>51</sup> The selection of organizations to serve on the Steering Committee (as well as to participate in regional coordination meetings) followed the Governing Body nomination process, which focused on established tripartite constituents within the ILO system.

**Table 11. Members of SEA Forum for Fishers Steering Committee**

Party	Country	Organization	Role
Government	Indonesia	Coordinating Ministry of Maritime Affairs	Chair
	Philippines	Department of Labour and Employment	
	Thailand	Ministry of Labour	
Workers	Indonesia	Indonesia Seafarers Union (KPI)	
	Philippines	Associated Philippines Seafarer’s Union (ASPU)	
	Thailand	Fishers’ Rights Network (FRN)	Vice-Chair
Employers	Indonesia	Employers’ Association of Indonesia (APINDO)	
	Philippines	Employers’ Confederation of the Philippines (ECOP)	Vice-Chair
	Thailand	Thai Tuna Industry Association (TTIA)	

Source: TOR for SEA Forum for Fishers

43. A few observations:

- None of the employers’ organization directly represented fishing vessel owners/operators.** APINDO and ECOP are both confederations of employers’ organizations. While APINDO includes associations that represent fishing vessel owners/operators, including the Indonesia Tuna Association (ASTUIN) and the Indonesian Pole & Line and Handline Fisheries Association (AP2HI), it is the confederation rather than one of the associations that served on the Steering Committee. ECOP members include both business membership organizations and individual corporations. While some corporate members are engaged in fishing or seafood processing, none of the business member organizations represent vessel owners/operators. ECOT is the established tripartite constituent in the ILO system; however, the project reached an agreement whereby TTIA would serve on the Steering Committee during the first year of operation.<sup>52</sup> TTIA is an association of tuna processing companies operating in Thailand: fishing fleet owner/operators are represented by the National Fisheries Association of Thailand (NFAT).<sup>53</sup>
- The Steering Committee included workers’ organizations that represent fishers, including migrant fishers.** Indonesia Seafarers Union (KPI), Associated Philippines Seafarer’s Union (ASPU), and the Fishers’ Rights Network (FRN). All three are affiliated with the International Transport Workers’ Federation (ITF). All three represent fishers and are engaged in some form of collective bargaining, albeit to different degrees.<sup>54</sup> FRN is an association of migrant fishers operating in

<sup>51</sup> The TOR names organizations, rather than particular individuals, to serve on the Committee. In this regard, the representative of DLPW was the Deputy Director General of DLPW. However, he was named as the Inspector General, Ministry of Labor in January 2020 and is no longer directly involved in the SEA Forum for Fishers. A replacement to the Steering Committee was not appointed. (Key informant interviews.)

<sup>52</sup> According to the former project manager, “... although ECOT representative in Nov 2018 agreed to this, the ECOT representative at the Sep 2019 complained that ECOT as the tripartite partner should be on the SC. ECOT was reassured that if the Forum continued, the SC composition would be revisited.” See written responses from the former project manager.

<sup>53</sup> NFAT is not a member of the SEA Forum for Fishers. The association has voiced its opposition to C188.

<sup>54</sup> There are a number of other workers’ organizations in Indonesia that represent fishers. In this regard, on 5 Dec 2019, the project held a two-hour meeting for officials from Indonesian Seafarers Union (KPI), Indonesian Fisheries Worker Union (SPPI),

three port areas in Thailand; it is not a legally registered union. (Under the Labor Relations Act, B.E. 2518 (1975) as amended, migrant workers may join unions but are prohibited from forming or leading unions.) FRN operates under the auspices of a Thai NGO – Human Rights Development Foundation (HRDF) – with technical and financial support from ITF.

- **The Steering Committee met for the first and only time on 1 August 2019.**<sup>55</sup> The TOR for the SEA Forum for Fishers states, “The strategic direction for the SEA Forum for Fishers shall be guided by a Steering Committee.” It goes on, “The Steering Committee will make recommendations to be adopted by the Membership” through an ordinary vote or a super majority vote with respect to any proposed “changes to the mandate, structure and operating modalities of the SEA Forum for Fishers.” It also notes, “Any decisions related to financial matters related to the SEA Forum for Fishers must be made in consultation with the Secretariat, the Steering Committee, and a super majority of the membership.”

The Steering Committee on 1 August 2019 was held in Manila. The meeting began with a review of the history of the SEA Forum for Fishers and the role of Steering Committee stipulated in the TOR. It then turned to a review of the working groups meeting held in March and July 2019, including results, challenges, and proposed activities. This was followed by a discussion of engagement with countries and entities outside of the region. The next item on the agenda was preparations for the upcoming Inaugural Plenary Meeting, including new organizations that should be invited as members to the Plenary and the participation of technical advisors. The Steering Committee agreed the agenda, invitation list, WG actions plans, and the proposal to present recommendations for flag and market States for approval by the membership.

Following the Inaugural Plenary, the project team stayed in touch with individual members of the Steering Committee through email, WhatsApp and other applications. Various draft documents were sent to the Steering Committee for review, including draft TORs for research studies, draft publications, and the TOR for the final evaluation. In interviews conducted as part of the final evaluation, some members suggested that communications fell off after the original project manager left at the end of January 2020, citing the lack of updates on the status of the project extension and potential to secure funding from other sources.

The Steering Committee did not meet as a group (either in person or online) since the plenary meeting. It did not table any recommendations for adoption by the membership, nor was it involved in decisions with respect to funding or the financial sustainability of the Forum.<sup>56</sup>

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Indonesian Migrant Workers Union (SBMI), Indonesia Fishers Union (KPPI), Indonesian Fishermen Association (INFISA), and the Indonesia Marine, Maritime and Fisheries Union (K3PI) to provide an update on activities of the SEA Forum for Fishers and foster greater collaboration. Plans were made to hold a follow-on meeting during Q1 2020, but this did not take place given the pandemic. See Minutes of Meeting, Indonesian Fisheries Unions Meeting, 5 December 2019.

<sup>55</sup> The designated representatives of organizations on the Steering Committee appear to have changed since the first meeting.

<sup>56</sup> Written response provided by project team.

The membership consisted of 60 organizations from eight countries.

44. As shown in Table 12, members included government authorities, employers' organizations, workers' organizations, and other civil society organizations.<sup>57</sup> Two issues merit highlighting:
- **The range of participating ministries in the Forum membership reflects the complexity of the issue and the manner in which government authority for addressing trafficking and labor exploitation in the fishing sector is assigned.** In both Vietnam and Lao PDR, membership of government authorities in the SEA Forum was limited to the ministry of foreign affairs; in Myanmar, only the Ministry of Labour, Immigration and Population (MOLIP) was a member. However, in the five other participating countries, multiple ministries were members of the Forum. In this regard, ministries of labor are responsible for employment policy and labor conditions, occupational safety and health and requirements under labor legislation. Authority over fishing vessels and ports rests in other ministries such as ministries of agriculture, marine affairs and/or transportation. Anti-trafficking initiatives tend to be assigned to ministries of human development and security. Responsibility for combating criminal activity rests with law enforcement agencies and the judiciary. The need for coordination of multiple government authorities, backed by appropriate legislation and regulation, is a critical concern.
  - **No buyers/retailers or industry-supported organizations that specifically focus on improving labor standards in seafood supply chains joined as members of the Forum.** Discussions were held with companies and relevant organizations during the course of the project, including Mars Petfood, Thai Union and the Seafood Task Force.<sup>58,59</sup> However, with only one exception, none of these companies/organizations attended any of the regional coordination events.<sup>60</sup> Several reasons were offered by the project manager: i) companies operating in Thailand saw the Seafood Task Force as the principal multi-stakeholder forum; ii) many organizations sought ILO 'approval' of their standards and certification process, which ILO could not provide;<sup>61</sup> and iii) the project lacked resources needed to follow up.<sup>62, 63</sup>

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<sup>57</sup> The TOR adopted in November 2018 included a list of the "provisional membership to be approved at the Inaugural Plenary Meeting in 2019 (See Resolution, Annex I). Several organizations subsequently elected not to participate as members of the SEA Forum for Fishers and new organizations were added. For example, in the Philippines, the Bureau of Fisheries and Aquatic Resources (Department of Agriculture), Maritime Industry Authority (Department of Transportation), and the Coast Guard were included in the provisional list, but are not considered as part of the current membership.

<sup>58</sup> A consultant was retained in Q3 2018 to develop a private sector engagement strategy. As part of this effort, the consultant conducted interviews with Consumer Good Forum, Ethical Trade Initiative (ETI), World Wise Foods, Axfoods, Bali Seafood International, FishWise, Global Seafood Assurance, Mars Petcare, Nestle, SeaFish, Winrock. The consultant drafted a document titled, *ILO SEA Fisheries Project: SEA Forum for Fishers Private Sector Engagement Strategy* (draft, undated).

<sup>59</sup> The Seafood Task Force includes many buyers/retailers operating in Thailand and elsewhere.

<https://www.seafoodtaskforce.global>

<sup>60</sup> The only exception was the attendance of Bon Appetit Management (through Monterey Bay Aquarium networks) at the event in March 2018.

<sup>61</sup> ILO does not generally certify private compliance initiatives organized by other parties.

<sup>62</sup> Written response from project manager.

<sup>63</sup> Private sector engagement was raised at the Steering Committee (SC) meeting in August 2019 (See Slides 14-16 in presentation). According to the project manager, "The SC agreed that... private sector engagement issues need to be addressed, but that for the short term, the focus would be on enforcement." However, this seems to conflate the active participation of buyers/retailers as members of the SEA Forum for Fishers with the design of the proposed regional strategy/action plan. A review of the minutes of the meeting did not shed further light. In written comments provided to the evaluator, the former project manager noted that the team lacked the resources needed to follow-up with buyers/retailers.

**TABLE 12. Membership of SEA Forum for Fishers**

Country (a)	Government Authorities	Employers' Organization	Workers' Organizations	NGO/CSO
Cambodia	<ul style="list-style-type: none"> <li>Ministry of Agriculture, Forestry and Fisheries</li> <li>Ministry of Interior</li> <li>Ministry of Labour and Vocational Training</li> <li>National Committee for Counter Trafficking</li> <li>National Police</li> </ul>	<ul style="list-style-type: none"> <li>Association of Cambodian Recruitment Agencies (ACRA)</li> <li>Cambodia Federation of Employers and Business Associations (CAMFEBA)</li> </ul>	<ul style="list-style-type: none"> <li>Cambodia Labour Confederation (CLC)</li> </ul>	
Indonesia	<ul style="list-style-type: none"> <li>Coordinating Ministry for Human Development and Cultural Affairs</li> <li><b>Coordinating Ministry for Maritime Affairs and Investment (d)</b></li> <li>Indonesian Maritime Security Agency (BAKAMLA)</li> <li>Ministry of Foreign Affairs</li> <li>Ministry of Manpower</li> <li>Ministry of Marine Affairs and Fisheries</li> <li>Ministry of Transportation</li> <li>National Board on Placement and Protection of Indonesian Migrant Workers (BNP2TKI)</li> </ul>	<ul style="list-style-type: none"> <li>Consortium of Indonesian Manning Agencies (CIMA)</li> <li><b>Employers Association of Indonesia (APINDO) (d)</b></li> <li>Indonesian Pole &amp; Line and Handline Fisheries Association (AP2HI)</li> <li>Indonesian Ship Manning Agents Association (ISMAA)</li> <li>Indonesian Tuna Association (ASTUIN)</li> </ul>	<ul style="list-style-type: none"> <li>Confederation of Indonesian Prosperity Trade Union (KSBSI)</li> <li>Confederation of Indonesian Trade Union (KSPI)</li> <li>Indonesian Fisheries Worker Union (SPPI)</li> <li>Indonesian Fishermen Association (INFISA)</li> <li>Indonesian Migrant Workers Union (SBMI)</li> <li><b>Indonesian Seafarers Union (KPI) (d)</b></li> </ul>	<ul style="list-style-type: none"> <li>SEAFish for Justice</li> </ul>
Lao PDR	<ul style="list-style-type: none"> <li>Ministry of Foreign Affairs</li> </ul>			
Malaysia	<ul style="list-style-type: none"> <li>Malaysia Maritime Enforcement Agency</li> <li>Ministry Agriculture and Cooperatives</li> <li>Ministry of Home Affairs</li> <li>Ministry of Human Resources</li> <li>Royal Malaysia Marine Police</li> </ul>	<ul style="list-style-type: none"> <li>Malaysian Employers Federation</li> </ul>	<ul style="list-style-type: none"> <li>Malaysia Trade Union Congress</li> </ul>	
Myanmar	<ul style="list-style-type: none"> <li>Ministry of Labour, Immigration and Population</li> </ul>		<ul style="list-style-type: none"> <li>Independent Federation of Myanmar Seafarers</li> </ul>	
Philippines	<ul style="list-style-type: none"> <li>Department of Foreign Affairs</li> <li>Department of Justice</li> <li><b>Department of Labour and Employment (d)</b></li> <li>Philippine Overseas Employment Administration</li> </ul>	<ul style="list-style-type: none"> <li><b>Employers Confederation of the Philippines (d)</b></li> <li>SOCSKARGEN Federation of Fishing and Allied Industries</li> </ul>	<ul style="list-style-type: none"> <li><b>Associated Philippine Seafarer Union (d)</b></li> <li>SENTRO</li> </ul>	<ul style="list-style-type: none"> <li>SEAFish for Justice</li> <li>Stella Maris</li> </ul>
Thailand	<ul style="list-style-type: none"> <li>Ministry of Agriculture and Cooperatives (b)</li> <li>Ministry of Foreign Affairs</li> <li><b>Ministry of Labour (c), (d)</b></li> <li>Ministry of Social Development and Human Security</li> <li>Royal Thai Navy/CCCF</li> </ul>	<ul style="list-style-type: none"> <li>Employers Confederation of Thailand</li> <li><b>Thai Tuna Industry Association (d)</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Fishers Rights Network/ITF (d)</b></li> </ul>	<ul style="list-style-type: none"> <li>Human Rights and Development Foundation</li> </ul>
Vietnam	<ul style="list-style-type: none"> <li>Ministry of Foreign Affairs</li> </ul>	<ul style="list-style-type: none"> <li>Vietnam Chamber of Commerce and Industry</li> </ul>	<ul style="list-style-type: none"> <li>Vietnam General Confederation of Labour</li> </ul>	

Notes: (a) There are no members from either Brunei or Singapore. (b) The Department of Fisheries is part of the Ministry of Agriculture and Cooperatives. (c) The Department of Labor Protection and Welfare is part of the Ministry of Labour. (d) Members of Steering Committee.  
Source: Evaluator based on updated participant list provided by project team

Four rounds of working group meetings were held since November 2018.

45. The objectives of the Working Groups were established at the regional coordination meeting in November 2018.<sup>64</sup> The first two were held online – one in March 2019 and the other in June 2019.<sup>65</sup> These centered on presentations made by invited technical advisors. The third round of working group meetings was conducted in-person during the Inaugural Plenary Meeting in September 2019, where discussions focused on draft documents for consideration by the SEA Forum for Fishers (see below) as well as proposed “action plans” for the Working Groups through July 2020.<sup>66</sup> As discussed in more detail below, the agreed plans for the working groups included research studies, development of protocols, development of MOUs, workshops and training events, and various communication initiatives; in some instances, two working groups shared responsibility for a particular activity. The Resolution of the SEA Forum for Fishers (Sep 2019) affirmed the adoption of the plans for the Working Groups.<sup>67</sup> A fourth round of WG meetings was held online in January 2020. In this instance, the working groups were collapsed into three sessions – WG1, WG2/3 and WG4/5 – which focused on a discussion of the status of planned activities.<sup>68</sup>
46. The ILO project team in its capacity as the Secretariat developed all TORs, draft protocols, and other work products. These were shared with working groups; however, discussions at meetings were fairly limited and there was little engagement outside of meetings. This reflects the voluntary nature of the Forum, inconsistent participation of individuals across meetings, and limited expertise on specific technical issues. The only exception was related to the activities of WG2, where government authorities from Indonesia and Thailand were involved in discussion regarding the potential for cooperation on port State control.

Participation of members of SEA Forum for Fishers was varied.

47. Table 13 shows which member organizations participated in each of the regional coordination meetings and working group meetings.<sup>69</sup> A few observations:
- The regional coordination meetings were generally well attended, although fewer member organizations participated in the September 2019 meeting (38) compared to the November 2018 (47). This was due, in part, to the availability of funding for travel and other related costs.
  - Thirty (30) member organizations participated in at least one of the three online rounds of working group meetings. All told, 61 unique individuals attended the meetings. Forty individuals participated in just one round and 15 individuals participated in two rounds. Only six individuals participated in all three rounds – one each from the following organizations: Coordinating Ministry for Human Development and Cultural Affairs (Indonesia), Coordinating Ministry for Maritime Affairs and Investment (Indonesia), Associated Philippine Seafarer Union (Philippines),

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<sup>64</sup> See Annex D for objectives of Working Groups

<sup>65</sup> See Annex E for summary of items for discussion at Working Group meetings (online)

<sup>66</sup> As stated in the *Notes on the Proceedings*, the working group discussions focused on proposed actions plans for the working groups for the remainder of the project as well as several documents that had been drafted (“zero drafts”), including *Recommendations to Flag and Coastal States* (all WGs), *Recommendations to Market States* (all WGs), *Protocols for Port State Control* (WG2 and WG4), *General Principles for Recruitment and Placement of Migrant Fishers* (WG2 and WG4)

<sup>67</sup> See Annex F for summary of Working Group Action Plans

<sup>68</sup> An online meeting was held in May 2020 to which all members of the SEA Forum were invited to discuss the novel coronavirus and implications for fishers.

<sup>69</sup> Representatives of another 35 organizations have participated in meetings as technical advisors or observers. See Annex G.



Thai Tuna Industry Association (Thailand), Ministry of Agriculture and Cooperatives (Thailand), and the Royal Thai Navy/CCCIF (Thailand).

- Thirty member organizations (half of the membership) chose not to participate in any of the online working group meetings, including all of the relevant government authorities in Cambodia, Lao PDR, and Vietnam. In addition, while representatives of the Coordinating Ministry of Maritime Affairs and Investment participated in all online working groups, the Ministry of Marine Affairs and Fisheries and Ministry of manpower participated in only one round, and the Ministry of Transportation did not attend any. Neither of the employers' organizations from the Philippines attended any of the working group meetings, including ECOP, which served as a member of the Steering Committee.
48. As stated by the project manager, "It is a challenge to motivate ongoing voluntary participation of all members."<sup>70</sup> She went on to explain that this was "particularly true for " government authorities in countries where the project had no staff."<sup>71</sup> Several potential reasons for non participation were offered in interviews and written responses: i) scheduling conflicts, ii) technical problems with online meetings; iii) competing claims on time given the emergence of the novel coronavirus disease (COVID-19), iv) a lack of interest in the subject matter or commitment to addressing problems in the fishing sector, v) the feeling that SEA Forum for Fishers was not likely to be useful in addressing identified problems, particularly given uncertainty about its sustainability.

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<sup>70</sup> Written response from project manager.

<sup>71</sup> Written comments provided to evaluator.

**Table 13. Participation of Member Organizations in Regional Meetings and Working Groups**

Country/Organization (a)	Regional Coordination Meetings			Working Group Meetings		
	Mar 2018	Nov 2018	Sep 2019	Mar 2019	Jul 2019	Jan 2020
<b>Cambodia</b>						
<b>Government</b>						
Ministry of Agriculture, Forestry and Fisheries (MAFF)	Yes	—	Yes	—	—	—
Ministry of Interior	Yes	Yes	Yes	—	—	—
Ministry of Labor and Vocational Training	Yes	Yes	Yes	—	—	—
National Committee to Counter Trafficking (NCCT)	—	—	Yes	—	—	—
National Police	—	Yes	Yes	—	—	—
<b>Employers' Organizations</b>						
Association of Cambodian Recruitment Agencies (ACRA)	Yes	—	—	—	—	—
Cambodia Federation of Employers and Business Associations (CAMFEBA)	—	Yes	Yes	Yes	—	Yes
<b>Workers' Organizations – CSO/NGO</b>						
Cambodia Labour Confederation (CLC)	Yes	Yes	—	Yes	—	—
<b>Indonesia</b>						
<b>Government</b>						
Coordinating Ministry for Human Development and Cultural Affairs	Yes	Yes	Yes	Yes	Yes	Yes
Coordinating Ministry for Maritime Affairs and Investment	Yes	Yes	Yes	Yes	Yes	Yes
Indonesian Maritime Security Agency (BAKAMLA)	—	Yes	—	Yes	—	—
Ministry of Foreign Affairs (MOFA)	Yes	—	Yes	Yes	—	—
Ministry of Manpower (MOM)	Yes	Yes	—	—	Yes	—
Ministry of Marine Affairs and Fisheries	Yes	Yes	Yes	—	Yes	—
Ministry of Transportation (MOT)	Yes	—	—	—	—	—
Nat'l Board on Placement and Protection of Indonesian Migrant Workers (BNP2TKI)	Yes	Yes	—	Yes	—	—
<b>Employers' Organizations</b>						
Consortium of Indonesian Manning Agencies (CIMA)	Yes	Yes	—	—	—	—
Employers Association of Indonesia (APINDO)	Yes	Yes	Yes	Yes	Yes	—
Indonesian Pole & Line and Handline Fisheries Association (AP4HI)	—	—	—	—	—	—
Indonesian Ship Manning Agents Association (ISMAA)	Yes	—	Yes	Yes	—	Yes
Indonesian Tuna Association (ASTUIN)	Yes	Yes	Yes	Yes	Yes	—
<b>Workers' Organizations – CSO/NGO</b>						
Confederation of Indonesian Prosperity Trade Union (KSBSI)	Yes	Yes	Yes	—	—	—
Confederation of Indonesian Trade Union (KSPI)	Yes	Yes	Yes	Yes	Yes	—
Indonesian Fisheries Worker Union (SPPI)	—	—	—	—	—	—
Indonesian Fishermen Association (INFISA)	—	—	—	Yes	—	—
Indonesian Migrant Workers Union (SBMI)	—	Yes	Yes	Yes	Yes	—
Indonesian Seafarers Union (KPI)	Yes	Yes	Yes	Yes	Yes	—
SEAFish for Justice / KIARA	Yes	Yes	—	—	—	—
<b>Lao PDR</b>						
<b>Government</b>						
Ministry of Foreign Affairs	Yes	Yes	—	—	—	—
<b>Malaysia</b>						
<b>Government</b>						
Malaysia Maritime Enforcement Agency	Yes	Yes	Yes	—	—	—
Ministry Agriculture and Cooperatives	—	Yes	—	Yes	—	—
Ministry of Home Affairs	—	Yes	—	—	—	—
Ministry of Human Resources	—	—	Yes	—	Yes	—
Royal Malaysia Marine Police	—	Yes	—	—	—	—
<b>Employers' Organizations</b>						
Malaysian Employers Federation	—	Yes	Yes	—	—	—
<b>Workers' Organizations – CSO/NGO</b>						
Malaysia Trade Union Congress	Yes	Yes	Yes	—	—	—
<b>Myanmar</b>						
<b>Government</b>						
Ministry of Labour, Immigration and Population	Yes	Yes	Yes	—	—	Yes
<b>Workers' Organizations – CSO/NGO</b>						
Independent Federation of Myanmar Seafarers (IFOMS)	—	Yes	—	—	—	—
<b>Philippines</b>						
<b>Government</b>						
Department of Foreign Affairs	—	Yes	—	—	—	—
Department of Justice	Yes	—	—	—	—	—
Department of Labour and Employment (DOLE)	Yes	Yes	Yes	—	Yes	—
Philippine Overseas Employment Administration (POEA)	Yes	Yes	Yes	Yes	—	—
<b>Employers' Organizations</b>						
Employers Confederation of the Philippines (ECOP)	Yes	Yes	Yes	—	—	—
SOCKSARGEN Federation of Fishing and Allied Industries (SFFAI)	Yes	Yes	—	—	—	—
<b>Workers' Organizations – CSO/NGO</b>						
Associated Philippine Seafarer Union (APSU)	Yes	Yes	Yes	Yes	Yes	Yes
SENTRO	Yes	Yes	Yes	—	Yes	Yes
SEAFish for Justice / Tambuyog Development Center	Yes	Yes	—	—	—	—
Stella Maris	—	Yes	Yes	—	Yes	—

Country/Organization (a)	Regional Coordination Meetings			Working Group Meetings		
	Mar 2018	Nov 2018	Sep 2019	Mar 2019	Jul 2019	Jan 2020
<b>Thailand</b>						
Government						
Ministry Agriculture and Cooperatives	Yes	Yes	Yes	Yes	Yes	Yes
Ministry of Foreign Affairs	—	—	—	—	—	—
Ministry of Labour	Yes	Yes	Yes	Yes	Yes	Yes
Ministry of Social Development and Human Security	—	—	Yes	Yes	Yes	Yes
Royal Thai Navy/CCCIF	Yes	Yes	Yes	Yes	Yes	Yes
Employers' Organizations						
Employers Confederation of Thailand (ECOT)	Yes	Yes	Yes	Yes	Yes	Yes
Thai Tuna Industry Association (TTIA)	—	Yes	Yes	Yes	Yes	Yes
Workers' Organizations – CSO/NGO						
Fishers Rights Network/International Transport Workers Federation (ITF)	Yes	Yes	Yes	Yes	Yes	(b)
Human Rights and Development Foundation	—	Yes	Yes	Yes	Yes	Yes
<b>Vietnam</b>						
Government						
Ministry of Foreign Affairs	Yes	Yes	—	—	—	—
Employers' Organizations						
Vietnam Chamber of Commerce and Industry (VCCI)	—	Yes	Yes	—	—	—
Workers' Organizations – CSO/NGO						
Vietnam General Confederation of Labour (VGCL)	Yes	Yes	Yes	—	—	—

Notes; (a) This excludes organizations in the target countries that participated in the March 2018 meeting, but were not included in the membership list endorsed at the Nov 2018 meeting and reaffirmed at the Nov 2019 meeting (b) ITF was represented by the APSU affiliate. Source: Evaluator based on data provided by project team

Government officials from Indonesia, Philippines and Thailand joined a Study Trip to South Africa

49. In cooperation with the Ship to Shore Rights Project, the project organized a trip to South Africa (26-30 Aug 2019) for government officials from Indonesia, Philippines and Thailand to gain a better understanding of how C188 is being implemented.<sup>72</sup> SAMSA hosted the seven-person delegation, which included representatives from five organizations as shown in Table 14.<sup>73</sup> The agenda included a mix of meeting and port visits. Presenters provided an overview of the SAMSA fleet and described its mandate, jurisdictional authority, institutional arrangements, outreach to employers' and workers' organizations, and inspection procedures.<sup>74</sup> Participants were provided copies of regulations, circulars, notices, forms, checklists, and other documents, including a standard one-page employment contract required for crews on fishing vessels (<100 GT). The discussion centered on particular provisions in the law as well as challenges faced in implementing C188, particularly with respect to designation of the competent authority and necessary inter-ministerial coordination. The delegation also visited the port in Cape Town, including four vessels ranging from 3m to 48m (970 GT). Participants in the trip to South Africa spoke highly of the event.<sup>75</sup>

**Table 14. Participants in Study Trip to South Africa**

Indonesia	<ul style="list-style-type: none"><li>• Coordinating Ministry of Maritime Affairs (1 representative)</li><li>• Ministry of Manpower (1 representative)</li></ul>
Philippines	<ul style="list-style-type: none"><li>• Department of Labor and Employment (1 representative)</li></ul>
Thailand	<ul style="list-style-type: none"><li>• Department of Labor Protection and Welfare, Ministry of Labor (3 representatives)</li><li>• Royal Thai Navy / CCCIF (1 representative)</li></ul>

Participants report that meetings and the study trip were well run and contributed to awareness building, information sharing, and networking.

50. In general, key informants noted that the meetings were well organized. Noting the importance of better social dialogue, stakeholders highlighted the fact that meetings were tripartite and “allowed the voices of different constituencies to be heard” within and across countries. Many of those interviewed as part of the evaluation were particularly impressed with the regional coordination meetings in November 2018 and September 2019, particularly with respect to the process used to reach agreement on the TOR, resolutions and recommendations. Documents were discussed in stakeholder groups and then in plenary sessions, where “live edits” were made and agreed.
51. Presentations from technical advisors and other experts were informative and enabled participants to gain a better appreciation of the need to protect fishers and learn more about good practices.

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<sup>72</sup> The travel costs for representative from Indonesia and the Philippines were partially or fully funded by the SEA Fisheries project; those for representatives from Thailand were covered by Ship to Shore Rights project.

<sup>73</sup> SAMSA is a parastatal organization under the direction of the Ministry of Transportation.

<sup>74</sup> *Mission Notes*.

<sup>75</sup> Key informant interviews. Also see comments of participants in a video produced by SAMSA: <https://www.youtube.com/watch?v=CvCoaEsCVZM> and <https://www.youtube.com/watch?v=II3TPsIxEw8>

However, some key informants had hoped that meetings would have led to more concrete actions.<sup>76</sup>

***Objective 3. Studies were undertaken as planned, but their utility in informing the development of the regional strategy/plan was limited; multiple channels were used to communicate with stakeholders.***

*Six research papers have been completed under the auspices of the project*

52. With one exception, all of the studies were initiated between October 2017 and January 2018. Due to significant delays, the first commissioned research study was not published until late 2019; the last was published on 30 July 2020.<sup>77</sup>

53. The research papers are described below.

- ***Background Paper. Consultative Forum on Regional Cooperation Against Human Trafficking, Labour Exploitation and Slavery at Sea.*** The project team prepared the paper for the first regional coordination meeting held in Bali in March 2018. Based on a literature review, the report provides a statistical profile of the fishing sector in Southeast Asia; discusses labour issues faced by migrant workers; summarizes relevant international agreements and standards; and identifies relevant regional bodies.
- ***Working Paper. Indonesia’s Fisheries Human Rights Certification System: Assessment, Commentary and Recommendations.***<sup>78</sup> The paper was conceived by the project team and commissioned in January 2018. The Ministry of Marine Affairs and Fisheries (MMAF) launched the certification system in 2015 and implementing regulations were passed over the following two years.<sup>79</sup> Under the system, enterprises engaged in fishing are required to adopt a human rights policy, provide written “fishers’ work agreements (FWA),” and retain an assessment agency accredited by MMAF to gauge compliance. The responsibility for certification rests with MMAF. The fishing licenses of enterprises found in non-compliance can be suspended or revoked. While the system was promoted as a significant advancement, ILO staff had concerns about its basic design.<sup>80</sup> These concerns were discussed with project manager, who decided that an assessment of the system would be timely and helpful.<sup>81</sup>

Fieldwork was conducted in January 2018 and preliminary findings were presented at the regional coordination meeting in March 2018. A first draft was submitted sometime in the following quarter – Q2 2018. A second draft was submitted in Q3 2018 and a “final draft” was submitted in Q4 2018. However, the final report -- *Working Paper. Indonesia’s Fisheries Human Rights Certification System: Assessment, Commentary and Recommendations* was not published until the beginning of Q3 2020. When asked to explain the delay, the project manager pointed

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<sup>76</sup> See below for detailed discussion of progress made with respect to the adoption of regional strategies/plans.

<sup>77</sup> The full reports were only published in English.

<sup>78</sup> This was conducted under Activity 3.2. It is the only assessment of an existing initiative carried out under the project.

<sup>79</sup> Regulations were issued between 2016 and 2017, including MMAF Regulation 35/2015, MMAF Regulation 42/2016, and MMAF Regulation 2/2017.

<sup>80</sup> Key informant interviews. Also see letter from M. Miyamoto (CO-Jakarta) to the Minister of Manpower dated 16 May 2017.

<sup>81</sup> The TOR for the study states, “The Government of Indonesia sought ILO’s input in strengthening implementation of the system in its formative states.” This is not entirely accurate.

to limited staff resources and the need to commission new translations of pertinent regulations, which were completed in September 2019.<sup>82</sup>

The final report consists of two parts. Part I was drafted by an international consultant based in Hong Kong. It provides an assessment of the certification system drawing on a literature review and key informant interviews conducted in Jakarta in late January 2018. The paper comments on certain provisions of the regulations, noting, for example, that the FWA is not fully consistent with C188. However, implementation of the regulations was substantially delayed. At the time the paper was published in late 2018, the certification process had been piloted with only two enterprises (both state-owned); the Human Rights Team (HRT), which was tasked with implementing the accreditation and certification system had been appointed, but had not yet met; and other key elements of the system, including an accredited assessment agency, had also not yet been established. ILO Project Manager drafted Part II, which includes additional commentary and recommendations. It argues that the human rights certification system is essentially a private compliance initiative (PCI) and notes that there is no mechanism to refer labor violations to the Ministry of Manpower (MOM) for further action. The following recommendations are offered: i) ratify C188, strengthen national law, and clarify the “labour inspectorate’s primary mandate to enforce applicable laws” in the fisheries sector; ii) strengthen enforcement; iii) ensure better coordination between MOM and MMAF; iv) ensure that PCI initiatives are linked to the public labour inspection system; and v) improve communication with stakeholders.

The executive summary was translated into Bahasa Indonesian and disseminated along with the full report in English. However, the project team did not meet with government authorities or tripartite partners in Indonesia to discuss the final report.<sup>83</sup> A new Minister of Marine Affairs and Fisheries was appointed in October 2019. At this point, MMAF regulations are still on the books, but implementation is still problematic.<sup>84</sup>

- ***ILO Working Paper. The Philippines and the Work in Fishing Convention, 2007 (No. 188): A Comparative Analysis*** and ***ILO Working Paper. Indonesia and the Work in Fishing Convention, 2007 (No. 188): A Comparative Analysis***. In December 2017, the project commissioned a consultant to conduct “an assessment of national compliance and jurisdictional issues related to working in fishing conditions in Indonesia, Thailand and the Philippines.”<sup>85, 86</sup> According to the TOR, the report was supposed to cover two conventions: Work in Fishing Convention (No. 188) and the Protocol to the Forced Labour Convention (No. 29). In so doing, it was supposed to address jurisdictional issues related to the role of each country as a flag State, coastal State, and

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<sup>82</sup> Written response from project manager

<sup>83</sup> The report has not been discussed within government. (Key informant interviews.)

<sup>84</sup> Key informant interviews and written response from project team.

<sup>85</sup> It should be noted that the Ship to Shore Rights project (Thailand) published a comparative analysis of Conventions No. 188 and the Protocol to Convention No. 29 on 30 May 2017 – roughly six months before the consultant was retained by the SEA Fisheries project to conduct the study. The TORs specified that the Thai sections were to be based a desk review of the existing report. (TOR and written response of former project manager.)

<sup>86</sup> The Institute for Labour Studies in the Philippines published a Gap Analysis of C188 in 2015; however, new legislation was enacted in the interim, including DOLE Order 156 of 2016. A C188 Gap Analysis was also conducted by MMAF in 2014 with the support of ILO, but was not published. New laws were passed in the interim, regulations which introduced the human rights certification scheme. (Written response from project manager.)

port State. The study was not undertaken at the request of governments in the three countries, rather it originated with the project team in order to “support advocacy for reform.”<sup>87</sup>

Fieldwork was undertaken Q1 2018 and preliminary findings were presented at the regional coordination meeting in March 2018.<sup>88</sup> A first draft was submitted Q2 2018, a second draft was submitted in Q3 2018, and a final draft was submitted in Q4 2018.<sup>89</sup> However, the consultant’s work was eventually jettisoned. According to the project manager, “despite efforts to work with the consultant, he was unable to deliver a report that was clear, readable, and reliable.” The project manager rewrote the report with the support of the project team. The decision was made to prepare two separate papers, focusing solely on C188, following the formatting guidelines developed by SECTOR.<sup>90</sup> Due to limited staff resources, the analysis of P29 was dropped altogether as was the cross-country comparative analysis, which was supposed to include the Philippines, Indonesia and Thailand.

With respect to stakeholder consultations, members of the SEA Forum for Fishers as well as technical advisors were invited to provide written comments on drafts circulated in early August 2019.<sup>91</sup> The drafts were also made available on the project website for public comment. Comments were accepted via email and web link over the course of a month.<sup>92</sup> While a validation workshop was not held in the Philippines, on 6 September 2019, the NPC presented the results of the analysis on Indonesia at a meeting of the National Team for Protection of Fishers (PAKP), which had been established the previous month by the Deputy for Maritime Sovereignty and Energy Coordination under Coordinating Ministry of Maritime Affairs.<sup>93</sup>

Drafts of the two papers were circulated to SECTOR (Geneva), FUNDAMENTALS (Bangkok), NORMES (Geneva) and national programme officers in CO-Jakarta and CO-Manila. Feedback was provided only by SECTOR.<sup>94</sup>

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<sup>87</sup> Written response from project manager.

<sup>88</sup> The project manager accompanied the consultant on fieldwork in Manila in February 2018 for focus groups with government authorities, employers’ organizations, and workers’ organization. (See mission notes, dated 20 Feb 2018.) The first NCP joined the consultant for focus groups held in Indonesia.

<sup>89</sup> See *Quarterly Reports*.

<sup>90</sup> By way of further explanation, “To facilitate the rewrite, the comparative element was discarded, as the project manager decided that the fundamentals of a national analysis needed to be clearly articulated first. The law of the sea element was retained so that jurisdiction issues are clearly outlined. The rewrite relied on some of the analysis of the EXCOL but was largely independently completed.” (Written response from project manager.)

<sup>91</sup> All stakeholders were invited to comment on C188 analysis through a newsletter distributed in August 2019. In addition, members of the Steering Committee were asked to review the report at the Steering Meeting in August 2019 and in emails sent in September and October 2019. (Written response provided by the NPC/OIC.)

<sup>92</sup> Three organizations provided written comments on the draft dealing with Indonesia: Coordinating Ministry of Maritime Affairs of Indonesia; Confederation of Indonesian Prosperity Trade Union (KSBSI); and the Environmental Justice Foundation. Two organizations provided written comments on the draft for the Philippines: Bureau of Working Conditions (Department of Labour and Employment) and Greenpeace Southeast Asia.

<sup>93</sup> According to the NPC/OIC, the National Team for Protection of Fishers through the Letter of Decision: SK06/Deputy 1/Maritime/VI/2019 and Letter of Decision on Technical Protection Team Fishing Boat Crew: SK07/Deputy 1/Maritime/II/2019. It includes representatives of MMAF, MOM, and MOT as well as associations of vessel owners and seafarers, and international NGOs. The USDOL-funded Safe SEAS project implemented by Plan International provides assistance.

<sup>94</sup> Written response from project manager

The final version of each Working Paper was posted on the SEA Fisheries project website and the ILO website on 23-24 March 2020.<sup>95</sup> The reports include a detailed analysis of the alignment between C188 and national legislation, including definitions and scope; general principles; minimum requirements for work on board fishing vessels; conditions of service; accommodation and food; medical care, health protection and social security; and compliance and enforcement. Table 15 presents a summary of the findings.

**Table 15. Conformity of Legislation with Convention No 188**

	Areas of substantial conformity	Areas of ambiguity or partial conformity	Areas of non-conformity
Indonesia	<ul style="list-style-type: none"> <li>Requirement that all fishers have a fisher’s work agreement (FWA), a health certificate and a first aid kit on board vessels</li> <li>Payment of fishers</li> <li>Recognition of fishers’ rights including right to receive adequate accommodation, food and water on board and to “appropriate job placement”</li> <li>Right to occupational safety and health (OSH) and accident prevention</li> <li>Social security</li> </ul>	<ul style="list-style-type: none"> <li>Some key definitions</li> <li>Competent authority</li> <li>Minimum age exceptions</li> <li>No safe manning requirements</li> <li>Crew list</li> <li>Language requirements for FWAs</li> <li>Payment of fishers</li> <li>Repatriation</li> <li>Recruitment and placement</li> <li>Lack of detailed specifications in relation to design and construction of accommodation spaces for new vessels</li> <li>Lack of clear provisions as to responsibility for costs related to repatriation of fishers and food and water</li> <li>Lack of provisions in relation to fishers’ entitlements to medical care and treatment ashore or on board</li> <li>Protection in the case of work-related sickness, injury or death</li> </ul>	<ul style="list-style-type: none"> <li>MMAF regulations on</li> <li>FWAs exempt all cases where the fishing vessel owner is the captain of the vessel, regardless of the size of the vessel itself</li> <li>Fishers’ agents (recruiters) and fishing vessel owners/operators and skippers do not have clearly delineated responsibilities</li> <li>Hours of rest are below C188 standards for vessels at sea for more than three days</li> <li>Lack of more stringent regulations for vessels of 24 m length overall (LOA) or more in key areas including medical care and OSH</li> <li>Lack of clear competent authority in relation to the regulation of recruitment and placement services</li> </ul>
Philippines	<ul style="list-style-type: none"> <li>Competent authority and coordination</li> <li>Minimum age</li> <li>Medical examination</li> <li>Manning and hours</li> <li>Crew list</li> <li>Recruitment and placement</li> <li>Payment of fishers</li> <li>Accommodation and food</li> <li>Occupational safety and health (OSH) and accident prevention</li> </ul>	<ul style="list-style-type: none"> <li>Key definitions</li> <li>Responsibilities of fishing owners, and fishers</li> <li>Fisher’s agreement (FWA)</li> <li>Repatriation</li> <li>Medical care</li> <li>Protection in cases of work-related sickness, injury or death</li> <li>Compliance and enforcement</li> </ul>	<ul style="list-style-type: none"> <li>No clear national legislation or policies in respect of its port State jurisdiction over foreign- flag vessels in its ports and inspections for living and working conditions on board.</li> </ul>

Source: Table 1 in the respective reports

- **Study on the Recruitment and Placement of Migrant Fishers from Indonesia.**<sup>96</sup> The study was originally commissioned in Q3 2017.<sup>97</sup> At that time, Indonesia had just passed Law 18 of 2017 on the protection of Indonesian migrant workers, which explicitly covers fishers. The study was

<sup>95</sup> [https://www.ilo.org/jakarta/whatwedo/publications/WCMS\\_739445/lang--en/index.htm](https://www.ilo.org/jakarta/whatwedo/publications/WCMS_739445/lang--en/index.htm) and [https://www.ilo.org/jakarta/whatwedo/publications/WCMS\\_739446/lang--en/index.htm](https://www.ilo.org/jakarta/whatwedo/publications/WCMS_739446/lang--en/index.htm)

<sup>96</sup> The need was identified in late 2017 and cleared with JTIP (Written response from project manager.)

<sup>97</sup> A consultant was retained to conduct the study in Q3 2017. The Quarterly Report (1 Jan – 31 Mar 2018) states that the NPC assisted the consultant in conducting fieldwork in late Jan. – early Feb. 2018 in Central Java. However, the contract was subsequently terminated due to poor performance and a new consultant was retained in June/July 2018 to complete the study, including additional fieldwork in the country.



intended “to provide evidence-base to support the development of implementing regulations, particularly in relation to existing (illegal) recruitment practices at subnational levels.”<sup>98</sup> It was undertaken by an international consultant based in Hong Kong, drawing on a literature review, key informant interviews with government officials in Jakarta between 16-20 July 2018, and an online survey conducted in the same time frame. It examines the regulatory framework, recruitment practices, enforcement mechanisms, and dispute resolution. The consultant submitted a first draft for review by the project team in Q3 2018 and a final draft was submitted for review in Q4 2018.<sup>99</sup> However, it was not published until 30 July 2020 – one day before the project ended. The project manager attributed the delay to the need to confirm the accuracy of translations cited in the paper and to update the text to reflect new developments after Q4 2018.

While preliminary results were presented at a WG4 meeting during the regional coordination meeting in November 2018,<sup>100</sup> there was no formal validation process or post-publication meetings with government authorities or other tripartite constituents in Indonesia.

Implementing regulations have never been issued due, in part, to the unresolved issue of which ministry will have authority to regulate private recruitment agencies working in the maritime sector.<sup>101</sup>

- ***Impact of Intermediaries on Environment and Social Outcomes and Worker Vulnerability in Small-scale Fishing and Aquaculture in Indonesia and Vietnam.*** The idea for the project grew out of discussions between the project manager and representatives of Monterey Bay Aquarium.<sup>102</sup> The project manager thought it would be useful to have a better understanding of “how small-scale fishing feeds into commercial supply chains” and “what roles intermediaries have in the supply chain and whether they have any impact on working conditions of those in small scale fishing.”<sup>103</sup>

ILO entered into an agreement with the Monterey Bay Aquarium (Seafood Watch Program) to undertake a joint study.<sup>104</sup> Monterey Bay Aquarium had a pre-existing relationship with the Southeast Asia Fisheries and Aquaculture Initiative (SAFAI), which had operations in Vietnam. Monterey Bay Aquarium agreed to fund and oversee the research in Vietnam with ILO agreeing to cover the cost in Indonesia. The study was commissioned in Q2 2019. The organizations agreed to hire – Marine Change – to undertake the research.<sup>105</sup>

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<sup>98</sup> Written response from project manager.

<sup>99</sup> J/TIP was provided with a draft of the report in Feb 2019. ILO specialists in MIGRANT and SECTOR were not asked to review the report.

<sup>100</sup> Written response from project manager.

<sup>101</sup> Written response from project manager.

<sup>102</sup> The first mention of a potential study on the role of intermediaries in Asian seafood supply chains appears in the Quarterly Report (01 Oct 2018 – 31 Dec 2018), which states that the project team had initiated “scoping discussions” with Seafood Watch (an initiative of the Monterey Bay Aquarium) for a joint research project.

<sup>103</sup> Written response from project manager.

<sup>104</sup> See Letter of Intent and Terms of Reference, dated 20 May 2019.

<sup>105</sup> According to the project manager, the contract was issued on a sole source basis “because [the consultancy] was already working with SAFALL on projects in Viet Nam and Indonesia. It also had pre existing relationships with small scale fishers/farmers in the countries.”

Fieldwork was conducted in Q3 and Q4 2019. The findings with respect to Indonesia were presented at validation workshop held in Bandera Lampung on 15 Nov 2019.<sup>106</sup> According to Marine Change, a validation workshop could not be held in Vietnam “due to unforeseen circumstances, including measures to contain the spread of COVID-19;” however, the authors sought feedback from “key stakeholders” in a “series of meetings.”<sup>107</sup>

A draft report was submitted in January 2020 and the final version was completed six months later, but had not yet been posted on either the ILO or project websites as of 31 July 2020. The report examines the role of intermediaries (middlemen and traders) in small-scale blue swimming crab (BSC) fishing and shrimp farming in both Indonesia and Vietnam. The report focuses on the impact of the relationship with intermediaries on owners/operators, particularly with respect to financial performance. The report notes that crab boats and shrimp farms are primarily family-owned and operated. The report pays little attention to labor issues. With respect to shrimp farming in Vietnam, the report states, “Small-scale farmers interviewed in this study do not employ additional workers on their farms, so additional labour issues were not uncovered as part of this research.” With respect to shrimp farming in Indonesia, the report states, “The use of hired labor in the small-scale farming sector is minimal as the owner operates most of the farms.” The report does not include any comments on labor issues in BSC fishing in Vietnam. With respect to BSC fishing in Indonesia, the report states, “In Lampung, there is a large internal migrant labor force taking part in the small-scale fishery. They live in semi-permanent rudimentary settlements and work under vessel owners. It appears that there are no clear work contracts between vessel owners and the fishers, and the working conditions are seasonal. This study did not examine further to what extent the vessel owners may have leverage over the fishers by, for example, providing binding loans, or to what extent these fishers may also be debt bonded to the vessel owners...”

#### *The project developed a database on anti-trafficking initiatives*

54. In order to provide a foundation for the strategies and actions plans and keep stakeholders informed about new developments, it was envisioned that the project would develop and maintain a database of “anti-trafficking initiatives” in the region that target fishers (Activity 2.1). *Quarterly Reports* explain that progress was slow due primarily to inadequate resources.<sup>108</sup> A list of initiatives

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<sup>106</sup> According to the project team, a validation workshop has not been held in Vietnam.

<sup>107</sup> Draft report. No further detail is available. According to the former project manager, “In late 2019, Marine Change/SAFAI contacted the project to notify problems with validation workshops in Viet Nam. There had been confusion about the role of ILO in the research in Viet Nam at the Directorate of Fisheries (MARD) level at the district levels. However, as the project had no staff in Viet Nam and no continuing relationship with MARD, the project could not assist with the issues.”

<sup>108</sup> The *Quarterly Report* (1 Jul – 30 Sep 2018) states that a mapping tool had been developed, a questionnaire had been distributed, and “an extensive database of 149 initiatives” had been built by September 2018. However, the *Quarterly Report* (1 Oct – 31 Dec 2018) notes, “Currently, there is a lack of resources to clean and verify the data and a lack of funds to present the data in an online searchable database as part of the knowledge base sharing platform.” The *Quarterly Reports* for the first two quarters of 2019 indicate that no activities were undertaken due to a lack of resources. The Q3 2019 *Quarterly Report* also states that no activities were undertaken, but goes on to say, “With the additional funding of \$150,000 confirmed in August 2019, the project team will revise plans in relation to this activities for the next quarter.” The next *Quarterly Report* (1 Oct – 31 Dec 2019) again reports no activities. The most recent *Quarterly Report* (1 Jan- Mar 2019) states, “The project is using its website and ILO Geneva SDG8.7 project to host the mapping.” The project manager explained, “Efforts were made to collaborate with ILO Global Business Network re their mapping. This was considered to (1) leverage ILOGBN’s resources as they had a consultant for their mapping exercise and funds to design an interface; (2) leverage visibility of ILOGBN and Alliance 8.7

was not posted on the project website until Q2 2020.<sup>109</sup> The webpage includes a list of 108 entries. Each entry provides the name of the organization along with the name and brief description of the initiative. Initiatives are classified in terms of geographical focus, organization type, issue type and mechanism type. Entries include links to the organization/initiative along with contact information. Plans call for including the entries as part of a related ILO-supported initiative.<sup>110</sup>

*The project established a dedicated website and Twitter account to communicate with stakeholders in the region and elsewhere.*

55. A project website (<https://seafisheriesproject.org>) was launched in Q3 2018 as part of Activity 3.3. It includes information on the SEA Fisheries project, a description of the SEA Forum for Fishers, lists of upcoming and past events, publications, initiative maps, and knowledge base (international conventions and national policy and legislation). In Q1 2020, the website was visited roughly 2046 times by 268 unique users.<sup>111</sup>
56. The project team provided data on views of pages that contain links to publications for downloading (See Table 16). The figures on unique pageviews can be used as upper bounds on the number of times that the document has been downloaded – this assumes that all users who came to the page clicked on the link and downloaded the document. However, a more likely estimate is provided in the table based on the bounce rate for the pageview.<sup>112</sup> Using the bounce rate, the estimated number of publication downloads ranges from 31 to 197. The C188 video was posted on YouTube in January 2020; as of 16 July 2020, the English version had 60 views, and the Bahasa Indonesia and Thai versions each had six.<sup>113</sup>

**Table 16. Pageviews, Bounce Rate and Estimated Downloads of Publications  
From Date Posted Through 16 July 2020**

Publication	Posted	Unique Pageviews	Bounce Rate	Estimated Downloads
Background Paper for discussions at Consultative Forum on Regional Cooperation Against Human Trafficking, Labour Exploitation, and Slavery at Sea	15 Mar 2018	328	40%	197
Indonesia and the Work in Fishing Convention, 2007 (No. 188): A comparative analysis	24 Mar 2020	84	34%	55
The Philippines and the Work in Fishing Convention, 2007 (No. 188): A comparative analysis	23 Mar 2020	49	37%	31
Indonesia's fisheries human rights certification system: assessment, commentary, and recommendations - Working Paper	19 Jul 2019	175	63%	65

Source: Evaluator based on data provided by project team

(through ILOGBN)." However, development of the Alliance 8.7 platform was delayed. (Written comments provided to evaluator.)

<sup>109</sup> <https://seafisheriesproject.org/stakeholders-mapping-view/>

<sup>110</sup> <https://www.modernslaverymap.org>

<sup>111</sup> Quarterly Report (1 Jan – 31 Mar 2020)

<sup>112</sup> A bounce is a single-page session, specifically a session that triggers only a single request to the Analytics server, such as when a user opens a single page on the site and then exits without triggering any other requests to the server during that session. Users that came to the page and then exited without clicking to the download publication would be considered a bounce.

<sup>113</sup> See English: <https://www.youtube.com/watch?v=CufqFSH68Xk&feature=youtu.be;>

57. Twitter was used to disseminate information, share relevant news items, and promote Tweets from other stakeholders. Data for Q1 2020 shows that Tweets had roughly 19,000 impressions – the number of times the content appeared to users either their timeline or search results. Roughly 2-3 percent of users engaged with the top Tweets during same three-month period in some way, e.g., retweets, replies, follows, likes or clicks on links, hashtags, or embedded media.

*Project staff participated in numerous forums to increase awareness of labour issues in the fishing sector and inform people about the activities of the SEA Forum for Fishers.*

58. The project manager and NPC participated in various meetings organized by other parties, including, but not limited to, those listed in Table 17.

**Table 17. Participation of Project Staff in External Meetings**

Date	Forum	Location	Invitation
18-19 Dec 2019	8 <sup>th</sup> ASEAN Labour Inspection Conference – Securing Decent Work in the Fisheries Sector Through Labour Inspection	Thailand	ASEAN
Oct 2019	Workshop on Overfishing, Human Rights Abuses, and the Pathways to Ending Illegality in Global Fisheries	US	Humanity United / Conservation Int'l
26-28 Jun 2019	ASEAN Regional Forum Workshop and Table-Top Exercise on Enhancing Law Enforcement, Preventative Measures, and Cooperation to Address Complex Issues in the Fisheries Sector	Indonesia	ARF / USDOS
10-14 Jun 2019	Seaweb Seafood Summit	Thailand	FishWise
9-11 Apr 2019	International Conference on the Pastoral Orientation on Human Trafficking	Italy	Apostle of the Sea
20 Mar 2019	Workshop on Strengthening Ocean Governance to Elevate Labor Rights and Achieve Sustainability	US	USAID / IRLF
17-19 Jul 2018	ASEAN Workshop on Maritime Security	Indonesia	USDOS
16 Jul 2018	Training Workshop on Identification of Indonesian Citizen Abroad as Trafficking Victims	Indonesia	Min. of Foreign Affairs
21 Mar 2018	Presentation at FAO/AOS Regional Technical Seminar	Philippines	FAO
08 Mar 2018	Presentation at focus group on drafting regulations related to Law 18 of 2017 on protection of overseas migrant workers	Indonesia	Min. of Foreign Affairs
4-5 Apr 2019	Colombo Regional Retreat on Corporate Crimes	Sri Lanka	Liberty Shared / Amnesty Int'l
NA	Training for local maritime enforcement agencies on forced labor and trafficking in the fisheries sector)	Indonesia	US DOJ - ICITAP

Source: Evaluator based on review of *Quarterly Reports* and web search

59. Noting the importance of C188, the 8<sup>th</sup> ASEAN Labour Inspection Conference called on members to take action “to enhance compliance with labour laws and strengthen the inspection function in line with international standards in the fishing sector.” Among the recommended actions was the following: “8. Increase regional coordination and collaboration among labour inspectors and other stakeholders among ASEAN Member States who have a role in improving conditions in fisheries sector, including through engagement in the SEA Forum for Fishers, in exercising port state control over fishing vessels flying foreign flags, reporting, receiving complaints and taking related measures for non-compliance of law.”<sup>114</sup>

<sup>114</sup> 8<sup>th</sup> ASEAN Labour Inspection Conference, *Conclusions and Recommendations*

***Objective 2. Little progress was made with respect to the adoption of strategies to combat trafficking and exploitation of fishers in the region.***

60. The *Project Narrative* envisioned that the project would play a role in the development and adoption of strategies and action plans to combat trafficking and labor exploitation in the fisheries sector at the regional level (Activity 2.2) and national level (Activity 2.3). With respect to the latter, it was expected that national strategies/plans would be established for Indonesia and Thailand, which were deemed by ILO and J/TIP to be priority countries.

**Regional strategies and action plans**

**The SEA Forum for Fishers endorsed two broad policy recommendations in September 2019.**

61. The SEA Forum for Fishers adopted a Resolution at its Inaugural Plenary Meeting in September 2019 which, inter alia, endorsed two non-binding recommendations:<sup>115,116</sup>
- *Recommendations to Flag and Coastal States.* The document calls on flag States, inter alia, to end the practice of granting flags of convenience; ratify and implement international labor conventions (i.e., No. 188, P29, C81, C87 and C98); ratify and implement UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as well as the ASEAN Convention Against Trafficking in Persons Especially Women and Children; abide by international standards with respect to migration, including C97, C143, C111, and C181 as well as the *ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs* and the *ASEAN Consensus on Protection and Promotion of the Rights of Migrant Workers*; participate in the FAO Global Records of Fishing Vessels and carry out their obligations in accordance with related international standards (i.e., United Nations Convention on the Law of the Sea, 1982; Agreement on Port State Measures to Prevent, Deter and Eliminate IUU, 2009; Cape Town Agreement, 2012; and the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995). With respect to coastal States, the document calls on these States to carry out their obligations and enforce related international standards particularly those under the United Nations Convention on the Law of the Sea, and the Agreement on Port State Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO). It also calls on coastal States to advocate for the adoption and implementation of binding international labour standards consistent with Convention No. 188 by Regional Fisheries Management Organizations, such as, but not limited to, the Commission for the Conservation of Southern Bluefin Tuna, Indian Ocean Tuna Commission, and the Western and Central Pacific Fisheries Commission.

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<sup>115</sup> In addition to recognizing progress, achievements and ongoing challenges, the Sep 2019 Resolution reaffirmed the previous Resolution dated 29 November 2018 and the Terms of Reference for the SEA Forum for Fishers dated 30 November 2018. It also endorsed the Recommendations to Flag and Coastal State, Recommendations to Market States, Work Plans for the Working Groups, and the membership and technical advisors for the SEA Forum for Fishers.

<sup>116</sup> According to *Notes on the Proceedings*, the two recommendations were discussed in Working Group meetings, tripartite meetings (three separate groups – government, employers’ organizations and workers’ organizations). A drafting committee was convened during the meeting to address comments and suggestions provided during the working group and tripartite sessions. The revised drafts were then reviewed and discussed in Plenary before being finalized.

- *Recommendations to Market States.* The document is addressed to enterprises that source fish and seafood products as well as to States where these enterprises are based. It calls on enterprises to facilitate social dialogue based on the right to freedom of association and collective bargaining, harmonious industrial relations and good industrial relations practices, sustainable economic development, decent work and social protection throughout the fishing and seafood sector. It calls on States to enact and enforce national laws pertaining to enterprises' human rights practices as expressed in the UN's Guiding Principles on Business and Human Rights, ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and ILO Declaration on Fundamental Principles and Rights at Work. It specifically calls on States to enact and enforce national laws to end the sourcing, buying and importing of fish and seafood products produced by trafficked victims or under conditions of forced labour, modern slavery, labour exploitation, or otherwise violating recognised international human rights or international labour standards.

**Elements of a potential regional strategy are reflected in agreed action plans for the Working Groups, but much of the planned work is still to be done.**

62. As noted above, five working groups were established at the November 2018 regional coordination meeting to address specific issues related to trafficking and labor exploitation in the fishing sector. As indicated in the TOR for the Forum, working groups were supposed to develop various standards, protocols, models, tools, practices, schemes, and/or agreements related to the specific subjects covered by the groups, and promote their adoption in the region. The scopes of the working groups were subsequently narrowed as reflected in the “action plans” adopted at the September 2019 Inaugural Plenary Meeting.
63. The objectives, action plans and progress of each of the working groups is discussed below:
- **Use of fishing vessel data to help identify fishing vessels that may be engaged in labor exploitation and trafficking and should be subject to inspection (WG1).** As agreed in November 2018, the objective of WG1 was to develop and promote the use of “maritime domain awareness” tools to identify the risk of trafficking on fishing vessels in the region. This was to include “a protocol for a regional TIP risk alert and referral system.” At its first meeting in March 2019, participants discussed two presentations related to the use and sharing of vessel data. The first focused on how the Thai government is currently using Vessel Monitoring System (VMS) data<sup>117</sup> to identify Thai-flagged vessels (>30 GT) that may be engaged in IUU fishing as well as plans to develop indicators of potential labor abuses stipulated in Thai law, including transfers of crew members at sea, extended durations at sea, and excessive work hours at seas.<sup>118,119</sup> The second focused on how Interpol gathers and shares information related to

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<sup>117</sup> Vessel monitoring systems (VMS) transmit vessel identifier, position, heading and speed at specific time intervals. They can also be used to transmit other fisheries-related information, including gear type and logs. VMS requirements and operating rules vary among States and RFMOs. There is no internationally agreed standard. The status of VMS in other countries in the region is as follows: Cambodia – VMS not required; Indonesia – VMS required and installed on all commercial vessels >30GT; Philippines – required on commercial vessels (starting at 3.1 GT), but currently only installed only on overseas vessels; Vietnam – VMS required on vessel > 15m, however installation is slow. (Key informant interviews and literature search.)

<sup>118</sup> Presentation: Identifying labour indicators using machine learning of Thai VMS Data, Natalie Tellwright, OceanMind.

<sup>119</sup> The transfer of crew at sea may be indicative of forced labor; however, it is not determinative. None of the indicators are direct measures of coercion. The ability to use VMS data to estimate work/rest hours on fishing vessels requires knowledge of

human trafficking.<sup>120</sup> At the working group meeting in July 2019, WG1 discussed the operations of the Information Fusion Centre – a regional maritime security center (MARSEC) hosted by the Republic of Singapore Navy (RSN).<sup>121</sup> The meeting also included a discussion of an initiative undertaken by Global Fishing Watch (GFW) to monitor the movement of fishing vessels using publicly available Automated Identification System (AIS) data in order to identify potential IUU fishing.<sup>122,123</sup> Participants discussed whether data could be used to detect instances of labor exploitation and trafficking.

The “action plan” agreed at the Plenary Meeting in September 2019 called for WG1 to conduct research on the relationship between fishing vessel data and labour conditions on fishing vessels and to negotiate “access arrangements and data sharing mechanisms with identified stakeholders.” With respect to the first item, at the WG1 meeting in January 2020, the SEA Fisheries project team outlined a proposed research study to be undertaken with GFW.<sup>124</sup> The draft TOR for the study suggests that it aims to determine whether vessel data maintained by GFW can be used to identify fishing vessels that are likely to be violating international labor standards with respect to labour exploitation and trafficking and, therefore, should be subject to inspection by competent authorities in ports.<sup>125,126</sup> As explained by the project manager, the idea was to test “whether ‘suspicious behaviour’ is accurate by gathering qualitative data from workers in ports.”<sup>127,128</sup>

As of now, the TOR has yet to be finalized and the study has been shelved. There has been no progress in negotiating access to data or putting procedures in place for cross-border TIP

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specific procedures on fishing vessels, which is a function of gear type. To date, OceanMind has focused on trawlers and purse seine.

<sup>120</sup> Information Sharing, Interpol.

<sup>121</sup> Presentation: *An introduction of the Information Fusion Centre* -- Major Toh Swee Kim, Head of Operations, Information Fusion Centre; and ii) *Towards Global Transparent Fishery – Indonesia Programme Manager, Global Fishing Watch*

<sup>122</sup> Presentation: *Towards Global Transparent Fishery – Indonesia Programme Manager, Global Fishing Watch*

<sup>123</sup> In 2017, AIS was broadcast by approximately 60,000 fishing vessels of which just over 22,000 could be matched to publicly available vessel registries. Most of these are larger vessels over 24m. The systems can be used to classify the most common gear types among larger vessels: longlines, trawls and pelagic purse seines. The classification algorithms do less well at differentiating gear types that are more common in smaller coastal vessels, such as set gillnets, trawlers, and pots and traps. Poor AIS reception limits the ability to monitor fleets in some regions. Satellite AIS reception is weakest in Southeast Asia. See [fao.org/3/ca7012en/ca7012en.pdf](https://www.fao.org/3/ca7012en/ca7012en.pdf).

<sup>124</sup> The WG1 meeting in January 2020 also included a discussion the types of notices published by the Interpol General Secretariat that may be relevant to human trafficking on fishing vessels, including missing persons (yellow notices) and *modus operandi* (purple notices). We have 194 member countries, and we help police in all of them to work together to make the world a safer place. Yellow notices originate with INTERPOL National Central Bureaus (NCB) that have been established in each of INTERPOL’s 194-member countries. NCB are staffed by national police officials and usually housed in the government ministry responsible for policing. (<https://www.interpol.int>).

<sup>125</sup> See draft TOR (undated) “Research collaboration with Global Fishing Watch (GFW) on Triangulating Big Data with Qualitative Methods (included as an annex to Quarterly Report (1 Jan – 31 Mar 2020)).

<sup>126</sup> As stated in the TOR, the study will examine “the coincidence/non coincidence between GFW risk analysis” and findings from interviews with a randomly selected sample of fishers in different ports.

<sup>127</sup> Written response from project manager.

<sup>128</sup> From the evaluator’s perspective, this design may not be valid. If the question is whether suspicions are justified, i.e., the identified fishing vessels is actually engaged in labor abuses, further investigations would be needed. At a minimum, this would require interviews of fishers on the *particular* vessels in question, not a “random sample” of fishers in the port. The approach outlined in the TOR is better suited to a study on the incidence of labor abuses among fishers in particular ports.

alerts.<sup>129</sup> In effect, none of the items in the action plan agreed at the Sep 2019 Plenary Meeting had been completed as of 31 July 2020.

- **Adoption of a regional protocol for port State inspections of labour conditions on foreign-flagged fishing vessels (WG2).** As agreed in November 2018, the objective of WG2 was to develop a protocol for inspections of labor conditions on foreign-flagged fishing vessels and supports its adoption by competent authorities in port States in the region. It was envisioned that the protocol would be based on ILO's *Guidelines for Port State Control Officers Carrying out Inspections under the Work in Fishing Convention*.

At its first meeting in March 2019, WG2 participants discussed two presentations. The first focused on the Port State Measures Agreement (PSMA), which aims to prevent IUU fishing by denying suspect foreign-flagged vessels access to port services.<sup>130</sup> The second provided an overview of the Port-in Port-Out (PIPO) system in Thailand.<sup>131</sup> At the next working group meeting in July 2019, WG2 discussed “maritime domain awareness tools” that might be useful in identifying fishing vessels for inspection by port State authorities.<sup>132</sup> As stated in the minutes of the July 2019 meeting, the project manager “noted that it would be useful for the WG to develop a draft skeleton of a regional protocol for PSMA [sic] and include analysis on which indicators the WG can develop with GFW and IFC that would be most useful in supporting PSMA [sic] regimes.”

The ILO project team, in its capacity as the Secretariat for the SEA Forum for Fishers, subsequently drafted a document titled, “*Protocols for port State control for ending trafficking in persons and forced labour in fisheries in Southeast Asia*.”<sup>133</sup> The project manager explained that the PSC protocol was intended to help overcome the reluctance of government authorities to detain/delay fishing vessels due to concerns about potential litigation and/or diplomatic fallout.<sup>134</sup> The seven-page document lays out the background and purpose of the protocol, relevant international instruments, principles of application, roles and authority of port state control officers (PSCO), inspection procedures, selection of fishing vessels for inspection, and actions in the event that “non-conformities” are found. The protocol is based primarily on the *ILO Guidelines for Port State Control Officers in relation to the Work in Fishing Convention* published in 2012.<sup>135</sup> However, it calls attention explicitly to trafficking, stating that PSCO

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<sup>129</sup> Presumably, this would require a unique vessel identification number. In this regard, IMO Numbers, which also serve as identifiers in PSMA Global Records, have been allocated to roughly 23,000 fishing vessels worldwide or less than 1 percent of the global fleet. In December 2017, the IMO Assembly extended the IMO Number Scheme to include all ships of 100 gross tonnage and above, including fishing vessels of steel and non-steel hull construction [...] and to all motorized inboard fishing vessels of less than 100 gross tonnage down to a size limit of 12 metres in length overall (LOA) authorized to operate outside waters under the national jurisdiction of the flag State.”

<sup>130</sup> Presentation: *FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* – Simon Nicol, FAO.

<sup>131</sup> Presentation: *Thailand's PIPO System* – Jairunchal Korsripitakkul, Department of Labour Protection and Welfare.

<sup>132</sup> Presentation: summary of presentations made by technical advisors during the WG1 meeting in July 2019 – Mi Zhou, ILO

<sup>133</sup> The document is marked “zero draft” and dated 24 Sept 2019.

<sup>134</sup> Written response from project manager

<sup>135</sup> *Guidelines for Port State Control Officers Carrying Out Their Duties under the Work in Fishing Convention, 2007*. The *Guidelines* developed by SECTOR based on discussions with tripartite experts are more comprehensive than the PSC protocol developed by the project team. The 80-page document discusses the provision of C188 and Recommendation 199 that deal with PSC, provide guidance on procedures for carrying PSC inspections under C188, specify evidentiary requirements, and



should have qualifications and training necessary for them to identify potential victims of trafficking as defined under Article 3 of the Palermo Protocol and as provided by Article 20 of the United Nations Convention Against Transnational Organized Crime.

The “zero” draft of the protocol was distributed and briefly discussed by members of WG2 during the Inaugural Plenary Meeting in September 2019. The “action plan” for WG2 agreed at the Plenary envisioned that it would develop and “pilot” a regional protocol for port State control based on C188, develop a training program for port State control officers, and develop awareness raising tools and communication strategy related to port State control.

At the joint WG2/3 meeting in January 2020, the project team again invited participants to review and provide comments on the draft PSC protocol that had been shared previously, noting “there have been no inputs to the document since the Inaugural Plenary Meeting in September 2019.”<sup>136,137,138</sup> Comments offered at the meeting focused on the need for clarification with respect to the definitions of terms and required documentation.<sup>139,140</sup>

At the WG2/3 meeting in January, the project team indicated that plans were in place to finalize the protocol and launch a pilot in Thailand and Indonesia. In this regard, the project team stated, “The Government of Thailand through the Department of Labour Protection and Welfare [DLPW], Ministry of Labour asked the project to design and facilitate a bilateral workshop regarding port state control between Thailand and Indonesia.”<sup>141</sup> The idea for the workshop was subsequently discussed with a senior official from the Coordinating Ministry of Maritime Affairs and Investment (chair of the SFF Steering Committee), who indicated his support.

The concept note (dated 3 Feb 2020) states that the workshop would bring together tripartite stakeholders from both countries for a 1.5-day meeting in Thailand [hosted by the Ministry of Labor] to discuss the draft port State control protocol and prepare for a pilot of the protocol in selected ports Indonesia and Thailand. Specifically, the proposed bilateral meeting was expected to achieve the following: “i) provisionally agreed protocol in relation to the exercise of Port State control on foreign-fishing vessels toward fishers living and working conditions on board; ii) provisionally agreed notification channels between relevant authorities in Indonesia

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delineate actions that may be taken by PSCO when non-conformities are found. Annexes contain detailed information on valid documents, fishers’ work agreements, and fishing vessel requirements.

<sup>136</sup> Joint meeting of Working Groups 2 and 3. Minutes of Meeting, 22 January 2020.

<sup>137</sup> The project team also provided an update on the C188 Awareness Communications Strategy. See discussion of WG3.

<sup>138</sup> See draft Concept Note (27 April 2020) “*Workshop on port State controls for inspection of living and working conditions on fishing vessels*” (included as Annex to Quarterly Report (1 Jan – 31 Mar 2020)

<sup>139</sup> Meeting minutes

<sup>140</sup> According to the former project manager, by the end of January 2020 when she left, “the draft protocol had not been formally reviewed [by ILO staff] as it was considered a ‘zero draft’ for discussion... The idea was to elicit initial feedback on the zero draft from relevant stakeholders before ILO review processes.” (Written response from project manager).” When queried, the NPC/OIC reported, “As usual, the Project sent a draft to all ILO staff who understand the issue. But, until not, the project has not received the results of the review.” (Written response from NPC/OIC). No further details were provided.

<sup>141</sup> Quarterly Report (1 Jan – 31 Mar 2020.) When asked, the former project manager indicated that the request was made verbally to her by the Inspector General, DLPW (representative on SFF Steering Committee) at the ASEAN Labour Inspection Conference in Bangkok in December 2019. The DG for DLPW endorsed the idea of MOL hosting the PSC workshop to be held on 22-23 April 2020 and indicated his support for proposed pilot. See notes on meeting with DLPW in email from K. Sitikornvorakul to A. Hantyanto dated 18 February 2020.

and Thailand when exercising port State control on each other's vessels; iii) provisionally agreed tools for inspection; and iv) identification of selected ports [for] piloting activities."<sup>142,143</sup>

Multiple online meetings were held during April-June to revise plans for the workshop. During these meetings, government officials from both countries expressed interest in learning more about the experience of other countries that had ratified C188, with respect to the designation of competent authorities and the mechanics of port State Control.<sup>144</sup> A decision was made to have the Coordinating Ministry on Maritime and Investment host the meeting, rather than the Thai MOL. A letter of invitation (dated 22 June 2020) to attend the "Virtual Workshop on Port State Inspection on Living and Working Conditions on Fishing Vessels" was sent out under the signature of Deputy Minister, CMMI to government counterparts in Thailand.<sup>145</sup> The letter references the draft protocol for port State control that had been circulated at the Inaugural Plenary meeting in September 2019 as well as the discussion held by officials from the two countries over the past few months. The invitation letter notes that the primary aim of the workshop is to learn about the experience of countries that have implemented C188.<sup>146</sup>

The two-hour workshop was held online on 6 July 2020. As shown in Table 18, representatives from multiple ministries in both countries attended the event. Indonesia accounted for roughly 90 percent of all attendees; most participants were from provincial offices. Following opening remarks, there were three presentations: i) Fishing Vessel Crew Protection Initiative of the Safe Fishing Alliance in North Sulawesi; ii) Portugal's experience in implementing C188 (ratified in November 2019);<sup>147</sup> and iii) South Africa's experience in implementing C188 (ratified in June 2013), particularly with respect to port State control.<sup>148</sup> With respect to the latter, a SAMSA official provided an overview of the fishing industry in South Africa, the existing legal framework, the competent authority and delegations, and inspection procedures, including the

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<sup>142</sup> The concept notes indicates that the workshop would be held on 23-24 March 2020. It appears that this was shifted to April 2020 (see email from K. Sitikornvoraku, op. cit.). In any event, the workshop was postponed due to COVID and other considerations. A more recent draft Concept Note (dated 27 April 2020) titled, "Workshop on port State controls for inspection of living and working conditions on fishing vessels" is included as an annex to Quarterly Report (1 Jan – 31 Mar 2020). The concept note is essentially the same as the draft prepared in February 2020 except it was redesigned as an online meeting that would include three half-day sessions sometime in June 2020.

<sup>143</sup> While government officials from both countries have expressed interest in some form of cooperation with respect to port State control under C188, the practical import is unclear. In Indonesia, under a Ministerial Decree issued in 2015 (Permen KP No. 10/Permen-KP/2015), no foreign vessels have been permitted to enter Indonesian territory. Moreover, only a handful of Indonesia-flagged fishing vessels call on Thai ports each year, mostly to offload tuna. The vast majority of foreign-flagged vessels calling on Thai ports are flagged in Myanmar and Cambodia. (Source: written response from NPC/OIC, working group meeting notes, and unpublished data.)

<sup>144</sup> See email from A. Hakim to S. Chaikitsakol dated 17 May 2020.

<sup>145</sup> See letter from B. Araujo, Assistant to the Deputy Minister for Maritime Sovereign Affairs and Energy Coordination, Coordinating Ministry for Maritime Affairs and Investment, 22 June 2020.

<sup>146</sup> The TOR for the zoom meeting prepared by the project team, however, noted that that the "workshop will provide an opportunity for bilateral discussions between Indonesia and Thailand on a provisionally agreed set of protocols," which "will be piloted by Indonesia and Thailand separately in selected port(s) ..."

<sup>147</sup> The presentation focused on the legal framework, coordination among competent authorities (specifically the Authority for Working Conditions and the Maritime Authority), and the elements of a national campaign to promote and enforce compliance. The latter included a discussion of inspection procedures and tools. Legislation required to conform to C188 is still under development.

<sup>148</sup> It should be noted that SAMSA officials presented their experiences in implementing Convention 188 to the full SFF membership at the regional coordination meeting in Bali in November 2018. Moreover, a delegation from Indonesia, Philippines and Thailand was hosted by SAMSA during a five-day field trip to South Africa in August 2019.

checklist used for PSC inspections. He noted that a small fleet of Japanese and Taiwanese fishing vessels call on ports in South Africa; crews are predominantly from Southeast Asia. Since December 2017, SAMSA has carried out 13 PSC inspections, resulting in three detentions. Non-conformities have related primarily to safety and health issues. The official noted that SAMSA inspectors (“surveyors”) require further training on forced labour indicators and related inspection procedures. Significantly, the SAMSA official counselled that countries should establish a robust regime for flag State inspection before launching initiatives to inspect foreign-flagged vessels.

**Table 18. Participants in PSC Workshop, 6 July 2020**

Country	Government Authorities	No. of Participants
Indonesia	<ul style="list-style-type: none"> <li>• Coordinating Ministry for Maritime Affairs and Investments</li> <li>• Ministry of Marine Affairs and Fisheries</li> <li>• Ministry of Manpower</li> <li>• Maritime Security Agency</li> </ul>	111
Thailand	<ul style="list-style-type: none"> <li>• Department of Fisheries, MAC</li> <li>• Department of Employment, MOL</li> <li>• Department of Labour Protection and Welfare, MOL</li> <li>• Royal Thai Navy</li> <li>• Thai-MECC</li> </ul>	13

Source: Minutes of meeting

The minutes of the meeting do not show that there was a discussion of the draft protocol prepared by the SEA Fisheries project team or the proposed pilot in the two countries. The minutes simply conclude, “Further work still needed in both countries to develop a protocol for inspection aboard fishing vessels including foreign flagged vessels exercising the port state jurisdiction in compliance with C-188.”<sup>149</sup> While the minutes do not identify follow-on actions, presumably, any agreement between the countries to cooperate on this matter would need to be codified in a formal memorandum of understanding (MOU).<sup>150</sup>

None of the items in the action plan agreed at the September 2019 Plenary Meeting had been completed as of 31 July 2020.

- **Harmonization of labor standards based on ratification of ILO conventions (WG 3).** As agreed in November 2018, the objective of WG3 was to promote the ratification of C188, P29 and other relevant international instruments by countries in the region and support their implementation by sharing information on best practices and lesson learned. The adoption of common labor standards was seen as a means to ensure that countries operate on a level playing field.

At its first meeting in March 2019, WG3 participants discussed a presentation on a non-binding resolution by the Western and Central Pacific Fisheries Commission (WCPFC) to establish minimum labor standards aboard fishing vessels.<sup>151,152</sup> This was followed by a far ranging discussion on harmonization of labor standards in the region, including areas for prioritization.<sup>153</sup> As a follow-up to the March 2019 meeting, the second WG3 meeting in July 2019 focused on a presentation on the decision of the Pacific Islands Forum Fisheries Agency (FFA) to add labour standards to the minimum terms and conditions (MTC) for commercial fishing in members states’ EEZ.<sup>154, 155</sup> The MTCs are legally binding: effective 1 January 2020, all

<sup>149</sup> Meeting Minutes

<sup>150</sup> In this regard, Thailand has ratified C188 and while not obligated to conduct port State inspections under the Convention if it elected to do so, the standards mandated in the Convention would apply to Indonesia as written.

<sup>151</sup> Presentation: (i) WCPFC Resolution 2018-01: Resolution on Labour Standards for Crew on Fishing Vessels Operating Under the Jurisdiction of the WCPFC – Simon Nicol, FAO.

<sup>152</sup> Resolution on Labour Standards for on Fishing Vessels.

<sup>153</sup> Presentation: Harmonizing Labour Standards and Identifying Priorities for Labour Risks – Mi Zhou, ILO.

<sup>154</sup> Harmonized Minimum Terms and Conditions for Crewing – Len Rodwell, Director, Pacific Islands Forum Fisheries Agency.

<sup>155</sup> FFA is an intergovernmental organization established to help member countries -- Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu -- manage fishery resources that fall within their Exclusive Economic Zones (EEZs). The WCPFC is a partner of the FFA.

fishing vessels failing to meet FFA’s crewing (and other) MTCs will not be deemed to be in ‘good standing’ on the FFA Vessel Register, and as such, cannot be licenced to fish in FFA member waters.<sup>156</sup> Implementation will require applicable national legislation, licensing procedures, and enforcement practices in the member states.

The “action plan” agreed in Sep 2019 called for WG3 to conduct research on the implementation of C188, particularly with respect to the designation of competent authorities, and to hold a workshop on “promoting and implementing [C188] labour standards to [sic] relevant RFMO [Regional Fisheries Management Organization].”

To this end, the project team prepared a draft TOR titled, “Rapid assessment study mapping of competent authorities globally and regionally for the implementation of C188.”<sup>157</sup> The study is envisioned as a literature review, focusing on the designation of competent authorities and mechanisms for coordination in accordance with Article 7. It calls for the examination of at least three of the 16 countries that have ratified C188 to date. It was expected that the study would be presented and discussed at a workshop with members of the SEA Forum for Fishers. However, plans for the study and workshop were shelved.

As noted above, the working group meeting in January 2020 (held jointly with WG2) discussed the status of the C188 “awareness campaign,” which centers on infographics and a video addressing certain aspect of the Convention. The infographics “aim to debunk myths and misconceptions surrounding C188,” with respect to need, applicability, renovation costs, fisher payment systems, minimum rest hours, work agreements, and flexibility. C188 flashcards were available in English, Bahasa, Burmese, Thai, and Vietnamese. They were handed out in meetings and posted on the project website. The roughly nine minute video uses the infographics supplemented with footage of representatives of government agencies, employers’ organization and workers’ organization explaining what C188 covers. The footage was filmed during the Inaugural Plenary Meeting in September 2019. Both the flashcards and video were made publicly available. However, none of the organizations that were interviewed as part of the evaluation established outreach programs to promote ratification of C188 or incorporated these materials into their own social media.

None of the items in the action plan agreed at the Sep 2019 Plenary Meeting had been completed as of 31 July 2020.

- **Adoption of fair recruitment principles/practices/policies for migrant fishers (WG4).** As agreed in November 2018, the objective for WG4 was to promote fair recruitment and safe migration of workers in the “fishing and seafood sectors,” including, inter alia, the following: (i)

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<sup>156</sup> The FFA crewing MTC is underpinned by the ILO Work in Fishing Convention (No. 188) and covers the following requirements: i) A written contract in a language each crew member can understand; ii) Protection of the basic human rights of the crew in accordance with accepted international human right standards; this includes provisions to ensure that crew are not assaulted or subject to torture, cruel, inhumane or degrading treatment, ensuring the treatment of all crew with fairness and dignity; iii) Procedures covering the death of crew and for advising next of kin in the event of an emergency; iv) Full travel costs from the point of hire to and from the vessel at no cost to the crew; v) Decent and fair remuneration; vi) Full insurance coverage to and from, and on, the vessel; vii) Provision of medical care; viii) Rest periods; ix) Provision for health and safety including a safe vessel while the crew is on board throughout the duration of the contract; x) Safety equipment and tools; and xi) Proper accommodation, sanitary facilities and suitable meals and water.

<sup>157</sup> See draft TOR (undated) Rapid assessment study mapping of competent authorities globally and regionally for the implementation of No. 188 (included as Annex to Quarterly Report (1 Jan – 31 Mar 2019)

Promote harmonized regional standards in relation to recruitment and placement of workers that are consistent with ILO's Convention No.181 and Convention No. 188, and take into account, as appropriate, conclusions and recommendations of the ILO's Tripartite Meeting on issues relating to Migrant Fishers (2017) and the ILO's General principles and operational guidelines for fair recruitment (2016); (ii) Formulate fair migration schemes at national, sub-regional or regional levels and develop multilateral rights-based agenda for migration governance in the fishing and seafood industry; (iii) Develop and promote bilateral agreements among SEA countries well-regulated and safe migration of workers in the fishing and seafood industry; (iv) Share best practices and lessons learnt in relation to labour migration governance including the prevention of illegal recruitment of migrant workers from SEA and, as appropriate, from other regions; (v) Develop a working model for minimum standards in training/education for fishers and workers in the fishing and seafood industry that are coherent with employment trends and migration policies in SEA; and (vi) Develop harmonized models for training standards and guidance for workers in the fishing and seafood industry in SEA.

At its first meeting in March 2019, participants discussed the licensing and accreditation system for manning agencies overseen by the Philippine Overseas Labour Office (POEA), which includes standard employment contracts, grievance mechanisms, law enforcement, and assistance for migrant workers abroad.<sup>158</sup> The meeting in July 2019 focused on a discussion of the regulatory regime in Taiwan, China with respect to labour conditions aboard fishing vessels, specifically differences in protections afforded to migrant workers compared to nationals, particularly in Taiwan's distant water fleet.<sup>159</sup>

Following the July 2019 meeting, the project team prepared a "zero draft" of a document titled, "*General Principles for Recruitment and Placement of Migrant Fishers*," which was first circulated to members of WG4 at the SFF Inaugural Plenary Meeting in September 2019. (The same draft was discussed at the WG4/5 meeting in January 2020.)<sup>160</sup> As stated in the document, the general principles were intended to address the particular challenges faced by migrant fishers.<sup>161</sup> They were derived from five conventions – Migration for Employment Convention (Revised, 1949 (C97), Discrimination (Employment and Occupation) Convention, 1958 (C111), Migrant Workers (Supplementary Provisions) Convention, 1974 (C153), Private Employment Agencies Convention, 1997 (C181) and the Work in Fishing Convention, 2007 (C188) – as well as related guidelines, including the *General Principles and Operational Guidelines for Fair Recruitment* and the *Definition of Recruitment Fees and Related Costs* developed by Tripartite Meeting of Experts in September 2016 and November 2018, respectively.<sup>162</sup>

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<sup>158</sup> Regulating and Prosecuting Illegal Recruitment Activities on Sea-based Migration and Manning Agencies – Eric Dollete, Chief, Legal Assistance Division, Anti-Illegal Recruitment Branch, Philippines Overseas Employment Administration

<sup>159</sup> 2-Tiered Systems for Labour Protection for Migrant Workers on Distant Water Fleets in Taiwan – Lisa Tsai, Project Leader, Greenpeace

<sup>160</sup> The zero draft is dated 24 Sep 2019, the draft shared at the online WG meeting is dated 17 Jan 2020. The drafts are identical.

<sup>161</sup> According to the former project manager, a separate document laying out general principals related to migrant fishers is needed for three reasons: "(1) flag States do not generally view [themselves] as destination States; (2) the maritime jurisdiction issues around work at sea is not addressed by the GP for FR; (3) the migrant fisher recruitment principles seek to address specific practices current in the industry..." (Written response from project manager)

<sup>162</sup> The "zero draft" of *General Principles for Recruitment and Placement of Migrant Fishers* has not been reviewed by ILO staff outside of the project team.

The “action plan” for WG4 agreed at the Inaugural Plenary Meeting called for the working group to complete work on the *General Principles* and conduct a study on “model MOU provisions” that could serve as the basis for bilateral or multilateral agreements. The project team drafted a TOR for the study titled, “Research on development of model MOU provisions for sea-based migrant workers governance across the Southeast Asia region.”<sup>163</sup> The study was slated to include, inter alia, a review of provisions of existing MOUs “in accordance with the draft principle for recruitment and [placement] of sea-based migrant workers in Southeast Asia.” The draft TOR calls for a number of deliverables, including “a draft MOU for recruitment and placement of sea-based migrant workers in Southeast Asia.” Both the draft *General Principles* and draft TOR were discussed at the combined working group meeting (WG4/5) in January 2020.<sup>164</sup> Participants sought clarification of some provisions of the *General Principles* and noted that existing laws in some countries were not aligned with the principles or lacking altogether.

No further work was done on the *General Principles* since the WG meeting in January, the TOR was not finalized, and the proposed study on model MOU provisions was shelved.<sup>165</sup> None of the items in the action plan agreed at the Sep 2019 Plenary Meeting had been completed as of 31 July 2020.

- **Increased access to remedy for survivors and victims of trafficking (WG5).** As agreed in November 2018, the objective of WG5 was to increase the access of migrant workers to remedy through initiatives to: “(i) coordinate and share relevant data for the purposes of seeking compensation on behalf of survivors; (ii) identify opportunities for strategic litigation on behalf of survivors; and (iii) coordinate and improve access to legal advice and assistance for survivors in relation to seeking compensation.”

At its first meeting in March 2019, WG5 participants discussed efforts by Liberty Shared – an NGO based in the US and Hong Kong – to track financial flows associated with human trafficking for use by financial institutions and law enforcement agencies.<sup>166</sup> This was followed by a discussion of the role of the Indonesian Migrant Workers Union (SBMI) in seeking compensation for migrant fishers, noting the lack of success due to inadequate legal protection, lack of evidence, fear of countersuits, and the desire of plaintiffs to settle cases quickly.<sup>167</sup> The second WG5 meeting, which was held in July 2019, focused on a presentation on strategic litigation of human trafficking cases in New Zealand, specifically the case of Sayo Oyang – a South Korean corporation operating South Korean-flagged fishing vessels in New Zealand waters.<sup>168</sup>

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<sup>163</sup> See TOR (undated) *Research on development of model MOU provisions for sea-based migrant workers governance across the Southeast Asia region* (included as Annex to Quarterly Report (1 Jan – 31 Mar 2019)

<sup>164</sup> Draft Recruitment Principles – Kita Sitikornvorakul, ILO and TOR for a Study on the MOU Provisions for Sea-based Migrants Workers – Kita Sitikornvorakul, ILO.

<sup>165</sup> According to the former project manager, “SECTOR advised that there is a study on MOUs in the fishing sector in progress. The project decided to seek advice and review the research before proceeding with this piece of work. However, at the end of January 2020, the study was not available, and the project had not heard from SECTOR on the issue.” Written comments from project team.

<sup>166</sup> Presentation: Exploring Strategic Litigation to Overcome Jurisdictional Issues in Seeking Remedies – Archana Kotecha, Head of Legal Dept., Liberty Shared

<sup>167</sup> Presentation: Current Efforts to Pursue Cases for Victims of Forced Labour and Trafficking in Fishing – Bobi Anwar Ma’arif, Indonesian Migrant Workers Union (SBMI)

<sup>168</sup> Presentation: Providing Access to Justice for Victims of Human Trafficking – Thomas Harre, Barrister, LawAid International Chambers.

The “action plan” for WG5 agreed at the Inaugural Plenary Meeting tasked the working group with the following: (i) research models of state backed compensation scheme for victims of trafficking; and ii) undertake a “mapping of network of advisors and investigators in the region and beyond who [have] expertise in evidence collection” and develop “standardized case-intake forms.”<sup>169</sup>

According to the project team, it subsequently launched a “pilot to coordinate a legal and welfare response to suspected trafficking and forced labour victims from Myanmar, found on a vessel detained by SAMSA for safety violations in December 2019.”<sup>170</sup> The project manager explained that she was contacted by a representative of Apostleship of the Sea/Stella Maris whom she had met during the field visit to Cape Town in August 2019 to see whether ILO might be of assistance.<sup>171</sup> The project manager put AOS in touch with a law firm, which offered to provide legal services on a pro bono basis. Workers claimed that they had not been paid for several months; redress was being sought through a civil case. Authorities did not identify the case as one of trafficking.<sup>172</sup> AOS contacted C4ADS at the same time to address the immediate question of vessel ownership.<sup>173</sup> Based on publicly available information, C4ADS provided assistance in tracking down the ownership of the fishing vessel.

The project team also initiated steps to establish an implementation agreement with AOS/Stella Maris to provide direct assistance to the abandoned migrant workers, including interpretation services; however, it was never executed.<sup>174</sup> Due to the pandemic, Stella Maris closed its mission at the harbour in Cape Town toward the end of March 2020 and chaplains have been unable to visit the port.<sup>175</sup>

ILO did not raise this case formally with governments of the South Africa or Myanmar. However, the project team “facilitated communication between the NGO and the South African Maritime Safety Authority (SAMSA), which has [a] mandate to conduct PSC under C188.

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<sup>169</sup> The former project manager was unaware of the work that was done in Thailand under the Ship to Shore Right Project, which included the development of a case-intake form as part of the case management process. The Human Rights Development Foundation (HRDF) produced three manuals on basic labour rights (March 2018), procedures for dealing with grievances (June 2018), and international labour standards, including C188 (October 2018). The full manuals were made available in Thai; a case intake form that was included in the second manual was translated into Burmese, Khmer and Lao. Following the release of the manuals, HRDF organized three, two-day training workshops for representatives of CSOs on case management and referrals, including the use of the intake form. (See E. Oldsman, *Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry: Final Evaluation*, 20 February 2020.)

<sup>170</sup> Quarterly Report (1 Sep 2019 – 31 Dec 2019) states, “... The project has coordinated pro bono legal support from Webber Wentzel, investigation and research from C4ADS, and supported Stella Maris’ direct assistance to the fishers...ILO is currently drafting an implementation agreement with Stella Maris to put in place sustainable and on-going support for a legal, investigation and direct assistance response, including for example, interpretation services.”

<sup>171</sup> According an article on the Stella Maris (Apostleship of the Sea) posted on 29 January 2020, the organization is “providing support to six fishing vessel crew members while their ship is detained in Cape Town. The Yong Qing Fa No. 666 arrived in Cape Town on November 30 but was barred from entering the port and had to drop anchor while it waited to get the greenlight to dock. The ship was finally allowed to enter the port on December 13. Nicholas Barends, Stella Maris National Director based in Cape Town discovered that the six seafarers – four from Myanmar and two Taiwanese – had very little food and drinking water on board as the ship had run out of supplies while sailing from Senegal to Mauritius. The vessel turned back and came into Cape Town where it was detained.” <https://www.apostleshipofthesea.org.za/fishing-vessel-detained-cape-town>

<sup>172</sup> Minutes of Working Group Meeting.

<sup>173</sup> C4ADS had previously worked with AOS. Key informant interview.

<sup>174</sup> However, a Burmese intern for the project provided some interpretation services.

<sup>175</sup> Key informant interviews. Also see



Myanmar government (MOLIP) was informally notified of the case during discussions in WG5 [in January 2020] “but as the case involved fishers already overseas, they did not take an active interest.”<sup>176</sup> (The combined working group meeting (WG4/5) in January 2020 included a discussion of the case and potential models for repatriation and access to remedy.)

When queried, the project team was unable to provide information on the current status of the case and indicated that ILO is no longer involved.<sup>177</sup>

At the end of the project, none of the items in the action plan agreed at the Plenary Meeting in September 2019 had been completed.

**National strategies and plans were not developed and this component of the project was dropped in March 2020.**

64. The *Project Narrative* envisioned that the project would lead to the adoption of national strategies/plans in Indonesia and Thailand. With respect to the latter, it states, “The National action plan in Thailand will dovetail with plans facilitated by the ILO and the EU on combatting forced labor and unacceptable forms of work in the fishing and seafood industry.” The *Quarterly Reports* during the first 18 months of the project noted that there was “no progress” with respect to the development of national strategies and plans (Activity 2.3). Beginning with *Quarterly Report* (01 Apr – 30 Jun 2019), the following statement is included with respect to Activity 2.3, “Discussion on going with USDOS in relation to amending the parameters of this activity as the project cycle and timeline for National Action Plans do not coincide.”<sup>178</sup> Activity 2.3 was taken out of the project logic model included in the request for a no-cost extension submitted to J/TIP in February 2020 and approved in March 2020.
65. The project manager and J/TIP office came to equate the national strategies/plans to be developed under the SEA Fisheries project with five-year National Anti-Trafficking Plans (NAP). In this regard, it was noted the process of preparing the NAPs in the two countries did not coincide with the timing of the project. Drafting of the new NAP (2020-2025) in Indonesia was expected to begin in 2018, but was postponed “due to the elections;” the existing NAP in Thailand runs from 2017 to 2022.<sup>179</sup> Other factors contributing to the decision to drop this element of the project include the lack of project staff in Thailand, problems associated with coordination among ministries in both countries, and, in the case of Indonesia, the fact that the USDOL-funded SAFE Seas project was already working with the Indonesian government to set up an interagency working group to address anti-trafficking and forced labor in the fisheries sector.<sup>180</sup>

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<sup>176</sup> Written response from project manager and follow-up interview.

<sup>177</sup> In this regard, ILO operates a database on abandoned seafarers (and fishers). Once a case has been reported, the ILO and IMO work together to facilitate resolution. However, the case in South Africa was not reported. (Written comments from SECTOR.)

<sup>178</sup> Also see internal call notes. D. Evenson prepared by M. Zhou, 16 May 2019. With respect to Activity 2.3, the GOR Review of Quarterly Report (01 Apr – 30 Jun 2019) notes, ILO began discussions with GOR on potentially changing this activity as the timeframe of the national strategies and action plans in both countries do not work with the overall project time frame.” The GOR Review of Quarterly Report (01-Jul – 30 Sep 2019) states, “J/TIP recommends removing this activity as the present cycle does not coincide with the timelines for these National Action Plans.” The same statement is included in the GOR Review for the following two quarters.

<sup>179</sup> Written response from project manager.

<sup>180</sup> Written response from project manager.

## Efficiency and project management

*Due to staffing issues and a slowdown in activities resulting, in part, to the emergence of the novel coronavirus, almost 20% of available funds remained unspent as of mid-July.*

66. As shown in Table 19, the original budget for the three-year project was US\$1,500,000. The budget was predicted on a three-person staff based in Jakarta, consisting of a Project Manager, National Project Coordinator (NPC) for Indonesia, and a finance and administrative assistant. The team was later expanded to include a communication officer and several “interns” on short-term assignments. The team was supposed to engage with ten countries – with no staff in any of them except for Indonesia.
67. Concerns about budget constraints were raised beginning in 2018. These centered on the lack of project staff outside of Indonesia, lack of resources to undertake mission to countries in the region, and insufficient resources for website development and the mapping of anti-trafficking initiatives.<sup>181</sup> The budget was increased to US\$1,650,000 in August 2019.
68. A no-cost extension was granted in March 2020 to extend the project through 31 July 2020. As of 13 July 2020, the project had spent or encumbered US\$1,326,222, leaving a balance of US\$323,778. Put another way, 20 percent of the available budget remained unspent.<sup>182</sup> ILO requested another no-cost extension in mid-July 2020, but this was not approved.<sup>183</sup>

**Table 19. Summary of Budget and Expenditures (US\$)**

Budget Summary Categories	Budget		Actual Expenditures + Encumbrances	Balance
	Original	Revised (a)		
1. Personnel	724,794	677,904	640,956	36,948
2. Fringe Benefits	-	-	-	-
3. Travel	43,170	88,069	76,778	11,291
4. Equipment	-	-	-	-
5. Supplies	10,800	4,886	3,736	1150
6. Contractual (b)	336,126	297,816	200,033	97,783
7. Construction	-	-	-	-
8. Other Direct Costs (c)	212,544	391,501	258,883	132,618
9. Total Direct Costs (lines 1-8)	1,327,434	1,460,177	1,180,388	279,789
10. Indirect Costs (program support costs) (d)	172,566	189,823	145,834	43,989
11. Total Costs (lines 9-10)	1,500,000	1,650,000	1,326,222	323,778

Notes (a) As indicated in ILO financial system; (b) contractual includes expenditures for consultant retained to undertake studies and support the development of regional strategies/plans; (c) other direct costs include expenses associated with the regional and national meetings; (d) ILO programme support costs

Source: Evaluator based on financial statements provided by ILO

69. The unspent funds are due to a number of factors, including the resignation of the project manager effective 31 January 2020 (see below), the timing of the no-cost extension approval, and the emergence of the novel coronavirus. The first cases in Thailand and Indonesia were confirmed on 13 January 2020 and 2 March 2020, respectively. The ILO Country Offices in both countries were closed in mid-March and staff have worked remotely since then. The pandemic effectively

<sup>181</sup> See Quarterly Report (1 Apr – 30 Jun 2018) and subsequent Quarterly Reports.

<sup>182</sup> While more detail is available for subcategories of budget line items, there is no breakdown by project objective or activity.

<sup>183</sup> Written comments provided to the evaluator.

precluded holding conducting planned studies and holding in-person meetings after February 2020.<sup>184</sup>

***The project was able to leverage resources from other sources.***

70. The Coordinating Ministry of Maritime Affairs in Indonesia contributed roughly \$112,000 to help defray the cost of lodging for participants and other expenses at the three regional coordination meetings in Bali. This represented approximately 30 percent of the total budget for the events. Funding was also provided by SECTOR and CO-Jakarta.<sup>185</sup> Travel expenses for Bangkok-based ILO staff was covered by the Ship to Shore project, which also covered travel costs of the Thailand delegation to South Africa. Finally, DOLE provided financial support for airport pickups and AV equipment for the Steering Committee meeting in Manila.<sup>186</sup>

***It took five months to put the project team in place and subsequent staff turnover was significant.***

71. As shown in Table 20, the project manager was brought on board in September 2017 (five months after the initiation of the project)<sup>187, 188</sup> and left on 31 January 2020 (six months before the end of the project).<sup>189</sup> Three people served as NPC over the course of the project.<sup>190</sup> The first NPC left one year into the project (eight months after taking the job). It took roughly two and half months to fill the position. The second NPC came on board at the beginning of July 2018, took over as officer-in-charge (OIC) when the project manager left, and then resigned effective 31 March 2020.<sup>191</sup> A third person was hired to serve as NPC/OIC on 1 April 2020 for the remaining four months of the project after working on the project as an external collaborator for roughly two months.<sup>192</sup>
72. Three people served as the finance and administration assistant. While not optimal, turnover in this position did not pose a significant problem given that all had prior experience working with ILO before taking the assignment and continued to work in the Jakarta office on other projects and, as such, were available to answer any questions from colleagues as they arose. The project engaged interns with local language skills under short-term contracts to support work in Indonesia,

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<sup>184</sup> On 6 April Indonesia announced tighter social distancing measures in capital Jakarta, including closing of offices and a ban on gathering of more than five people to prevent the spread of coronavirus pandemic

<sup>185</sup> Email from Y. Frida, ILO to M. Zhou, ILO dated 10 December 2019

<sup>186</sup> Written response from NPC/OIC

<sup>187</sup> Between April-September 2017, the CO-Jakarta Programme Officer oversaw the project. During this period, the "ILO Jakarta office [Country Director and the national officer for Better Work Indonesia] communicated and met with participating ministries and trade unions to inform and discuss the project plan... ILO Jakarta office also had several meetings with US Embassy in Jakarta to discuss the project prior to deployment of CTA." (Written comments provided to the evaluator.)

<sup>188</sup> The project manager position was announced on 20 January 2017 in anticipation of project approval. Interviews were held in April 2017. The person eventually selected for the assignment could not start work until September due to previous contractual obligations (Written comments provided to evaluator). ILO staff indicated that the amount of time required to assemble staff for the project is not unusual. That said, it should be noted that the timeline agreed at the outset of the project called for the "recruitment of staff and set up of office" in the first two months of the project. (See Proposal submitted to J/TIP: Section 5 -Timeline)

<sup>189</sup> After leaving the project, the former project manager continued to work for ILO as an external collaborator on other assignments.

<sup>190</sup> As part of the job, the NPC had responsibility for M&E.

<sup>191</sup> The 2<sup>nd</sup> NPC indicated that he gave formal notice sometime in February 2020.

<sup>192</sup> The 2<sup>nd</sup> NPC moved to Australia, but remained involved in the project as an external collaborator

Myanmar, and Thailand. The intern who served as the liaison with stakeholders in Thailand left in mid-May 2020.

**Table 20. Project Staffing**

Position	Name	Start Date – End Date	Grade
Project Manager (1)	M. Zhou	17 Sep 2017 - 31 January 2020	P-4
National Project Coordinator (1)	A. Pundhi	14 Aug 2017 – 10 April 2018	NO-B
	A. Hantyanto	01 Jul 2018 – 31 Mar 2020	NO-B
	A, Hakim	01 April – 31 July 2020	NO-B
Communication Officer (1)	N. Fadila	21 Oct 2019 – 31 Jul 2020	NO-A
Finance and Admin Assistant (1)	M. Silvia	03 July 2017 - 01 Aug 2018	GS 5
	Y. Frida	17 Sep 2018 – 30 Nov 2019	GS 5
	J. Lo	05 Dec 2019 – 31 Mar 2020 (a)	GS 5

Notes: (a). J. Lo is continuing to support the SEA Fisheries project even though she assumed a new fully funded position as of 31 Mar 2019. The project team estimates that through May 2020, she spent 20 to 30 percent of her time on the SEA Fisheries project.

Source: Project documents and written response from project team.

73. The continuity of project management is critical to the success of any project. The project manager informed the CO-Jakarta of her intention to resign in early November 2019 and gave formal notice on 22 November 2019, indicating that she would stay on through the end of January 2020.<sup>193</sup> The project manager informed J/TIP of her planned departure in an email dated 15 January 2020.<sup>194</sup> At the same time, the project manager reminded CO-Jakarta and DWT-Bangkok of the need to formally designate an officer-in-charge (OIC) for the remainder of the project as part of the application for a no-cost extension.<sup>195</sup> The request for a no-cost extension submitted on 10 February 2020 stated that A. Hantyanto, the NPC at the time, would serve as the OIC of the project through its completion at the end of July 2020 and that “no other staffing changes are anticipated at this time.” The no-cost extension was approved on 25 March 2020. Roughly one week later, the ILO submitted a letter notifying J/TIP that A. Hantyanto was relocating to Australia and requested approval for A. Hakim, the newly appointed NPC, to take over as officer-in-charge.<sup>196,197</sup>
74. While it may have been preferable to recruit a person to fill the position as soon as the project manager tendered her resignation in December 2019, this would have been impractical given the uncertainty of whether a no-cost extension would be approved. At that point, the project had only three months to run. The project was eventually extended until the end of July 2020, but even if that the no-cost extension had been approved in December 2019, it still may have been difficult to recruit someone for a seven-month assignment. Fixed term contracts for international hires are typically at least one year. (It should also be noted the timing of the no-cost extension also had

<sup>193</sup> Written response from project manager.

<sup>194</sup> See email from M. Zhou, ILO to D. Evenson, J/TIP, dated 15 January 2020.

<sup>195</sup> See emails from M. Zhou, ILO to M. Miyamoto, ILO and B. Pflug between 15-31 January 2020. In the email dated 15 Jan 2020, M. Zhou forward a draft of the no-cost extension submission to CO-Jakarta and noted, “The submission...takes into account future staff changes including (1) my resignation effective at the end of the month; and (2) the expected resignation of our NPC by March 2020.” On 31 Jan 2020, M. Miyamoto sent an email to M. Zhou asking, “For OIC of project, Arezka can take that role until end March, is that still the case?” To which, M. Zhou responds “I’ll let Rezka confirm his end date. My only worry is that J/TIP would want to see an OIC that can go to the end of the no-cost extension (July).” The decision on who to name OIC was still open at the time of M. Zhou’s departure (see Handover Notes dated 2 February 2020.)

<sup>196</sup> See Letter from M. Miyamoto, ILO to Balint, J/TIP dated 31 March 2020.

<sup>197</sup> In the covering email from A. Hantyanto to D. Evenson, dated 31 March 2020, he noted that he had “mentioned” his upcoming departure on a Skype call on 20 March 2020.

implications for other aspects of the project. Until the no-cost extension was approved, ILO could not issue contracts, including those for proposed studies, with end dates beyond 31 March 2020.)

***CO-Jakarta had primary responsibility for overseeing the project; specialists in DWT-BKK and Geneva provided technical backstopping.***

75. The project manager maintained regular communication with the CO-Jakarta program officer and country director and raised issues for consideration, as appropriate.<sup>198</sup> The country director attended all of the regional coordination meetings, demonstrating ILO's commitment to addressing labor abuses in the fishing sector and the importance of the SEA Fisheries project and the SEA Forum for Fishers.
76. Responsibility for technical backstopping was assigned to DWT-Bangkok.<sup>199</sup> The Regional Specialist on Labor Migration (MIGRANT) based in Bangkok took the lead in the design phase, but had little involvement in the project once the project manager came on board.<sup>200</sup> The Senior Specialist for Fundamental Principles and Rights at Work (FUNDAMENTALS) assumed primary responsibility for technical backstopping in March 2018. She was kept informed of major issues and asked to review various documents such the no-cost extension application. *Quarterly Reports* were circulated to CO-Jakarta before being sent to PARDEV for forwarding to J/TIP. These reports were also sent to the Senior Specialist FUNDAMENTALS, albeit not consistently "due to project team's oversight."<sup>201</sup> In general, substantive interaction with FUNDAMENTALS and MIGRANT was limited.<sup>202</sup>
77. The project had more engagement with staff of SECTOR and LABADMIN/OSH. This included reviewing various documents, including concept notes for meetings, TORs for proposed studies, and draft reports. However, neither the "zero draft" of the *PSC Protocol*, nor of the *General Principles for recruitment and placement of migrant fishers* were reviewed by ILO Specialists.

***SEA Fisheries cooperated with other ILO projects in the region.***

78. There are a number of externally funded projects in Southeast Asia that address issues related to labor governance, forced labor, and labor migration.<sup>203</sup> With the exception of the Ship to Shore Rights project, none of these projects deal explicitly with the fishing sector. The Ship to Shore Rights project shared information and afforded advice on project design, offered introductions to Thai partners, and provided logistical and financial support for certain activities.<sup>204</sup> The project managers for the two projects conferred at least once per month.<sup>205</sup>
79. As noted above, the SEA Fisheries project and SECTOR organized a joint four-day conference entitled, Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries in November 2018. There were two workshops. The first was led by the SEA Fisheries project; the second was led by SECTOR. The project team worked with SECTOR

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<sup>198</sup> Key informant interviews and internal communications.

<sup>199</sup> See PARDEV Minute Sheet dated 28 April 2017

<sup>200</sup> Key informant interviews. The Labor Migration Specialist explained that MIGRANT, which has a large portfolio in the region, did not have primary responsibility for backstopping the SEA Fisheries project. (Written comments provided to evaluator.)

<sup>201</sup> Written response from project manager and internal communications

<sup>202</sup> Key informant interviews.

<sup>203</sup> See Annex H.

<sup>204</sup> Key informant interviews and written response from project NPC/OIC.

<sup>205</sup> Key informant interviews

to organize the C188 workshop and facilitate breakout groups. SECTOR staff appreciated the cooperation with the SEA Fisheries project and congratulated the team for the success in establishing the SEA Forum for Fishers and efforts to harmonize labor standards.<sup>206</sup>

80. ILO has been working directly in Indonesia on a parallel effort to strengthen labor inspection in the fishing sector since 2017. In this regard, ILO organized several workshops, including those listed in the Table 21. The workshop in 2017 was organized by SECTOR. LABADMIN organized and conducted the workshops held in 2018 and 2019.<sup>207</sup> These focused on building the capacity of labor inspectors in three provinces. As part of this effort, LABADMIN developed a “field guide” for labor inspections based on C188 in concert with government authorities. The field guide includes, inter alia, instructions on conducting interviews with fishers, which detail questions related to recruitment fees, work agreements, compensation, working hours, duration at sea, accidents and injuries, and forced labor. The guide was introduced at the workshop in March 2019. With the support of LABADMIN, MoM and MMAF officials conducted monitoring missions in December 2019 to assess performance in the provinces. The NPC for the SEA Fisheries project participated in the August 2018 workshop as a “training facilitator” and accompanied government officials on the monitoring missions in December 2019.<sup>208</sup>

**Table 21. Work with Labor Inspectors to Strengthen Compliance in the Fishing Sector In Indonesia**

Dates	Event
27 - 29 Nov 2017	ILO Training Package on Inspection of Labour Conditions in Fishing: Field Testing Workshop
27-31 Aug 2018	Strategic Compliance Planning Workshop: Securing Decent Work for Fishers in Indonesia (Bogor)
04 - 06 Mar 2019	Strategic Compliance Planning Workshop for Labour Inspectors at the Provincial Level (Benoa)
08 - 14 Jul 2019	Strategic Compliance Planning Monitoring Meetings for Labour Inspectors at the Province Level (Benoa and Bitung)
02-04/09-11 Dec 2019	Monitoring missions (2) by MoM and MMAF (Bitung and Benoa)

Source: LABADMIN Specialist DWT-BKK

***Monitoring and evaluation framework had several weaknesses.***

81. A project logical framework was agreed with J/TIP at the outset of the project and modified twice with J/TIP approval.<sup>209</sup> While the framework was generally sound, there were several weaknesses with respect to its design and implementation. The distinction between activities, outputs and outcomes was not always consistent. Some indicators were not necessarily valid and the reliability of others was problematic given the lack of clear operational definitions. Finally, the framework was not fully implemented; some indicators were not tracked, including those that required gauging improvements relative to a baseline.
82. The project team prepared *Quarterly Reports* using the template required by J/TIP. These were comprehensive and generally well written. The reports discuss progress on each activity, indicate

<sup>206</sup> Key informant interviews. Also see email from A. Isawa, SECTOR to M. Miyamoto, CO-Jakarta, dated 5 December 2018.

<sup>207</sup> This engagement was funded by LABADMIN/OSH Branch through the regular budget

<sup>208</sup> Written response from project NPC/OIC.

<sup>209</sup> The agreed project logical framework (PLF) does not include the four “required Common Performance Indicators” stipulated in the Cooperative Agreement: “PS1:Strengthen counter-trafficking policies, legislation and international agreements; SC1: Formal partnership formed between service providers, law enforcement agencies, prosecutors, immigration officials, worker’s organizations/labor unions, or labor inspectors; SC2: Establish self-monitoring mechanisms with private sector companies; SC3: Government Political Will Measurement.” The Cooperative Agreement called for the project to report performance quarterly. According to the project manager, “...the CPI format was not reported due to oversight. JTIP/ILO management also never raised the issue, and the oversight persisted and was not rectified.” (Written response from project manager.)

where things stand with respect to budget expenditures, highlight issues that require resolution, and list major elements of the work plan that would be implemented in the following quarter. That said, the project manager indicated that feedback from J/TIP and CO-Jakarta was fairly limited.<sup>210</sup>

83. J/TIP commissioned a consulting firm to conduct a “process evaluation.” The consultant began work on the assignment in December 2017 – just three months after the project manager started. The project manager raised concerns about the process evaluation with J/TIP soon thereafter in regard to the burden it placed on project staff, the imposition it posed on member organizations, and distractions at meetings.<sup>211</sup> At one point, attention was called to the fact that “Evaluators now outnumber the project staff.”<sup>212</sup> The evaluation only addressed the process of establishing the regional coordinating body. In this regard, it is important to note that it was completed in March 2019 – before the steering committee had met for the first time, before any working groups had taken place, and before the Inaugural Plenary Meeting was held. The issue of sustainability was touched on, but only with respect to the need to secure additional funding from J/TIP and extend the project duration. It did not address questions related to relevance, coherence, effectiveness, efficiency or impact as stipulated in ILO’s evaluation guidelines.<sup>213</sup>

## Impact and sustainability

*The SEA Forum for Fishers provided a foundation for regional coordination, but regional strategies were not adopted: the project has not resulted in changes in laws, policies, or practices that might have a beneficial impact on fishers.*

84. As noted above, none of the elements of the potential regional strategy have been implemented. There were no changes in the use of vessels monitoring data, no changes in port State control, no changes with respect to the harmonization of laws, no changes in recruitment policies, and no changes in access to remedies for victims of trafficking or labor exploitation. A closer look at where things stand with respect to two elements of the potential strategy advanced by the SEA Fisheries project follows:
- **Ratification of C188.** As noted above, the project prepared gap analyses for the Philippines and Indonesia. In the Philippines, stakeholders interviewed as part of the evaluation noted that the view that existing laws are substantially aligned with C188 still holds.<sup>214</sup> DOLE has not argued for ratification and there is no push by government to move ahead with ratification or introduce new legislation or regulations. In fact, fishing vessel owners/operators (primarily sardines) have called for the repeal of existing regulations.<sup>215</sup> There is no organized effort by trade unions to push for ratification. The gap analysis for the Indonesia highlighted numerous non-conformities with C199 provisions. The Coordinating Ministry of Maritime Affairs and Investment has

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<sup>210</sup> Key informant interview and written response from project manager.

<sup>211</sup> See Quarterly Reports.

<sup>212</sup> Quarterly Report (1 Oct – 31 Dec 2018)

<sup>213</sup> ILO appointed an “internal evaluator” to conduct a mid-term evaluation, but the individual did not carry out the assignment and the decision was made to forego the MTR. (Written comments provided to evaluator.)

<sup>214</sup> Department Order 156-16 Department Order No. 156-16 Rules and Regulations governing the Working and Living Conditions of Fishers on board Fishing Vessels engaged in Commercial Fishing Operation.

<sup>215</sup> Key informant interviews



expressed support for ratification,<sup>216</sup> but the Ministry of Manpower continues to have reservations due to lack of sufficient resources to implement it.

- **Implementation of Port State Control.** Government officials in Indonesia and Thailand have expressed interest in cooperating on this matter, but neither country has taken steps to implement port State control in keeping with C188. A bilateral agreement would take time to hammer out as would putting necessary laws into effect and building the requisite capacity of competent authorities.

*While effort was made to secure follow-on funding from J/TIP and other donors, the project ended on 31 July 2020 without a concrete plan for the continued operations of the SEA Forum for Fishers.*

85. While not explicit, the *Project Narrative* suggests that the aim was for the regional coordinating body to continue operating after the project ended. However, the TOR for the SEA Forum for Fishers adopted in November 2018 and reaffirmed in September 2019 makes no mention of long-term funding or any plan for sustainability beyond the end of the J/TIP-funded project.
86. The project manager raised concerns about the lack of long-term funding commitments as early as Q4 2018, noting that this “undermines confidence in sustainability of the initiative.”<sup>217</sup> While there was some attempt to secure financial support from international organization (see below), most attention focused on the potential for continued J/TIP funding. In this regard, the *Process Evaluation* Final Report completed in March 2019 included a recommendation for J/TIP to continue to support the project through 2022 at a level that would allow for additional staff. (It does not mention alternative sources of funding.) In August 2019, the project budget was increased by US\$150,000, but the project end date remained the same – 31 March 2020. Over the next few months, the project manager and J/TIP officials continued to discuss the potential for longer term J/TIP funding. In this regard, the project manager prepared a *Concept Note* for the consideration of J/TIP.<sup>218</sup> The most recent version focuses on a discussion of the objectives and proposed activities of the five working groups; it does not include a proposed schedule or budget. While discussions of follow-on funding continued, given the availability of unspent monies, ILO sought and J/TIP approved a no-cost extension that shifted the end date to 31 July 2020. The no-cost extension did not indicate whether or how the SEA Forum for Fishers would continue to operate beyond 31 July 2020.<sup>219</sup>
87. Members of the project team and CO-Jakarta mentioned that Phase II of the EU-funded Ship to Shore Rights project will have a regional component and might incorporate some activities that were initiated under the SEA Fisheries project. EU delegates met with ILO staff and tripartite constituents in Jakarta in July 2019 to discuss the SEA Fisheries project.<sup>220</sup> It should also be noted that after resigning from her position in January 2020, the former project manager of the SEA

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<sup>216</sup> The Coordinating Ministry of Maritime Affairs and Investment oversees six ministries – Energy and Mineral Resources, Environment and Forestry, Marine Affairs and Fisheries, Public Works and Housing, Tourism, and Transportation as well as the Investment Coordinating Board (BKPM).

<sup>217</sup> Quarterly Report (1 Oct – 31 Dec 2018). The report goes on to state, “fundraising activities will begin next quarter.”

<sup>218</sup> Three versions of the *Concept Note* were submitted to J/TIP, the most recent version was sent in mid-January 2020.

<sup>219</sup> ILO requested another no-cost extension in mid-July 2020; however, this was not approved. (Written comments provided to evaluator.)

<sup>220</sup> *Ibid.*



Fisheries project was retained by the Regional Office for Asia and the Pacific (ROAP) to help draft the *Project Document* for a follow-on to the EU-funded project.<sup>221</sup> The ILO will implement the project, working in collaboration with the IOM and UNDP. The overall objective of the project is to promote safe, orderly, and regular labour migration among SEA countries, particularly in the fishing and seafood processing industry. It is envisioned that the project will, inter alia, aim to promote legal reforms, strengthen labor migration governance and cooperation with respect to cross-border labour migration, strengthen the capacity of labor inspectorate and enforcement agencies, and enhance the ability of migrant workers to exercise their rights. The project will focus on activities in seven countries: Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand and Vietnam. The plans note that opportunities for regional coordination will be identified during the nine-month inception period, “including assessing the feasibility of supporting an existing regional coordination mechanism such as the SEA Forum for Fishers.”

88. Discussions were held with various international organizations on potential support for the SEA Forum for Fishers, including Humanity United/Freedom Fund, Pew Trust, and The David and Lucile Packard Foundation in 2019. According to the project manager, the organizations expressed some interest in supporting certain activities; however, this never reached the stage of a formal request for funding.<sup>222</sup>
89. Finally, some members of the Steering Committee suggested that some activities may continue after the end of the project, particularly with respect to working out arrangements for port State Control, however, at this point, there are no specific plans to do so.

## Conclusions and Lessons Learned

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### Conclusions

90. The project accomplished a great deal, particularly given the small staff and limited time and budget. However, momentum slowed after the Inaugural Plenary Meeting in September 2019 due to uncertainty about the sustainability of the initiative, the departure of the program manager, the shift in focus from establishing the regional coordinating body to the task of developing and implementing regional strategies, and the emergence of the novel coronavirus.
91. Principal conclusions with respect to each evaluation criterion follow:
  - **Relevance.** The project aimed to tackle critical issues in the region and was consistent with constituent needs and priorities. While the original scope was defined as the “fisheries sector,” the focus was subsequently narrowed to commercial fishing vessels operating in ocean waters. Trafficking and labor exploitation in the commercial fishing sector in southeast Asia has been well documented. Stakeholders stated that the SEA Forum for Fishers addressed a need in the region and focused on the right issues. The SEA Fisheries project was aligned with the ILO strategic framework and policy outcomes.
  - **Coherence.** Some, but not all, issues that need to be addressed to combat trafficking and labour exploitation in the fishing sector require coordinated action by multiple States. The

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<sup>221</sup> *South East Asia Regional Programme on Labour Migration In the Fishing Sector. Description of the Action.* June 2020

<sup>222</sup> According to the project manager, “Broader discussion with NORAD on fishing projects in the Pacific also took place with colleagues from FUNDAMENTALS.” (Written response from project manager.)

implementation of regional strategies requires actions by nation states, but the project was not designed to offer necessary assistance to individual countries. The project was not allocated sufficient resources or time to accomplish its aims.

- **Effectiveness.**

- The project established a regional coordination body – SEA Forum for Fishers – which fostered greater awareness of the need to protect fishers and shared information on good practices. However, the extent of participation by countries and the sixty member organizations varied significantly.
- Research studies were undertaken as planned, but significant delays in publication reduced their utility in informing the development of the regional strategy and action plan; multiple channels were used to communicate with stakeholders.
- Elements of a potential regional strategy are reflected in agreed action plans for the Working Groups, but much of the planned work is still to be done. National strategies and plans for Indonesia and Thailand were not developed and this component of the project was dropped in March 2020.

- **Efficiency and project management.** It took five months to put the project team in place and subsequent staff turnover was significant. The project manager resigned effective 31 January 2020 – six months before the end of the project. The then current national project coordinator (NPC) was appointed as the officer-in-charge (OIC), but left at the end of March 2020. An individual who had been working on the project for two months as an external collaborator was named as the NPC/OIC for the remainder of the project.

The project drew on specialists in the DWT-Bangkok and Geneva for technical assistance and collaborated with other ILO projects in the region.

Roughly 20% of available funds remained unspent at the end of the project. This was due to a number of factors, including staffing issues, the timing of the no-cost extension, and the emergence of the novel coronavirus. The pandemic effectively precluded conducting planned studies and holding in-person meetings after February 2020.

- **Impact and sustainability.** The SEA Forum for Fishers provided a foundation for regional coordination, but regional strategies were not adopted: the project has not resulted in changes in laws, policies, or practices that might have a beneficial impact on fishers. While effort was made to secure follow-on funding from J/TIP and other donors, the project ended on 31 July 2020 without a concrete plan for the continued operations of the SEA Forum for Fishers.

## Lessons learned

92. There are two related lessons that can be distilled from the results of the evaluation that have implications for ILO and other organizations that might be considering establishing a regional coordinating body:

- **Significant outreach and planning is required before launching a regional coordinating body (RCB).** Assuming that the need for a such as body is not widely recognized at the beginning of the process, considerable effort is needed to identify key actors in each country, explain the purpose of the RCB, and encourage the active participation of government authorities and other constituents. Outreach activities need to be coupled with rigorous planning based on objective

research on the nature and magnitude of the problem in each country. It would be helpful to conduct assessments of the existing legal framework and institutional constraints in the countries as part of the planning process. The process should culminate in a strategy document, which identifies the goals and objectives of the RCB, the specific problems that it will address, the activities that it will undertake, membership arrangement, governance structure, secretariat functions and staffing, and financial plan. With respect to the latter, the potential for long-term funding needs to be considered at the outset. The RCB should not be launched until there is agreement on the plan among a sufficient number of participating countries. The agreement should be in the form of a resolution of the ministers in member States to signal their endorsement of the strategy and commitment to work together to address common problems in the region, bearing in mind that multiple ministries may be responsible for policy matters related to trafficking, forced labor, labor exploitation in the fishing sector. This process will take considerable time and money. It would be preferable to divide projects into two distinct phases. The design phase would focus on outreach, research and planning, culminating in the endorsement of the strategy document. The implementation phase would begin once the strategy is endorsed and requisite financial resources secured.

- **Regional coordination needs to be coupled with on-the-ground support in individual countries.** The problems addressed by the regional coordinating body will invariably require actions by member States, including legal and institutional reforms. The ability to effect reforms is dependent on the strength of political support and the capacity of relevant institutions (including inter-ministerial coordination), which are likely to vary on a country-by-country basis. It would be helpful to have a support office in each country that can provide assistance in reform efforts, serving as a channel for information about international good practices and a resource for capacity building initiatives. Budgets for the national offices need to be commensurate with the objectives and work plan. The establishment and operations of the support offices should be agreed with relevant ministries in each country in the form of a memorandum of understanding or other formal agreement.

## Recommendations

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93. J/TIP has not expressed an intention to fund a second phase of the SEA Fisheries project and ILO support for the SEA Forum for Fishers has ceased. Donors and/or countries that want to build on the foundation that has already been established may want to consider the following recommendations.
  - **Recommendation 1. Prepare a five-year strategy and annual work plan for the SEA Forum for Fishers.** The SEA Forum for Fishers should develop a strategy that defines the goals and objectives of the body, the specific problems that it will address, the activities that it will undertake, membership arrangements, governance structure, secretariat functions and staffing, and financial plan. The SEA Forum should consider narrowing its focus to two areas: i) strengthening laws to improve employment and working conditions for fishers aboard commercial fishing vessels, including migrant workers; and ii) strengthening enforcement, including inspections under flag State and port State control. This should be grounded in C188 and P29. Countries that are members of the SEA Forum should commit to undertake a process leading to the ratification of both conventions, beginning with gap analyses and tripartite consultations. As such, the SEA Forum should reconsider its membership structure and

governance arrangements. While certain events organized under the auspices of the SEA Forum may include participants from all ten countries in the region, membership should be limited to those countries that are willing and able to commit to working together to implement the strategy. In this regard, the SEA Forum should consider establishing a Ministerial level committee, which has the authority to pledge taking agreed actions. The Secretariat should take the lead in developing the five-year strategy and annual work plans, developing policy guides and handbooks, developing training curricula, managing country support offices (see below), and supporting cross-border initiatives. An overall activity-based budget for the five-year strategy should be established, which details the sources and uses of all funds needed for implementation. More detailed budgets should be developed for annual work plans.

Responsibility	Priority	Time Implication	Resource Implication
ILO, donors and tripartite constituents	High	Near-term	Moderate

- Recommendation 2. Establish a support office in each member country.** The SEA Forum for Fishers should include adequately funded, support offices in member States, which would work in close concert with tripartite constituents to implement the agreed strategy, particularly with respect to legal reforms and institutional capacity building. Memoranda of understanding with relevant ministries and other key stakeholders in each country should be established.

Responsibility	Priority	Time Implication	Resource Implication
ILO, donor and tripartite constituents	High	Near-term	High

## Annex A. Project Logical Framework

<b>PROJECT GOAL:</b> To reduce trafficking and labour exploitation in fisheries, by strengthening coordination at the regional and national level			
<b>Objective 1:</b> Regional body established and existing national bodies (in Indonesia and Thailand) supported to improve coordination in combating trafficking in the fisheries sector.			
<b>Activity 1.1:</b> Appraisal and design that outlines the mandate, composition and functions of the regional body, based on consultations with key stakeholders, and consideration of comparable consultative processes and MSIs within and beyond the region (e.g. ASEAN Forum on Migrant Labour, COMMIT, Bali Process, SSSTF, etc.), as well as drawing links with these bodies with shared aims.			
<b>Output 1.1:</b> Well-designed blue print and TOR for a Convening body developed with wide consultation.	<b>Output indicator 1.1:</b> TOR addresses gaps, high priority coordination issues, sustainability, and is broad-based.  <b>Target:</b> Broad-based, comprehensive and analytical design document and TOR.	<b>Outcome 1.1:</b> Basis for regional coordination body established	<b>Outcome indicator 1.1:</b> Acceptance and support for the design and TOR during Senior Officials/Regional meeting.  <b>Target:</b> Endorsement and support at minimum by 5 participating national governments including Thailand and Indonesia.
<b>Activity 1.2:</b> Senior officials meetings, together with social partners, CSOs and buyers convened at the regional level to review design and TOR of the Convening Body and decide regional coordination priorities.			
<b>Output 1.2:</b> Senior officers and officials from Southeast Asian governments, private sector organizations, trade unions and CSOs convene to agree on regional coordination priorities and provide feedback on the convening body design and TOR.	<b>Output indicator 1.2:</b> # of Southeast Asian countries represented by government, private sector, trade union and CSO delegates at the meeting to review the convening body design and TOR and develop priorities.  <b>Target:</b> Participation of governments, private sector, trade unions and CSOs from 8 Southeast Asian countries.	<b>Outcome 1.2:</b> Regional anti-trafficking coordination priorities adopted through multi-stakeholder coordination and design and TOR of Convening Body validated.	<b>Outcome indicator 1.2:</b> Outcome document agreed at meeting; finalized design and TOR; list of priorities.  <b>Target:</b> Endorsement and support at minimum by 5 participating national governments including Thailand and Indonesia.
<b>Activity 1.3:</b> A convening body and secretariat is set up, incubated by IL, as per the TOR, and with support from key governments and development partners			
<b>Output 1.3:</b> Governing structure of Convening Body established and two regional meetings held, three-year plan and budget developed and funding obtained.	<b>Output indicator 1.3:</b> Composition and meetings of Governing Body, plan & budget document, resource mobilization.  <b>Target:</b> Start up and effective functioning of Convening Body and Secretariat.	<b>Outcome 1.3:</b> Startup, running and institutionalization of Convening Body.	<b>Outcome indicator 1.3:</b> Extent of Government political will to support the startup and running of the convening body (Common Performance Indicator SC3).  <b>Target:</b> 6 (on a scale of 1-6). National governments provide full support to the startup of the convening body and secretariat (including financial and/or in-kind tangible contributions), and committed to ongoing activities to combat TIP.

<b>Objective 2.</b> Coordinated strategies and action plans adopted to enhance the complementarity and efficiency of the various initiatives ongoing to combat trafficking in the fisheries sector.			
<b>Activity 2.1:</b> Mapping of current and planned anti-trafficking activities concerning sea fisheries at the regional level and in priority countries (Indonesia and Thailand).			
<p><b>Output 2.1</b> Methodology and tool for mapping o activities developed building on past experience (Original)</p> <p><b>Output 2.1:</b> Directory of initiatives for mapping of activities developed building on past experience. (Revised)</p>	<p><b>Output indicator 2.1:</b> User friendly mapping tool for on-going and planned activities in anti-trafficking (Original)</p> <p>Target: Tool developed and disseminated. (Original)</p> <p><b>Output indicator 2.1:</b> User friendly directory for on-going and planned activities in anti-trafficking (Revised Jan 2018)</p> <p>Target: Directory developed and disseminated (Revised Jan 2018)</p>	<p><b>Outcome 2.1:</b> Mapping carried out and regularly updated at a regional level and in Indonesia and Thailand. (Original)</p> <p><b>Outcome 2.1:</b> Directory established and mapping carried out and regularly updated at a regional level and in Indonesia and Thailand (Revised Jan 2018)</p>	<p><b>Outcome indicator 2.1:</b> Directory undertaken, updated and referenced.</p> <p>Target: Baseline and regular updates; referenced by 12 organizations in planning and implementation of interventions regionally or in the two countries.</p>
<b>Activity 2.2:</b> Adoption of a results-oriented and gender-responsive regional strategy and action plan, with an emphasis on enhanced bilateral and multilateral cooperation, in close coordination with existing regional initiatives (e.g. SEAFDEC, SSSTF, ASEAN, COMMIT).			
<p><b>Output 2.2:</b> Regional strategy and action plan developed and approved.</p>	<p><b>Output indicator 2.2:</b> Approved multi-stakeholder strategy and action plan.</p> <p>Target: Regional strategy is results-oriented and gender responsive and action plan is funded.</p>	<p><b>Outcome 2.2:</b> More effective policy coordination across the region on the identified priority areas and greater State coordination with non-state actor approaches.</p>	<p><b>Outcome indicator 2.2:</b> Extent to which national governments improve policy coordination among themselves and with non-state actors and engage with non-state actor interventions at the regional level.</p> <p>Target: Demonstrated policy coordination and engagement in each strategic priority area.</p>
<b>Activity 2.3:</b> Adoption of results-oriented and gender-responsive national strategies and action plans for Thailand and Indonesia, in close coordination with existing government structures (e.g. CCCIF in Thailand, and Task Force in Indonesia).			
<p><b>Output 2.3:</b> Strategy and action plan developed and approved in Thailand and Indonesia.</p>	<p><b>Output indicator 2.3:</b> Approved national multi-stakeholder strategies and action plans.</p> <p>Target: Strategies are results-oriented, and gender responsive and action plans are funded.</p>	<p><b>Outcome 2.3:</b> More effective national policy engagement in Thailand and Indonesia, and enhanced coordination among stakeholders, State and non-state.</p>	<p><b>Outcome indicator 2.3:</b> Extent to which the Thai and Indonesian governments improve policy coordination including with non-state actors and engage with non-state actor interventions.</p> <p>Target: Demonstrated policy coordination and engagement in each national strategic priority area.</p>
Activity 2.3 was dropped entirely in the revised logic model submitted with the request for a no-cost extension in Mar 2020.			
<b>Objective 3:</b> Independent research and analysis is undertaken to underpin the development of the strategies and action plans, fill knowledge gaps and measure progress.			
<b>Activity 1:</b> Research is commissioned, jointly reviewed and widely shared to inform the range of interventions in the sector. The type and focus of this research would be determined through consultation, based on the knowledge gaps and needs, and could include larger mixed methodology surveys, or more qualitative analyses and rapid assessments			

<p><b>Output 3.1:</b> Research and analytical products are produced in response to priority areas identified in the regional strategy.</p>	<p><b>Output indicator 3.1:</b> # of research and analytical products produced.</p> <p><b>Target:</b> 4 research and analytical products produced. (Original)</p> <p><b>Target:</b> 3 research and analytical products produced. (Revised Jan 2018)</p>	<p><b>Outcome 3.1:</b> Improved knowledge base for action and monitoring of anti-trafficking initiatives in the region.</p>	<p><b>Outcome indicator 3.1:</b> % of anti-trafficking initiatives among the convening body participants using research and analysis produced for project development</p> <p><b>Target:</b> 50%.</p>
<p><b>Activity 2:</b> Targeted assessments of specific types of interventions are carried out to determine their efficiency, impact and sustainability</p>			
<p><b>Output 3.2:</b> Assessments of progress in each strategic priority area.</p>	<p><b>Output indicator 3.2:</b> # of assessments completed on intervention efficiency, impact and sustainability.</p> <p><b>Target:</b> 4 assessments completed. (Original)</p> <p><b>Target:</b> 2 assessments completed. (Revised Jan 2018)</p> <p><i>Target: 1 assessment completed (Revised Mar 2020)</i></p>	<p><b>Outcome 3.2:</b> Anti-trafficking interventions are responsive to changing dynamics and lessons are derived from targeted assessments.</p>	<p><b>Outcome indicator 3.2:</b> % of anti-trafficking initiatives among the convening body participants using assessment findings and recommendations in their management decisions.</p> <p>Target: 70% (Original)</p> <p>Target: 50% (Revised Jan 2018)</p>
<p><b>Activity 3:</b> Platforms for enhancing communication on progress, international standards and good practices are established at the national and regional level (e.g. newsletter, website and social media).</p>			
<p><b>Output 3.3:</b> Tools for effective communication among all stakeholders at the regional level developed.</p>	<p><b>Output indicator 3.3:</b> # and type of communication tools/platforms developed.</p> <p><b>Target:</b> At least 4 communication tools or platforms developed: website, Facebook, Twitter, email newsletter.</p>	<p><b>Outcome 3.3:</b> Stakeholders in the region are kept up-to-date on new trends in trafficking and forced labour in fishing in the region, the activities of other partners, including policy and regulatory developments and the identification of good practices.</p>	<p><b>Outcome indicator 3.3:</b> Awareness among stakeholders of the on-going anti-trafficking initiatives of other organizations and policy and regulatory developments</p> <p><b>Target:</b> 50% increase over a baseline survey on awareness.</p>

Notes. Original is from submission to J/TIP under cover letter dated 27 March 2017. Revised is from an Excel file titled "REV Section 3 Logic Model 1712.docx". The same table with the noted revisions was forwarded to J/TIP on 3 January 2018 and is also included in Y1QR3 Annex 10A Revised Logic Model.pdf

## **Annex B. Project Documents**

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*Application to J/TIP, including transmittal letter, Project Narrative (Section 2), Logic Model (Section 3), Timeline (Section 5), and Budget Narrative (Sec 6)*

*PARDEV Minute Sheet, including attachments*

*US DOS Cooperative Agreement with International Labour` Organization (Award No. SSJTIP17CA1011), including amendments*

*Quarterly Reports submitted to J/TIP*

*Evaluation of the SEA Fisheries Project: A Multistakeholder Initiative to Strengthen Coordination for Combatting Trafficking in Fisheries in Southeast Asia. Final Report. March 2019.*

### **Project activities**

*Mission Reports prepared by M. Zhou, project manager*

*Meeting Reports on national tripartite consultations in the Indonesia and Thailand*

*Minutes of Working Group meetings*

*Terms of Reference for external collaborators retained under the SEA Fisheries project*

*Draft TOR for Development of Model MOU provisions for sea-based migrant workers governance across the Southeast Asia Region (undated)*

*General Principles for recruitment and placement of migrant fishers (zero draft), 24 Sep 2019*

*Draft TOR for Rapid Assessment Study – Mapping of competent authorities globally and regionally for the implementation of C188 implementation*

*Draft TOR on Research collaboration with Global Fishing Watch (GFW) on triangulating big data*

*Concept Note: Workshop on port state control protocols for inspection of living and working conditions on fishing vessels, 27 April 2020*

*Protocols for port State control for ending trafficking in persons and forced labour in fisheries in Southeast Asia (zero draft), 24 Sep 2019*

### **SEA Forum for Fishers**

*Conclusions on Regional Cooperation Against Human Trafficking, Labour Exploitation and Slavery at Sea (28 Mar 2018)*

*Resolution of the Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers, 29 November 2018.*

*Terms of Reference - Southeast Asia Forum to End Trafficking in Persons and Forced Labour of Fishers, 30 Nov 2018*

*Minutes of Steering Committee meeting, 1 Aug 2029*

*Resolution of the Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers, 26 Sep 2019.*

*Recommendations to flag States and Coastal States, 26 Sep 2019*

*Recommendations to Market States*

*Notes on the Proceedings - Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers, 25-26 Sep 2019.*

### **SEA Fisheries Project Publications**



*Background Paper. Consultative Forum on Regional Cooperation Against Human Trafficking, Labour Exploitation and Slavery at Sea.*

*Working Paper. Indonesia's Fisheries Human Rights Certification System: Assessment, Commentary and Recommendations*

*Working Paper: Indonesia and the Work in Fishing Convention, 2007 (No. 188): A Comparative Analysis a*

*Working Paper: the Philippines and the Work in Fishing Convention, 2007 (No. 188): A Comparative Analysis*

*Study on the Recruitment and Placement of Migrant Fishers from Indonesia (draft)*

*Impact of Intermediaries on Environment and Social Outcomes and Worker Vulnerability in Small-scale Fishing and Aquaculture in Indonesia and Vietnam (draft).*

**Supporting materials related to Work in Fishing Convention**

*Work in Fishing Convention, 2007 (No. 188)*

*Work in Fishing Recommendations (No. 199)*

*Guidelines to Undertake a Comparative Analysis of the Work in Fishing Convention, 2007 (ILO-2011)*

*Frequently Asked Questions: Work in Fishing Convention, 2007 (ILO-2012)*

*Guidelines for Port State Control Officers Carrying Out Their Duties under the Work in Fishing Convention, 2007 (ILO-2012)*

*Fishers First: Good Practices to End Labour Exploitation as Sea (ILO-2016); Decent Work for Migrant Fishers (ILO-2017)*

*Working Paper: The Flexibility Clauses of the Work in Fishing Convention, 2007 (ILO-2017)*

*Guidelines on Flag State Inspection of Working and Living Conditions on Board Fishing Vessels (ILO-2017)*

## Annex C. List of Key Informant Interviews

Category	Name / Title
Donor	
J/TIP	Daniel Evensen, J/TIP, US Department of State
International Labor Organization	
Sea Fisheries Project Team	Mi Zhou, Project Manager
	Arezka Ari Hantyanto, National Project Coordinator
	Abdul Hakim, National Project Coordinator
	Nadia Fadhila, Communications Officer
	Yulia Frida, Project Administrative & Finance Assistant
	Jenny Lo, Project Administrative & Finance Assistant)
Kitaporn Sitikornvorakul (excol)	
Ship to Shore Rights Project Team	Jason Judd, CTA (former)
	Anyamane Tabtimsri, Project Officer
DWT-BKK	Bharati Pflug, Senior Specialist, Fundamental Principles and Rights at Work
	Rene Roberts, Labour Administration/Inspection Specialist
	Nilim Baruah, Regional Specialist, Labour Migration
	Anna Engblom CTA, Triangle in ASEAN
SECTOR - Geneva	Brandt Wagner, Head, Maritime Unit, SECTOR
CO-Indonesia	Ms Michiko Miyamoto, Country Director
	Irham Ali Saifuddin, Program Officer
	Lusiani Julia, Program Officer
CO-Bangkok	Graeme Buckley, Country Director
	Jittima Srisuknam, Program Officer
	Maurizio Bussi, former Country Director, (Currently Dep. Regional Director, Regional Office for Europe and Central Asia)
SEA Forum For Fishers	
Steering Committee	Basilio Araujo, Assistant Deputy Coordinating Minister for Maritime Resilience, Coordinating Ministry of Maritime Affairs and Investments, Indonesia
	Thomas Darmawan, Head of Fisheries Sector, Indonesian Entrepreneur Association (APINDO)
	Genta Sumarlan, Head of Fishers Division, Indonesian Seafarers Union (KPI)
	Joselito Pedaria, Associated Philippines Seafarers Union (APSU) and International Transport Workers Federation (ITF)
	Nicanor Bon , Chief of Policy and Program Development , Department of Labour and Employment (DOLE), Philippines
	Roberto Valerio, Secretary General Zambasuta Chapter, Employers Confederation of the Philippines (ECOP)
	Jon Hartough and Mark Del Greco, International Transport Workers Federation (ITF)/Fishers Rights Network, Thailand
	Somboon Trisilanunt former Deputy Director General, Department of Labour Protection and Welfare, Ministry of Labour (MOL)
	Attapan Masrungson, Executive Advisor, Thai Tuna Industry Association (TTIA)
Member	Roos Iskandar, Assistant Deputy for Women's Rights and Protection, Coordinating Ministry of Human Development and Culture, Indonesia
	Imron Natsi, Indonesia Tuna Association
Technical Advisors	Andy Shen, Senior Oceans Adviser, Greenpeace
	Azizah Hapsari, Indonesia Campaigner, Environmental Justice Foundation
	Phil Kittock and Irina Bukharin, Center for Advanced Defense Studies
	Official, Criminal Intelligence Analyst, Interpol
	Natalie Tellwright, Oceanmind
	Aki Baihaki, Global Fishing Watch

## Annex D. Objectives of Working Groups

<p><b>Working Group 1. Trafficking in persons (TIP) risk identification and alert: data sharing and vessel monitoring Objectives</b></p> <p>In the fisheries industry, trafficking in persons for the purposes of forced labour on board fishing vessels or other at-sea operations has been identified as an issue of concern. Working in fishing is highly transnational in character, particularly for migrant workers. Fishers are recruited from their home country, taken to a port of embarkation on a vessel often in a second country, and onto fishing vessels which may be owned by an entity based in a third country and flagged to a fourth country. In addition, the fisher may not be directly employed by the fishing vessel owner, but by a manning agency. The fishing vessel itself may pass through the waters of one or more other countries, and may land its catch or port at yet another country. The isolation of working on fishing vessels on the high seas also poses risks for fishers, who are far from help. In Southeast Asia, multiple agencies collect extensive maritime domain awareness data, which is used for monitoring of vessel movement including identifying risks of IUU fishing. By contrast, there is limited maritime domain awareness in relation to TIP issues, and limited use of available maritime domain awareness data in efforts to combat TIP for forced labour in fisheries.</p> <p>This Working Group aims to bring stakeholders who work on the prevention and elimination of TIP and forced labour in fisheries together with stakeholders who specialize in maritime domain awareness, to achieve the following:</p> <ol style="list-style-type: none"> <li>1. Promote maritime domain awareness in relation to risk of trafficking in persons (TIP) in Southeast Asia (SEA)</li> <li>2. Promote the sharing and use of maritime information and data in SEA for the purposes of identifying TIP risks</li> <li>3. Develop operational tools for maritime front-line responders to identify TIP risks</li> <li>4. Develop protocols for a regional TIP risks alert and referral system</li> <li>5. Maximise the impact of any existing vessel monitoring and data sharing activities in relation to combatting TIP for forced labour in fisheries</li> </ol>
<p><b>Working Group 2. Regional protocol for port State control and inspection of labour conditions on fishing vessels</b></p> <p>Indonesia, Thailand, the Philippines, and Myanmar, are party to the FAO's Agreement on Port State Measures (PSMA) to prevent deter and eliminate IUU fishing. At the same time, Indonesia, Thailand, the Philippines, and Malaysia are party to the MOU on Port State Control in the Asia-Pacific Region (Tokyo MOU) in relation to foreign merchant ships. However, there is no regional agreement or protocol in relation to an effective system of port State control and inspection of labour conditions on fishing vessels that call at a port. Of relevance are the ILO's Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188) and, to some extent, its Guidelines on flag State inspection of working and living conditions on board fishing vessels, as well as related training materials and recent national experiences.</p> <p>This Working Group aims to:</p> <ol style="list-style-type: none"> <li>1. Develop a common standard of practice in relation to the exercise of port State control over foreign-flagged fishing vessels with reference to ILO's Guidelines for Port State Control Officers Carrying out Inspections under the Work in Fishing Convention, 2007 (No. 188) – 2012.</li> <li>2. Develop common practice for port State inspections of labour conditions on foreign-flagged fishing vessels including the notification of flag States and national stakeholders</li> <li>3. Develop mechanisms and operational tools for port State inspections of labour conditions on foreign-flagged fishing vessels</li> <li>4. Maximize the impact of any existing port State control measures for identification of TIP and forced labour risks, particularly in relation to any measure taken under the FAO's Agreement on Port State Measures and other relevant international instruments.</li> </ol>
<p><b>Working Group 3. Harmonizing labour standards in the fishing and seafood industry in SEA</b></p> <p>Due to the significant diversity in the practices and operations of the fishing and seafood industry in the countries of Southeast Asia, harmonization of labour policies and standards in the fishing and seafood industry is important. The Working Group on harmonization of labour standards will ensure a common approach across the region and minimize any negative competitive outcomes such as a 'race to the bottom' for the working conditions of fishers and workers in the industry.</p> <p>The Working Group will:</p> <ol style="list-style-type: none"> <li>1. Promote the ratification and support the effective implementation of ILO's Convention No. 188, Forced Labour Protocol (P029) and other international instruments relevant to the fishing and seafood sectors in Southeast Asia</li> <li>2. Share best practices and lessons learnt in relation to the enforcement of labour standards and protection in the region, and take into account, as appropriate, lessons learned from other regions</li> <li>3. Promote the harmonization of labour standards in the SEA for the fishing and seafood industry</li> </ol>
<p><b>Working Group 4. Fair recruitment of migrant fishers in and from SEA</b></p>

Migrant fishers from and in SEA are particularly vulnerable and can face challenges not experienced by other fishers. One particular area of risk is deceptive and fraudulent practices during the recruitment and placement process. Migrant fishers may face a number of challenges during the recruitment and placement process, such as with regards to the payment of fees and taking out of loans; obtaining appropriate training or recognition of training certificates; finding a fishing vessel owner/employer; obtaining the appropriate travel or identity documents; obtaining a certificate of medical fitness; arranging transportation from their home country across international borders and to the vessel; reviewing and signing an employment contract or other type of work agreement; participating in a social security scheme; making arrangements to send remittances to dependants; obtaining training concerning the type of vessel(s) on which they will work; and receiving a pre-employment or pre-departure briefing in order to obtain necessary information about rights and access to justice mechanisms.

The Working Group will promote fair recruitment and safe migration of workers in the fishing and seafood industry including:

1. Promote harmonized regional standards in relation to recruitment and placement of workers that are consistent with ILO's Convention No.181 and Convention No. 188, and take into account, as appropriate, conclusions and recommendations of the ILO's Tripartite Meeting on issues relating to Migrant Fishers (2017) and the ILO's General principles and operational guidelines for fair recruitment (2016)
2. Formulate fair migration schemes at national, sub-regional or regional levels and develop multilateral rights-based agenda for migration governance in the fishing and seafood industry
3. Develop and promote bilateral agreements among SEA countries well-regulated and safe migration of workers in the fishing and seafood industry
4. Share best practices and lessons learnt in relation to labour migration governance including the prevention of illegal recruitment of migrant workers from SEA and, as appropriate, from other regions
5. Develop a working model for minimum standards in training/education for fishers and workers in the fishing and seafood industry that are coherent with employment trends and migration policies in SEA
6. Develop harmonized models for training standards and guidance for workers in the fishing and seafood industry in SEA

**Working Group 5. Increasing access to remedy for survivors and victims of trafficking in the fishing and seafood industry**

While there have been efforts in SEA to rescue and repatriate survivors, as well as some successful prosecution of perpetrators, there has been limited success in recovering compensation for survivors. Moreover, the prosecution of perpetrators is not yet targeted at owners of businesses that profit from the exploitation of trafficked workers in the fishing and seafood industry. The transnational nature of the businesses that operate in the fishing and seafood industry present significant challenges in data and evidence collection for the purposes of legal action. There are also significant jurisdictional challenges in relation to seeking compensation from businesses that operate internationally. At the same time, there is significant interest to ensure that survivors of trafficking from SEA are appropriately compensated for their suffering.

The Working Group will aim to increase access to remedies for survivors and victims of trafficking in the fishing and seafood industry, including:

1. Coordinate and share relevant data for the purposes of seeking compensation on behalf of survivors
2. Identify opportunities for strategic litigation on behalf of survivors
3. Coordinate and improve access to legal advice and assistance for survivors in relation to seeking compensation

Source: Annex Yes of the Resolution adopted at the November 2018 regional coordination meeting.

## Annex E. Discussion Items for Working Group Meetings (Online)

	27-29 March 2019	10-12 July 2019	22-23 Jan 2020
WG1 - Trafficking in Persons Risk Identification and Alert: Data Sharing and Vessel Monitoring	<ul style="list-style-type: none"> <li>Identifying Labour Indicators Using Machine Learning of Thai VMS Data – Natalie Tellwright, Senior Fisheries Analyst, OceanMind</li> <li>Information Sharing and Fusion Centres – Interpol Official</li> </ul>	<ul style="list-style-type: none"> <li>An introduction of the Information Fusion Centre -- Major Toh Swee Kim, Head of Operations, Information Fusion Centre</li> <li>Towards Global Transparent Fishery – Indonesia Programme Manager, Global Fishing Watch</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Research on the Relationship Between Vessel Data and Labour Conditions (using vessel data from Global Fishing Watch) – Mi Zhou and Winnie Thaw, ILO</li> <li>Notices issued by Interpol’s National Centre Bureaus – Interpol Official</li> </ul>
WG2 – Regional Protocol for Port State Control and Inspection of Labour Conditions on Fishing Vessels	<ul style="list-style-type: none"> <li>FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Simon Nicol, FAO</li> <li>Thailand’s PIPO System – Jairunchal Korsripitakkul, Department of Labour Protection and Welfare</li> </ul>	<ul style="list-style-type: none"> <li>Summary of WG1 presentations – Mi Zhou, ILO</li> </ul>	<ul style="list-style-type: none"> <li>No. 188 Awareness Communications Strategy: Update – Nadia Fadhila, ILO</li> <li>Draft Protocols on Port State Controls (Zero Draft) – Arezka Hantyanto, ILO</li> <li>Lessons Learned from Port State Inspections... - Arezka Hantyanto, ILO</li> </ul>
WG3 – Harmonizing Labour Standards in the Fishing and Seafood Industry in SEA	<ul style="list-style-type: none"> <li>WCPFC Resolution 2018-01: Resolution on Labour Standards for Crew on Fishing Vessels Operating Under the Jurisdiction of the WCPFC – Simon Nicol, FAO</li> <li>Harmonizing Labour Standards and Identifying Priorities for Labour Risks – Mi Zhou, ILO</li> </ul>	<ul style="list-style-type: none"> <li>Harmonized Minimum Terms and Conditions for Crewing – Len Rodwell, Director, Pacific Islands Forum Fisheries Agency (FFA)</li> </ul>	
WG4– Fair Recruitment of Migrant Fishers In and From SEA	<ul style="list-style-type: none"> <li>Regulating and Prosecuting Illegal Recruitment Activities on Seabased [sic] Migration and Manning Agencies – Eric Dollete, Chief, Legal Assistance Division, Anti-Illegal Recruitment Branch, Philippines Overseas Employment Administration</li> </ul>	<ul style="list-style-type: none"> <li>2-Tiered Systems for Labour Protection for Migrant Workers on Distance Water Fleets in Taiwan – Lisa Tsai, Project Leader, Greenpeace</li> </ul>	<ul style="list-style-type: none"> <li>Draft Recruitment Principles – Kita Sitikornvorakul, ILO</li> <li>TOR for a Study on the MOU Provisions for Sea-based Migrants Workers – Kita Sitikornvorakul, ILO</li> <li>Updates on Recent Trafficking in Persons (TIP) in Fisheries Court Cases</li> <li>Model of Collaboration for Repatriation and Access to Remedy – Winnie Thaw and Mi Zhou, ILO</li> </ul>
WG5 – Increasing Access to Remedy for Survivors and Victims of Trafficking in the Fishing and Seafood Industry	<ul style="list-style-type: none"> <li>Exploring Strategic Litigation to Overcome Jurisdictional Issues in Seeking Remedies – Archana Kotecha, Head of Legal Dept., Liberty Shared</li> <li>Current Efforts to Pursue Cases for Victims of Forced Labour and Trafficking in Fishing – Bobi Anwar Ma’arif, Indonesian Migrant Workers Union (SBMI)</li> </ul>	<ul style="list-style-type: none"> <li>Providing Access to Justice for Victims of Human Trafficking – Thomas Harre, Barrister, LawAid International Chambers</li> </ul>	

Source: Evaluator based on review of meeting notes

## Annex F. Summary of Approved Working Group Action Plans 2019-2020

Planned Activity	Working Group
Study to map existing data sharing arrangements and data flows to identify entry points	WG1
Research on the relationship between vessel data and labour conditions/exploitation related data	WG1
Negotiation of “access arrangements and data sharing mechanisms with identified stakeholders”	WG1
Development and pilot of “regional protocol for port state control based on No. 188 port state control guidelines and other tools	WG2 and WG3
“Flag State/Port State training in inspections in fishing and strategic compliance”	WG2 and WG3
Rapid Assessment Study – “Mapping of competent authorities globally and regionally for the implementation of No. 188”	WG2 and WG3
Development of “PSC [Port State Control] awareness raising tools and communication strategy”	WG2
“Workshop on promoting and implementing No. 188 labour standards to relevant RFMOs”	WG3
Development of “General Principles for Recruitment and Placement of Migrant Fishers”	WG4 and WG5
“Study on the development of model of [sic] MoU provisions for sea-based migrant workers governance that can be adopted across the region”	WG4
“Research on models of state backed compensation scheme for victims of trafficking”	WG5
Mapping “network of advisors and investigators in the region and beyond who [have] expertise in evidence collection” and development of “standardized case-intake forms”	WG5

Source: Evaluator based on approved Action Plans – September 2019

## Annex G. Participation of Organizations as Technical Advisors/Observers

Organization	Regional Coordination Meetings			Working Group Meetings		
	Mar 2018	Nov 2018	Sep 2019	Mar 2019	Jul 2019	Jan 2020
All Japan Seamen's Union (JSU)	Yes	-	-	-	-	-
ASEAN Australia Counter Trafficking Program (ASEAN-ACT)	-	-	-	-	Yes	-
ASEAN CSR Network	Yes	-	-	-	-	-
ASEAN Intergovernmental Commission on Human Rights (AICHR)	-	-	-	Yes	Yes	-
Bali Seafood Int'l	-	Yes	-	-	-	-
Bon Appetit Management Company	Yes	-	-	-	-	-
Center For Advanced Defense Studies (C4ADS)	-	Yes	Yes	Yes	Yes	-
Environmental Justice Foundation (EJF)	-	-	Yes	Yes	Yes	Yes
Food and Agriculture Organization (FAO)	Yes	Yes	-	Yes	Yes	-
Global Fishing Watch	-	-	Yes	-	Yes	-
Global Fund to End Modern Slavery	Yes	-	-	-	-	-
Greenpeace	-	-	Yes	-	Yes	Yes
Humanity United	-	-	Yes	Yes	-	-
Information Fusion Centre (IFC)	-	-	-	-	Yes	-
Institut Solidaritas Buruh	-	-	-	-	Yes	-
Int'l Criminal Investigative Training Assistance Program (ICITAP)	-	Yes	-	-	-	-
Int'l Justice Mission (IJM)	-	Yes	-	Yes	-	-
Int'l Organization for Migration (IOM)	Yes	Yes	Yes	Yes	-	Yes
Interpol	Yes	Yes	Yes	Yes	Yes	-
Liberty Shared	-	-	-	Yes	-	-
New Zealand Embassy in Jakarta	Yes	-	-	-	-	-
Oceanmind	-	-	Yes	Yes	-	Yes
Oxfam	Yes	-	-	-	-	-
Pacific Islands Forum Fisheries Agency	-	-	-	-	Yes	-
Plan International	Yes	Yes	-	-	Yes	-
PT Pumi	-	Yes	-	-	-	-
SEAFDEC	Yes	-	-	-	-	-
Slave Free Seas	-	-	-	-	Yes	-
Solidarity Center / AFL-CIO	Yes	-	-	-	-	-
South Africa Maritime Safety Authority	-	Yes	-	-	-	-
Taipei Archdiocese	-	-	-	-	Yes	-
The Food School	-	-	-	Yes	Yes	Yes
The Freedom Fund	-	-	-	Yes	-	-
US Department of State / Embassy	Yes	Yes	Yes	-	Yes	Yes

## Annex H. Concurrent ILO Projects in ASEAN Region

Country	Title	Period	Code	Funder
ASEAN - Brunei Darussalam, Cambodia, OIndonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam	Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region	01 Jan 2018 - 31 Dec 2022	RAS/17/12/UND	European Union and Multi-Partner Trust Fund Office (UNDP)
ASEAN - Cambodia, Lao PDR, Malaysia, Myanmar, Thailand, Viet Nam	TRIANGLE in ASEAN	01 Nov 2015 - 31 Oct 2025	RAS/15/05/AUS RAS/16/01/CAN	Australian Government Department of Foreign Affairs and Trade (DFAT) / Global Affairs Canada (GAC)
ASEAN - Myanmar, Philippines, Thailand, Viet Nam	Responsible Supply Chains in Asia	15 Dec 2017 - 14 Dec 2020	RAS/16/13/EUR	European Union
Malaysia	Migrant Workers Empowerment and Advocacy	25 Nov 2015 - 24 Feb 2019		United States Department of Labor (USDOL)
Malaysia	From Protocol to Practice: A Bridge to Global Action on Forced Labour	01 Jun 2017 - 30 Sep 2020	MYS/16/50/USA	United States Department of Labor (USDOL)
Myanmar	Legal and Institutional Reforms for Improved Labour Market Governance	01 Jan 2020 - 31 Dec 2020	GLO/18/30/EUR	European Union
Myanmar	Developing International and Internal Labour migration Governance in Myanmar	01 Feb 2016 - 31 Dec 2020	MMR/18/51/UNO	Livelihoods and Food Security Trust Fund (LIFT)
Philippines	Integrated Programme on Fair Recruitment (FAIR) - Philippines	01 Aug 2015 - 31 Dec 2018	PHL/15/51/CHE	Swiss Agency for Development and Cooperation (SDC)
Thailand	Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry (Ship to Shore Rights)	01 Feb 2016 - 31 Jul 2019	THA/15/03/EUR	European Union
Viet Nam	Promoting the application of ILO Fundamental Conventions under the framework of EU – Viet Nam Free Trade Agreement	01 Jan 2019 - 31 Dec 2020	GLO/18/30/EUR	European Union
Viet Nam	FIRST (Fair international recruitment against slavery and trafficking) Project	01 Dec 2018 - 31 Dec 2019	VNM/18/01/GFM	U.S. Department of State, through the Global Fund to End Modern Slavery (GFEMS) with co-financing from the IOM Development Fund

Notes: (a) This excludes sector specific projects, including those that focus on automotive, construction, electronics, garment and palm oil