SEA FISHERIES PROCESS EVALUATION

How a Regional Multistakeholder Initiative Is Developed to Address Trafficking of Persons in Southeast Asia Ship-Based Fisheries

Annexes to the Draft Final Report

March 2019

This publication was produced at the request of the United States Department of State. It was prepared independently by EnCompass LLC.
## CONTENTS

<table>
<thead>
<tr>
<th>Annex</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex 1.</td>
<td>Evaluation Statement of Work</td>
<td>3</td>
</tr>
<tr>
<td>Annex 2.</td>
<td>Interview Guides</td>
<td>6</td>
</tr>
<tr>
<td>Annex 3.</td>
<td>Respondent Informed Consent Form</td>
<td>10</td>
</tr>
<tr>
<td>Annex 4.</td>
<td>SEA Fisheries Evaluation Briefer</td>
<td>13</td>
</tr>
<tr>
<td>Annex 5.</td>
<td>Online Survey Questionnaire</td>
<td>16</td>
</tr>
<tr>
<td>Annex 6.</td>
<td>Observation Guide</td>
<td>19</td>
</tr>
<tr>
<td>Annex 7.</td>
<td>Terms of Reference from November 2018 Regional Convening</td>
<td>24</td>
</tr>
</tbody>
</table>
Annex 1. Evaluation Statement of Work

Evaluation of the SEA Fisheries Project: A Multi-Stakeholder Initiative to Strengthen Coordination for Combating Trafficking in Fisheries in Southeast Asia

PURPOSE

The purpose of this evaluation will be to assess the effect of early project activities on strengthening coordination at the regional and national level to reduce trafficking and labor exploitation in the fisheries industry. By evaluating the implementation of the SEA Fisheries project by grantee International Labour Organization (ILO), the Office to Monitor and Combat Trafficking in Persons (the TIP Office) will begin the process of determining the effectiveness and efficiency of using a complex multi-stakeholder approach to address TIP issues in an industry that involves several countries and diverse actors. The evaluation will assess the means used to develop the multi-stakeholder partnership and the implementation of activities intended to strengthen coordination in that partnership.

This multi-stakeholder initiative has the following overarching objectives:

- to prevent exploitative labor recruitment
- to develop safe and fair working conditions
- to ensure that victims of trafficking are identified and supported
- to provide successful prosecution of traffickers

The evaluation will begin within the first year of the 3-year project, in order that lessons learned can be used to make timely course corrections.

BACKGROUND

The SEA Fisheries project aims to reduce human trafficking in fisheries, by strengthening coordination and increasing the efficiency and efficacy of the efforts already underway at the national and regional levels. Given the considerable array of actors and initiatives, a multistakeholder regional coordinating body will be established and supported to build links between the key interventions and approaches, develop and implement joint strategies, and share information. The project is regional in nature, with a parallel focus on working with the governments of Thailand and Indonesia, specifically, to combat trafficking in the fisheries sector.

One of the first priorities of the project is to set out the specific mandate, composition and functions of this regional body, drawing from other multistakeholder initiatives in the region and beyond. The entity will be broad-based and include various government departments (the competent authorities on labor, migration, trafficking, and fisheries), civil society organizations, workers’ groups, industry associations, buyer groups, international organizations, and research institutions. Scoping and analysis of current and planned anti-trafficking activities concerning sea fisheries will shape the design of a regional body and national strategies with Thailand and Indonesia.

The SEA Fisheries project will conduct research and analysis to guide the development of the regional mechanism and national strategies and communicate best practices to TIP stakeholders. Ownership and participation, in particular by the governments, regional institutions, the private sector, and development partners, will be key to ensuring sustainability. Links will also be made with national task forces and ASEAN frameworks on migration, trafficking, and fisheries. The integration of the regional coordination body and strategy into existing structures will be explored from the project outset.
SCOPE OF WORK/EVALUATION DESIGN

This type of multi-stakeholder initiative is a model that is new to the TIP Office. The contractor will conduct a 12-month process evaluation of the SEA Fisheries project, with the objective of providing the TIP Office an analysis of the early development and implementation of ILO’s activities to strengthen coordination at the regional and national level, and to coordinate strategies and action plans to enhance complementarity and efficiency of various initiatives to combat trafficking in the fisheries sector. Although there is not expected to be a reduction in trafficking and labor exploitation in fisheries during the short period of this evaluation, the TIP Office would like an assessment of the status of the following objectives of the initiative:

1. Regional Body Development: The process by which the convening body was developed, including the set-up of the organizational structure, the secretariat/governance mechanism, the recruitment of participants, assignment of roles and responsibilities, creation of bylaws or other operating regulations, and metrics for measuring success.

2. Regional Body Operations: The current operations of the regional body.


4. Coordinated strategies and action plans adopted to enhance the complementarity and efficiency of the various initiatives ongoing to combat trafficking in the fisheries sector. These strategies will cover prevention, primarily, but also protection, prosecution, and policy and partnerships. They will highlight the policy advocacy, capacity building, research, and coordination needs that can be advanced by the project and existing regional initiatives.

5. Independent research and analysis is undertaken to underpin the development of the strategies and action plans, fill knowledge gaps, and measure progress; and communication on good practices/sharing of experiences enhanced.

The TIP Office would like the evaluator to obtain data from each of the types of key stakeholders who are being recruited for the initiative (ASEAN governments, especially Thailand and Indonesia, workers’ organizations, employers’ organizations, civil society organizations, international buyers and retailers, regional bodies, UN agencies and international organizations, International NGOs, projects such as the Freedom Fund and Australia Asia Program to Combat Trafficking in Persons (AAPTIP), and donor agencies). The types of data to be gathered might include:

Regional Body Development:

- Define the process by which the regional body was conceptualized and launched; including the set-up of the organizational structure; the secretariat/governance mechanism; the recruitment of participants (methods used to attract reluctant participants; thresholds for inclusion); assignment of partner roles and responsibilities; decision-making processes; creation of bylaws or other operating regulations; and metrics for measuring success.
- In addition to the TIP Office’s resources, were there other anchor funders to factor into the body’s operational budget?
- Did the ILO use any best practices during its design of the regional body? Did the ILO use research (i.e., ‘mapping of current and planned anti-trafficking activities’) intended in the project to shape the structure, participants, and issue focal points of the regional body?

Regional Body Operations:

- Who are the current members of the regional body? Who are members ILO might be seeking to recruit?
• Assess the operational structures of the regional body, thus far. How would you define communication between members, the decision-making processes, and the operations of the secretariat?
• Do participants possess a strong grasp of the body’s mission statement and goals (including the problem/areas of focus the body intends to address and how it intends to address these problems/areas of focus)? Are participants expected to adhere to certain time-bound commitments/benchmarks?
• Has research under the project been used to share best practices and facilitate dialogue amongst regional body participants?
• Do partners feel they have the capacity to contribute to the regional body’s success?
• Are there sufficient resources (staff time, funds, etc.) to adequately support the collaborative process?
• Do some stakeholder groups appear to be less engaged in the initiative than others? If so, why?
• How is the ILO engaging organizations with different goals to collaborate in this regional fisheries partnership? How are they reinforcing and leveraging the strengths of each partner in order to eventually produce outcomes that will have greater impact than can be achieved independently?
• What steps is the ILO taking to ensure the body’s sustainability beyond the life of the grant? What else is needed to sustain the body beyond the 3-year TIP Office grant?

Thailand and Indonesia’s National Action Plans & National Strategies: Development:
• Are the National Action Plans and National Strategies drafted and approved by the governments of Thailand and Indonesia?
• Describe the processes by which the development of the national strategies and action plans for Indonesia and Thailand ensued, including “mapping of current and planned anti-trafficking activities” by both governments and communications with government and non-government actors.
• What were some of the key findings obtained during baseline assessments in Thailand and Indonesia that fed into the content of national action plans and national strategies?
• What level and types of commitments to anti-TIP in the fisheries space were the governments of Thailand and Indonesia already engaged in prior to the TIP Office project?

Thailand and Indonesia: National Action Plans & National Strategies: Implementation:
• If finalized, how robustly are the Thailand and Indonesia National Action Plans and National Strategies being implemented, if at all?
• If there is weak implementation, what are the contributing factors?

Independent Research & Analysis:
• How has research and analysis contributed to the design, development, and launching of the regional body and national action plans/national strategies?
• What were some key findings from research that played an important role in shaping the national action plans/national strategies?
• How has research been shared amongst regional body members and/or with the governments of Thailand and Indonesia?
Annex 2. Interview Guides

November 2018 Regional Convening Participant Interview Guide

*Interview questions will be adapted as necessary based on changes in foci, approaches, and terminology used before and during the conference.*

**STRATEGY/DESIGN: This Bali conference**

1. At this conference:
   a. Which SEA Forum for Fishers governance groups did you participate in (list parties)?
   b. Which project team-identified working groups have (will) you participated in (list, if needed)?
   c. Is your role similar or different from the last time you participated in the SEA Fisheries conference (in Bali earlier this year or at a national conference)?
   d. Are you chairing any sessions? Which ones?

2. If you have attended a previous SEA Forum for Fishers conference, how does this one compare?
   a. What, if any, improvements have you noticed in the meeting design?
   b. What else would you like to see that would further improve the conference?

3. [If any time after the first half of the first day] What have you liked about the way the conference is going as of now?

4. To what extent do you feel the right actors/stakeholders are here at this conference to make the SEA Forum for Fishers successful (both at the organizational and individual level)?

**STRATEGY/DESIGN: Working groups**

5. The SEA Forum for Fishers plans to have five working groups. Do you know what the five working groups are?
   
   [If not, note the working groups] The working groups are:
   
   a. Trafficking in persons (TIP) risk identification and alert: data sharing and vessel monitoring
   b. Regional protocol for port State control and inspection of labour conditions on fishing vessels
   c. Working group on harmonizing labour standards in the fishing and seafood industry in SEA
   d. Working group on ethical recruitment of migrant fishers in and from SEA
   e. Working group on increased compensation for survivors of trafficking in the fishing and seafood industry

6. Do you know how the five working groups came about? How were these developed?

7. Of the five working groups, which one will be most helpful for your country/Ministry/organization and why?

8. How will these working groups improve the success of the proposed SEA Forum for Fishers?

**STRATEGY/DESIGN: Goals and objectives**

9. To what extent do you feel you have a clear understanding of the following components of the proposed SEA Forum for Fishers?
   a. Proposed goals and objectives? Composition? Structure?
b. Did you attend the last SEA Fisheries regional conference held in March here in Bali?

c. [If at last regional conference] How have these changed since you first heard about the forum?
   [Prompt if needed, with one or more of the following:
   i. Goals and objectives?
   ii. Composition?
   iii. Structure?]

d. How satisfied are you with the goals/objectives, composition, and structure being proposed now?

10. What needs are not currently being met by the proposed SEA Forum for Fishers—goals, objectives, composition, structure?

11. How has your experience been regarding communication from the ILO about the SEA Forum for Fishers?

### Moving forward

12. How well do you feel your contributions to the development of the proposed SEA Forum for Fishers are being used? How else could you contribute now or in the future?

13. In your opinion, what are the key incentives for stakeholders to participate in the proposed SEA Forum for Fishers now and into the future? (What about disincentives?)
   a. How have these incentives (or disincentives) been communicated by or to you?

14. How important/relevant is an agreement on C188 among SEA countries for the success of the SEA Forum for Fishers? Why? [probe to see if they are attending the C188 meeting]

15. Looking forward:
   a. What plans do you have for you and your organization’s future involvement with the proposed Forum?
   b. What is the likelihood that the proposed Forum will be successful or not? Has this changed since you first heard of the forum?
   c. What is the likelihood that the proposed Forum will be sustainable or not? Has this changed since you first heard of the forum?
Implementer Interview Guide (ILO/TIP Office)

Additional questions asked specifically to the ILO project team (and not to the TIP Office) are noted.

**PART I: Background**

1. To begin, what do you think have been the most significant accomplishments of the SEA Fisheries Project to-date?
   a. What, if any unexpected outcomes (positive or negative) have resulted from the project thus far?
2. What are the factors that you think contributed to these accomplishments—including internal and external factors?
3. What have been the most significant challenges faced thus far in the SEA Fisheries Project?
4. How, if at all, have you/have you seen ILO adapt their strategy and/or processes to mitigate these challenges?

**Part 2: Building the MSRCB**

I know we have asked you this question previously. However, now that we are further into the project, we want to ask it again.

5. If you could design the SEA Fisheries Project from the beginning again, what, if anything, would you have changed about the design and implementation of the project?

Now we would like to hear your opinion on the most recent SEA Conference in Bali in November.

6. In your opinion, what was the most important achievement that resulted from this meeting?
7. What else, if anything, would you have liked to see happen that did not?
8. For ILO: How has the design and implementation of convenings evolved since the start of the project? What was the most significant difference in Bali 2 vs. Bali 1?

**Strategy**

9. For ILO: How do you feel your communication strategy has worked to-date? What, if anything, would you have liked to improve, and how?
10. For ILO: What are your plans for communication moving forward in the SEA Forum for Fishers?

**Moving Forward**

Now we would like to see your vision for the project moving forward.

11. Looking forward, what are your plans/what would you like ILO to be doing to ensure sustainability for the SEA Forum for Fishers?
12. What are the key factors that will influence the likelihood that the proposed forum will be successful now and into the future?
13. Finally, thinking specifically of your experience managing this project. If you could recommend changes to improve future projects of this kind, what do you think is the single most important lesson that should be written down?

PART 5: CONCLUSIONS
Finally, we want to give you a chance to share and ask about other information related to the project.

14. First, is there anything else that you want to tell me/us that we haven’t covered and you think is important for this evaluation?

15. What, if any, questions do you have for me/us?
Annex 3. Respondent Informed Consent Form
INFORMED CONSENT FORM
PROCESS EVALUATION OF TIP SEA FISHERIES PROJECT
FOR US DEPARTMENT OF STATE TIP OFFICE

This informed consent form is designed for individuals interested in and working to address trafficking in persons (TIP) in the fisheries industry in the Southeast Asia (SEA) region.

Evaluators: Kimberly Norris, Sarah Stephens, Simon Baker, George Sirait, Kelsey Simmons
Organization: EnCompass LLC
Sponsor: US State Department TIP Office

This Informed Consent Form has two parts:
1. Information Sheet (to share information about the process evaluation data collection)
2. Certificate of Consent (for signatures if you choose to allow our team to interview you)

You will be given a copy of the full Informed Consent Form.

Part I: Information Sheet

Introduction

My name is Kimberly Norris, Senior Evaluation Specialist, working for EnCompass LLC.

Purpose: My team is collecting data related to the development by ILO of a multistakeholder regional coordinating body (MS-RCB) in Southeast Asia to reduce trafficking of persons (TIP) in the fisheries industry. This is not an evaluation of your organization or your work. We invite you to be interviewed for this purpose.

Methods: We are conducting interviews and focus group discussions in multiple Southeast Asia countries with a wide variety of industry stakeholders, including civil society organizations, government officials, employers, labor representatives, consumers, and enforcement agencies to gain perspectives during the formative stages of development, about the process used to develop this MS-RCB aimed at reducing fisheries related trafficking in persons (TIP), and its anticipated value to achieving desired changes. For this reason, we may request time of participants follow-up questions at a later date. The US State TIP Office anticipates using information to inform future decisions about the use of regional coordinating mechanisms to address TIP issues. Information may also inform the MS-RCB ILO project team on ways to improve the successful development of the MS-RCB.

Confidentiality: Information recorded during data collection is confidential, and no one else except the evaluation team will have access to the information documented during interviews and focus group discussions. Data Collectors will take notes during the interviews and focus group discussions. The evaluation team may also take photos or audio recording, if permitted. Notes and any audio-visual material are confidential, and only the evaluation team will have access to them. Data collectors will request explicit permission before taking any photos or audio recording of persons, and participants may refuse to comply at any time.
Risks: There is a risk that participants may share some personal or confidential information by chance, or that they may feel uncomfortable talking about some of the topics. However, we do not wish for this to happen. Participants do not have to answer any question or take part in the focus group discussion or interview if they feel the question(s) are too personal or if talking about them makes them feel uncomfortable.

Sharing Results: No information shared during data collection will be attributed to participants by name or other identifying information. Information will be shared only after being compiled together, and data will only be shared in aggregate form.

Voluntary Participation: Your participation in this data collection is voluntary. You do not have to take part in this data collection if you do not wish to do so. You may stop participating in the data collection at any time without affecting your relationship with EnCompass or the US State Department.

You can ask questions about any part of the data collection if you wish to. Please contact Kimberly Norris (knorris@encompassworld.com) with questions.

Part II: Certificate of Consent

I have read the foregoing information. I have had the opportunity to ask questions about it and any questions I have asked have been answered to my satisfaction. I consent voluntarily to participate in this study.

Print Name of Participant

Title of Participant

Signature of Participant

Date Day/month/year
Annex 4. SEA Fisheries Evaluation Briefer
INDEPENDENT PROCESS EVALUATION OF THE SEA FISHERIES PROJECT

CONTEXT

With the support of the U.S. Department’s Office to Monitor and Combat Trafficking in Persons (TIP Office), the International Labour Organization (ILO) launched the Southeast Asia (SEA) Fisheries Project, a regional initiative designed to strengthen coordination to combat trafficking in the fisheries industry. As the founding project donor, the TIP Office is interested in learning about the effectiveness and efficiency of using a multi-stakeholder initiative to address trafficking in persons in the fisheries industry in Southeast Asia. The TIP Office has engaged EnCompass LLC as an external evaluator to conduct a developmental process evaluation of the project from October 2017 through March 2019. The evaluation team is exploring (1) successes, enabling factors, challenges, and lessons learned during early formation of the proposed SEA Forum for Fishers; (2) early activities and successes associated with the proposed SEA Forum for Fishers; and (3) the Forum’s perceived added value to addressing human trafficking in the sea fisheries industry of Southeast Asia.

EVALUATION GOALS

- Conduct an independent evaluation to describe:
  - Enabling factors, challenges, and lessons learned in formation of the SEA Forum for Fishers
  - Early activities, orientation, and successes of the Forum
  - Forum’s perceived added value to addressing human trafficking in SEA Fisheries
- Support successful formation of the Forum through findings
- Provide evidence to inform future initiatives

THE EVALUATION TEAM

The EnCompass Evaluation Team includes individuals based in France, Indonesia, Thailand, and the United States with deep experience in programs to reduce trafficking in persons and labor exploitation, and expertise in evaluations of multi-stakeholder initiatives. The team brings:

- Deep knowledge in evaluation of global counter-trafficking and labor exploitation
- Expertise in useful and meaningful evaluation approaches
- Commitment to confidentiality of shared information
- Command of appreciative, strengths-based inquiry approaches to evaluation

METHODOLOGY

- Interviews/group discussions with:
  - SEA Fisheries Project team
  - Invitees and participants of regional and national meetings held in support of developing the proposed SEA Forum for Fishers
  - Outside experts
- Observations and document review from:
  - Regional and national meetings
  - Materials produced for the project (e.g., policy briefs, research, reports, and communications)
DEVELOPMENTAL PROCESS EVALUATION

The EnCompass evaluation team is conducting a developmental process evaluation that, unlike an impact or performance evaluation, allows for exploratory understanding of an evolving process in a way supportive to its success. By collecting data throughout 2018, the team is studying the early stages of this regional cooperation initiative, from incubation through formation. The blue circles and boxes in the diagram below indicate the project activities the evaluation team will assess for the process. At these early stages, the evaluation team recognizes they are not likely to capture high-level results and impacts, which could occur at a later stage of the SEA Fisheries Project.

REGIONAL MULTI-STAKEHOLDER INITIATIVE (MSI) DEVELOPMENT PROCESS

DISSEMINATION AND LEARNING

After ensuring all information is confidential, findings have been shared with the TIP Office and ILO to support the strengthening of the proposed SEA Forum for Fishers in the early stages of its development. The evaluation team reported on emerging findings approximately midway through 2018 by producing a Phase 1 report, and having consultation meetings to discuss findings with TIP Office and ILO staff. Following the second phase of data collection, the team will follow the same process and report on progress and lessons learned in the formation and operationalization of this multi-stakeholder initiative.

If you have any questions about the evaluation, please feel free to contact:

- Kimberly Norris, Team Lead, knorris@encompassworld.com
- Kelsey Simmons, Evaluation Specialist, ksimmons@encompassworld.com
As part of the formation of the SEA Forum for Fishers, the United States Department of State’s Office to Monitor and Combat Trafficking in Persons (DoS TIP Office) has engaged EnCompass LLC to conduct an external process evaluation. As part of this evaluation, we are conducting a short survey to gauge your opinions on the formation and next steps of the SEA Forum for Fishers. The survey has only 10 questions and should take between 5 and 10 minutes to complete.

Please note that EnCompass is an independent evaluation firm contracted by the Department of State to conduct this evaluation. We are not involved in the implementation of the SEA Fisheries project. Responding to this survey is completely voluntary. All answers provided in this survey will remain confidential. Answers will not be attributed to a specific person or institution, and all identifying information will be removed.

PART A. Demography
Which of the following groups did you represent for the Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries (SEA Conference) held in Bali, Indonesia in November 2018? (select the one that best applies)

- Government
- Employer organizations (including industry associations and private employment agencies)
- Labour organizations (including trade unions)
- International non-governmental organizations
- Local and/or national civil society organizations
- Academic and/or research institutions
- Other (please describe)

In what country are you currently based?

- Cambodia
- Indonesia
- Lao PDR
- Malaysia
- Myanmar
- The Philippines
- Thailand
- Viet Nam
- US
- Other (please add): ________________________

PART B. Views on Development of the SEA Forum for Fishers

1. To what extent do you agree with the following statements about the development of the SEA Forum for Fishers? [Options: Agree, Somewhat agree, Somewhat disagree, Disagree, Do not know enough to reply]
a. My views were included in decision-making processes during the November 2018 SEA Conference.
b. My views are reflected in the current structure of the SEA Forum Fishers.
c. My views will be included in decisions made by the SEA Forum for Fishers in the future.
d. I am satisfied with the methods of communication used to keep me up to date on progress related to the 
   SEA Forum for Fishers.

2. What would you like to see different, if anything, regarding communication from the SEA Forum for Fishers 
   moving forward? [open-ended]

PART C: Expected Involvement

For the following questions, please be reminded of the Conclusions and Recommendations of the 2018 SEA Conference, that 
the SEA Forum for Fishers consists of a multi-stakeholder membership supported by a technical advisory group, guided by a 
steering committee, with a secretariat, and designated working groups focused on specific cross-cutting themes and issues. A 
graphic of the forum is provided below.

We are interested in learning about your interest and engagement moving forward in the SEA Forum for Fishers. 
Thinking about the next year, how likely are you to remain engaged with the following components of the SEA 
Forum for Fishers? [Options: Very likely, Somewhat likely, Somewhat unlikely, Very unlikely, Not relevant to my 
organization]

3. I will participate as a working group member.
   a. Working groups will be established by Members of the SEA Forum for Fishers to address issues of 
      common interest or cross-cutting themes. The purpose of the working groups is to take practical 
      action at the technical level and foster operational cooperation among Members.

4. Which of the following working groups are you most interested in participating in over the next year? (Choose 
top 2)
   a. Working group on trafficking in persons risk identification and alert: data sharing and vessel monitoring 
   b. Working group on regional protocol for port State control and inspection on fishing vessels 
   c. Working group on ethical recruitment of migrant fishers from SEA 
   d. Working group on increased compensation for survivors of trafficking in the fishing and seafood 
      industry
e. Working group on harmonizing labour policies and standards in the fishing and seafood industry

5. I will participate as a steering committee member or leader.

a. **Steering committee**: The steering committee guides the strategic direction of the forum and is Tripartite. It is made up of three different national government authorities, three representatives of workers, and three representatives of employers. One chair of the steering committee represents governments, one vice-chair represents workers, and one vice-chair represents employers.

6. I will participate as a technical advisor.

a. **Technical advisors** are made up of international, regional, and national organizations, academic and research institutions, non-government organizations with technical expertise, and trade union, industry, and private sector associations. While technical advisors are not members, they can make recommendations to the steering committee and the working groups in their respective areas of expertise.

7. I will participate in future conferences or convenings.

8. Please choose the top three most important factors that will influence your participation in the SEA Forum for Fishers over the next year:

   - Funding to cover expenses to participate
   - Feasible time commitment
   - Opportunities to share my country/organization’s work
   - Opportunities to learn from other country/organizations
   - Opportunities to coordinate with other members of the SEA Forum for Fishers
   - Meetings conducted in my language (or real-time translation equipment available)
   - Written communications translated into my language
   - Usefulness of the working groups
   - Other (please specify)

9. Is there anything else you think we should know regarding your participation in the SEA Forum for Fishers now and in the future? *(Open ended)*
Annex 6. Observation Guide

This guide was drafted prior to the November 2018 regional convening, with actual notes adapted to convening proceedings.

Protocol

Prior to the regional meeting, the data collectors will:

- Offer an introductory note to reduce the burden on the part of ILO in explaining your presence
- Request the invitee list
- Request a 30-60 minute debrief with ILO staff following the meeting
- Offer to assist in setting up and cleaning up to offer support since requesting time and presence at the meeting.
- Request to record the meeting, and, if permitted, provide a record for ILO
- At the meeting, ensure all attendees are identified and accounted for. These can be later checked against the invitee list.

During the meeting, the data collectors will:

- Maintain a low, neutral, yet friendly profile. The collectors do not anticipate participating, and if offered the opportunity to do so, will decline.
- Be sure the method used for taking notes is not distracting (e.g. pounding keyboard, etc.)
- If one person attends, pay attention to both facilitators and participants. If two observers, break up observation and notetaking to best divide the work according to meeting structure/ agenda/ approach (facilitation, breakouts, etc.).
- If two observers, plan a 30-minute debrief together following the meeting and any ILO debrief to combine thinking about the meeting based on observations and notes taken.
- Select one person to write up observation notes like a transcript and the other to review before submitting.
  - Keep in mind:
    - how information is presented and how conversations are oriented through ILO and/ or the facilitator
    - how participants react/ respond/ may be influenced by the way information is cast, applied
    - approaches used to incorporate information/ socialize or normalize concepts, as well as reactions occurring among and between participants.
  - Keep track of several characteristics for participants—age group, sex, language spoken or quality of speaking in language—being used for the meeting, role(s) played in the meeting, how well others seem to know them, orientation (what “group” they represent), etc.
    - Have a list/table as part of the observation checklist that allows them to track this information for participants as the meeting progresses.
    - This should be page 2/3 of the observation checklist so as not to be overtly viewed by participants.
Overarching questions for all SEA Conference meeting observations:

1. What are this meeting’s objectives? How are these objectives communicated? How do these fit into the larger objectives for the SEA Fisheries November 2018 regional convening? How is this communicated?

2. How is the meeting structured?

3. How is the meeting carried out?

4. What is considered relevant meeting information? How is relevant meeting information captured and shared?

5. How is this meeting integrated/ incorporated into the objectives for the SEA Fisheries November 2018 regional convening?

Observation Tool:
Observation tools will be adapted as necessary based on changes in foci, approaches, and terminology used before and during the conference.

Part 1: Overall notes for each meeting (some to be filled in afterward):

a. Date:
b. Meeting:
c. Purpose:
d. Note Taker:
e. Countries and respondent categories represented (see table below check sheet)
f. Who attended? How different was the attendee list vs. the invite list?
g. Who facilitated? What was the style of facilitation? How was the facilitation received?
h. What roles do various participants play? Who seems to lead? How do roles differ for different issues/ topics/ groupings?
i. What common understanding do participants have about combating TIP in fisheries within their country’s territory as well as in SEA?
j. What issues are agreed upon and which find more disagreement?
k. Did translations occur during this meeting? If so, was there apparent benefit of translations to the meeting?
l. Other emerging findings/learning
m. Other topics for recommend follow-up exploration
<table>
<thead>
<tr>
<th>Part 2: Observation for first workshop Plenary Sessions</th>
<th>How does ILO introduce/ socialize this topic?</th>
<th>How do participants react/ respond?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How do participants of this meeting react to the proposed SEA Forum for Fishers (interested, uninterested, resistant, other)? How does this differ across different participants (government, workers, etc.)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. How do participants react to the contextualizing of the work of the proposed SEA Forum for Fishers in the region and internationally (interested, uninterested, resistant, other)? How does this differ across different participants (government, workers, etc.)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. What anticipated benefits (or costs) to national interests do participants discuss regarding the proposed SEA Forum for Fishers - to combat TIP in fisheries within its territory, as well as in SEA?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. How are participants reacting to tripartite and/or a tripartite-plus, or broader stakeholder participation for formalized regional coordination; how are different stakeholders participating?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. What are the reactions to the adoption/ or conclusions of the Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Topics/ themes for follow-up</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Part 3: Observation Check for first workshop

**Working Groups**

<table>
<thead>
<tr>
<th></th>
<th>How does ILO introduce/ socialize this topic?</th>
<th>How do participants react/ respond?</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>How do participants of this meeting react to the proposed SEA Forum for Fishers (interested, uninterested, resistant, other)? How does this differ across different participants (government, workers, etc.)</td>
<td></td>
</tr>
</tbody>
</table>
| 11. | How do participants view the proposed SEA Forum for Fishers structure? What conversations are happening in the working group regarding the following:  
   a. Chairs  
   b. Steering Committee compositions,  
   c. Secretariat  
   d. Working Group Partnerships |  |
| 12. | What anticipated benefits (or costs) to national interests do participants discuss regarding the proposed SEA Forum for Fishers - to combat TIP in fisheries within its territory, as well as in SEA? |  |
| 13. | How are participants reacting to tripartite and/or a tripartite-plus, or broader stakeholder participation for formalized regional coordination; how are different stakeholders participating? |  |
| 14. | How are participants reacting to the working partnerships by theme and area? |  |
| 15. | How are participants reacting to work plan and next steps in regards to the proposed SEA Forum for Fishers and working groups? Who takes responsibility? |  |
| 16. | What are the reactions to the closing/conclusions of the *Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries*? |  |
| 17. | Topics/ Themes for follow up |  |
Part 4: Overall notes of the second workshop of the Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Labour Exploitation in Fisheries: Workshop to Promote Decent Work for Fisheries in Southeast Asia

a. Date:
b. Meeting:
c. Purpose:
d. Note Taker:
e. Countries and respondent categories represented (see table below check sheet)
f. Who attended? How different was the attendee list vs the invite list?
g. What roles do various participants play? Who seems to lead? How do roles differ for different issues/topics/groupings?
h. What issues are agreed upon and which find more disagreement?
i. How is tripartite participation in this workshop similar/different to the previous workshop (SEA Forum for Fishers governance and Working Group deliberations)?
   a. Are the same stakeholders attending both meetings in plenaries? In breakouts? How are they similar and different?
j. What, if any, conversations throughout this workshop reference (either directly or indirectly) the SEA Forum on Fisheries?
k. What, if any conversations regarding next steps with C188 during this workshop are in alignment with the launch of the SEA Forum for Fishers?
l. Other emerging findings/learning
m. Other topics for recommend follow-up exploration

Part 5: Observation check for the second workshop: To Promote Decent Work for Fisheries in Southeast Asia

<table>
<thead>
<tr>
<th>18. How do participants react to the Capacity Building and sector tools introduced? How does this conversation build on/relate to conversations during previous days’ workshop?</th>
<th>How does ILO discuss this topic?</th>
<th>How do participants react/ respond? Do they relate it the SEA Fisheries Forum?</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. How do participants react to “Experiences of ASEAN States” in ratifying C188?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. What are the key issues identified for working groups? How are these related to working groups for proposed SEA Forum for Fishers?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. How do participants react to the discussion and adoption of conclusions from the workshop?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. How do participants perceive the launch of the proposed SEA Forum for Fishers?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Who is participating most in the plenary? Working groups?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Annex 7. Terms of Reference from November 2018 Regional Convening
30 November 2018

Terms of Reference

Southeast Asian Forum
To End
Trafficking in Persons and Forced Labour of Fishers
PREAMBLE

1. Recognizing that fishing is a hazardous occupation, with capture fisheries having high incidences of occupational injuries and fatalities. Some workers in fishing operations face long working hours, dangerous weather conditions, and hazardous marine environments. Fishers on vessels live and work on board, often for extended periods in relatively confined spaces, in isolation at sea far from help with heightened vulnerability to labour exploitation.

2. Recognizing that fishers, especially temporary and irregular migrant fishers, face additional challenges, including during the recruitment and placement process, such as with regard to the payment of fees and taking out of loans, obtaining appropriate training or certifications, and obtaining the appropriate travel or identity documentation. Once on board, fishers and migrant fishers may find that the conditions of employment are vastly different to what they had expected, or that their employment contract is not respected or substituted. Migrant fishers are vulnerable to trafficking in persons, forced labour, modern slavery, as well as labour exploitation due to the relative isolation of their workplace and the transnational nature of commercial fishing operations.

3. Recognizing that the fishers are vulnerable to decent work deficits such as excessively long working hours, informality, lack of social protection coverage, long periods at sea, and complex employment relationships and remuneration systems. Many fishers are self-employed for whom adequate protection is often lacking.

4. Recognizing that decent work and productive employment in the fishing sector are fundamental to ensuring effective fishing operations, which in turn are critical to sustainable livelihoods and food security. In Southeast Asia, the second largest producer of fishery production in 2015, fishing is also important to the economy of the region. Decent work in the fishing sector is critical for achieving several Sustainable Development Goals (SDGs) including SDG 2 on zero hunger; SDG 8 on decent work and inclusive economic growth, in particular target 8.7; SDG 10 on reduced inequalities; and SDG 14 on life below water.
5. Recognizing that enterprises, including multinational enterprises, should carry out due diligence to identify, prevent, mitigate and account for how they address their actual and potential adverse impacts that relate to internationally recognized human rights, at a minimum, as those expressed in UN’s Guiding Principles on Business and Human Rights, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the principles concerning fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.

6. Recognizing that there is significant diversity in the practices and operations of the fishing industry in the countries of Southeast Asia, including large-scale commercial fishing operations and small-scale fisheries. Non-standard forms of employment are common in some areas of the sector. While many have good practices, some fishing operators and recruitment agencies are engaged in abusive practices that fall into the category of trafficking in persons, forced labour, modern slavery, as well as labour exploitation. Abuses are sometimes also found in fish farming, land-based fish processing, and other parts of the seafood supply chain, including against women and children.

7. Recognizing that trafficking in persons for forced labour on board fishing vessels or other at-sea operations and in the fishing and seafood industry has been identified as an issue of growing public concern in Southeast Asia.

8. Recognizing the importance of ASEAN and the amity and cooperation between Member States, as well as the work achieved under the three pillars of the ASEAN Community, namely the ASEAN Political-Security Community; the ASEAN Economic Community; and the ASEAN Socio-Cultural Community. ASEAN has also established regional human rights bodies reflecting its strong commitment to the promotion and protection of human rights and fundamental freedoms to further ensure the wellbeing of its people, including the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. The ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) which came into force in 2017 and the ASEAN Consensus on Protection and Promotion of the Rights of Migrant Workers 2018 also signal the region’s commitment to combat all forms of trafficking in persons and to protect migrant workers.
9. Recognizing that in Southeast Asia, there are no regional initiatives that specifically address the unique characteristics of trafficking in persons for forced labour of fishers and of workers in fishing and seafood industry in an integrated, holistic, human rights-based and action-led approach. While there is a consensus that this is a problem that cannot be solved by one country alone, there is a gap in regional cooperation designed to specifically address trafficking in persons for forced labour in fisheries in Southeast Asia.

10. Noting the Conclusions from the Consultative Forum on Regional Cooperation against Trafficking in Persons, Labour Exploitation and Slavery at Sea held in Bali, 27-28 March 2018, which recommended that a multi-stakeholder Regional Coordination Body be established in Southeast Asia to improve coordination in combating trafficking in persons, forced labour, labour exploitation and modern slavery at sea.

THE SOUTHEAST ASIAN FORUM TO END TRAFFICKING IN PERSONS AND FORCED LABOUR OF FISHERS

11. The Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers (“The SEA Forum for Fishers”) is to be established at the Southeast Asia Conference on Regional Coordination and Action to Combat Trafficking and Forced Labour in Fisheries in November 2018 by Resolution of the Membership.
DEFINITIONS

12. For the purposes of this document and the avoidance of doubt, theses terms are defined as follows:

(i) Fisher, based on the ILO Work in Fishing Convention, 2007 (No. 188), means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers.

(ii) Forced labour, based on ILO’s Forced Labour Convention, 1930 (No. 29) and Protocol to the Forced Labour Convention, 2014 (P029), means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered him- or herself voluntarily.

(iii) Member means member of the SEA Forum for Fishers as listed in Annex 1.

(iv) Migrant fisher, based on the ILO report for discussion at the Tripartite Meeting on Issues relating to Migrant Fishers (2017) and the Conclusions on the promotion of decent work for migrant fishers (2017), means fisher, whether employed or self-employed, working on a fishing vessel flying the flag of a country other than that of their own nationality or country of permanent residence.

(v) Ordinary vote means a vote by simple majority of fifty per cent plus one.

(vi) Phase 1 of the SEA Forum for Fishers means the project duration of ILO’s SEA Fisheries Project ending 31 March 2020 or later.
(vii) Private employment agency (PrEA), based on ILO Private Employment Agencies Convention, 1997 (No. 181), means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom; (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks; (c) other services relating to job seeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.

(viii) Recruitment and placement service based on the ILO Work in Fishing Convention, 2007 (No. 188), means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners.

(ix) Super majority means a vote passed by two-thirds of the voting body.

(x) Technical Advisor means technical advisors to the SEA Forum for Fishers listed in Annex II.

(xi) Trafficking in Persons, based on the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
MANDATE

13. 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.

14. The objectives of the SEA Forum for Fishers are:

i. 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.

ii. 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.

iii. 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.

iv. 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.

v. 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.

vi. 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.

vii. 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.

viii. 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.

STRUCTURE

15. The SEA Forum for Fishers consists of a multi-stakeholder Membership supported by a Technical Advisory
Group, guided by a Steering Committee, and with a Secretariat, with designated Working Groups focused
on specific cross-cutting themes and issues.
MEMBERSHIP

16. Members of the SEA Forum for Fishers include 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.

17. Annex 1 lists Members of the SEA Forum for Fishers.

18. 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.

TECHNICAL ADVISORS

19. International, regional and national organizations, academic and research institutions, non-government organizations with technical expertise, and trade union, industry and private sector associations or leaders may participate in the SEA Forum for Fishers as Technical Advisors.

20. Technical Advisors will serve as resources in their relevant area of expertise for the Members of the SEA Forum for Fishers including in Working Groups and to the Steering Committee.

21. Any Member(s) of the SEA Forum for Fishers can seek the advice of any Technical Advisor directly or via the Secretariat.
12. Technical Advisors can make recommendations to the Steering Committee and the Membership in areas of their respective expertise for their consideration.


14. New Technical Advisors may be included the SEA Forum for Fishers by invitation of the Steering Committee.

STEERING COMMITTEE

15. The strategic direction of the SEA Forum for Fishers shall be guided by a Steering Committee. A Steering Committee shall include representatives from the following stakeholders:

a. Three (3) national government authorities representing three countries in Southeast Asia;

b. Three (3) representatives of workers;

c. Three (3) representatives of employers.

16. There will be one Chair of the Steering Committee representing governments, and one Vice-Chair representing workers and one Vice-Chair representing employers.

17. Annex III lists proposed Committee Members and Chairs of the Steering Committee for Phase I of the SEA Forum for Fishers.
28. Subsequent Committee Members of Steering Committee will be nominated and elected by the Membership through a super majority vote.

29. Subsequent Chairs of the Steering Committee will be nominated and elected by the Steering Committee through a super majority vote.

30. The first nomination and election of the Steering Committee and Chairs will take place in early 2020. Subsequent nomination and election of the Steering Committee and Chairs will take place every two years.

SECRETARIAT

31. The Secretariat will provide technical and administrative support to the SEA Forum for Fishers, and will support the implementation of its decisions.

32. The Secretariat will support the convening of meetings by the SEA Forum for Fishers and its subsidiary bodies.

33. The ILO’s SEA Fisheries Project in Jakarta will act as Secretariat of the SEA Forum for Fishers for Phase I of the SEA Forum for Fishers.

34. Subsequent Secretariat arrangements will be determined on the recommendations of the Steering Committee and by an ordinary vote of the Membership.
WORKING GROUPS

35. Working Groups will be established by Members of the SEA Forum for Fishers to address issues of common interest or cross-cutting themes. The purpose of the Working Groups is to take practical action at the technical level, produce recommendations to the Membership within the scope of their Terms of Reference, and foster operational cooperation among Members.

36. Any Member(s) may propose a Working Group on a particular theme or subject area.

37. A Working Group may be convened if:

a. There are at least one (1) Member from each of national government authorities, trade unions or organizations representing workers, and employers’ organizations or industry associations; and

b. There is a minimum of five (5) Members participating in the Working Group as Group Members.

38. Any Member(s) proposing a Working Group on a particular theme or subject area will invite at least two Technical Advisors to participate and advise the Working Group.

39. Any Member(s) proposing a Working Group should also propose its terms of reference. The Members of the Working Group can adopt the terms of reference as proposed by an ordinary vote.

40. Working Groups will report its activities and outputs to the Membership and Steering Committee every six months.
41. A Working Group may be discontinued or changed by:

a. The agreement of its Group Members; or

b. If the number of Group Members fall below five (5); or

c. On the recommendation of the Steering Committee and by ordinary vote of the Membership.

42. The Working Groups for Phase I of the SEA Forum for Fishers are contained in Annex IV, which also sets out the terms of reference and Members of these Working Groups.

DECISIONS

43. Decisions of the Membership affecting any changes to the mandate, structure, and the working modalities of the SEA Forum for Fishers, as set out in this document but excluding the Annexes, are to be made by a super majority vote.

44. Other decisions of the Membership are to be made by an ordinary vote.

45. The Steering Committee will make recommendations to be adopted by the Membership.

46. Recommendations of the Steering Committee should be by consensus of the Committee Members where possible, but not less than a super majority vote of the Committee Members. If consensus or a super majority vote cannot be reached, then the proposed recommendation should be documented and shared with the Membership.

47. Any Member(s) can propose recommendations to be adopted by the Membership if the recommendation has the support of.
a. At least one (1) Member from each of national government authorities, trade unions as representatives of workers or non-government civil society organizations, and employers’ organizations or industry associations, and

b. Member(s) representing at least two (2) countries.

48. Any Working Group can propose recommendations to be adopted by the Membership.

49. Recommendations of the Working Group should be by consensus of the Group Members where possible, but not less than a super majority vote of the Group Members.

50. Group Members of the Working Group can make decisions relating to its own operations by an ordinary vote except in relation to financial matters.

51. 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 by super majority of the Membership.
MEETINGS

52. Plenary meetings of the SEA Forum for Fishers will be convened at least once per year. At least one plenary meeting per year will be convened in person.

53. The Steering Committee will convene at least twice per year, at least one of which will be convened in person.

54. The Working Groups will convene at least once every quarter, and additional meetings can be convened by agreement of the Working Group Members.

55. Unless otherwise specified, any meeting may be convened virtually via technological platforms or in person.

56. The Technical Advisory Group will convene on an as-needed basis. Any Technical Advisor(s) can call for a meeting of the Technical Advisory Group via the Secretariat.

EXTERNAL ENGAGEMENT

57. On the recommendation of the Steering Committee and by an ordinary vote of the Membership, the SEA Forum for Fishers can engage with any party, including those not in the Membership or ASEAN.

58. On the recommendation of the Steering Committee and by an ordinary vote of the Working Group, a Working Group can engage with any party, including those not in the Membership or ASEAN, for the purposes of its work.
Proposed Structure of the SEA Forum for Fishers