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International Mobility Report

*“Cambodian migrant fishermen:
The violations on international human rights law.”*

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PREFACE AND ACKNOWLEDGEMENT

By way of introduction, I am Sokvictoria MINSUM, a student from Royal University of Law and Economics and enrolling in Master Public International Law of University Paris 8 delocalized in RULE, Cambodia.

I was a laureate of the 3rd and the last call of DOCKSIDE program to conduct my research at the University of Nantes from 02nd April to 02nd July 2019 under the theme “*Cambodian migrant fishermen: The violations on international human rights law.*”.

DOCKSIDE, for me, is a very brilliant program leading to an achievement of researchers. Since it starts to open the door for applying, there are many Cambodian students and PhD candidates who attested their interests and outcomes of the offshore researches. I hope that after the program comes to the end, there will be other likely projects to replace and allow more Cambodian fellows to experience.

Before briefly descript on activities during my research, I would like to take this occasion to present my sincere gratitude to Mr. **Laurent MESSMAN**, special advisor to RULE’s rector for encouraging and motivating me to resubmit my candidate to the program. I would like to thank to Mrs. **OEURN Sambo**, secretary attached to Pôle de la Coopération Française for her coordination on administrative assistance and logistic.

I would like to address at the same time to Mr. **Thomas VALLÉE**, project coordinator, and Ms. **Ria DENISKA**, project manager, for creating this program and allow young researchers and students in the highest educational institutions to enlarge their awareness with highly qualified professors in Europe. The contribution from DOCKSIDE is surely a positive indicator for education development in Cambodia.

It was the greatest moment and privilege that Professor **Patrick CHAUMETTE**, former president of the CDMO and currently the Principal Investigator of Human Sea, accepted to supervise on my research topic. Even he got medical operation during my research but his kindness, helpfulness and ambition to raise Cambodian young researcher capacity, remained by keeping in touch via emails regularly. I really appreciate and respect to his contribution.

INTRODUCTION

The report wishes to present the activities conducted during the period of mobility in France, the outcomes and issues that I met until the termination.

Upon the 3 months of stay, I have done plenty of activities including but not limit to the research on relevant documents, collect every related input, discuss with Master's students and PhD candidates at the University, access to legal resources on internet and other supplementary tasks.

It is certain that some obstacles occurred at that time on both research and living. Therefore, this report just certifies to my own experiences but not to every laureates of the program.

GENERAL DESCRIPTION

1) Research topic objective

The topic of my research aims to clarify in detail the causes of violation on Cambodian migrant fishermen. As of now, there are lots of Cambodian expats who are residing in Thailand and working as fishermen. According to the reports of International Organizations and worker themselves, fishermen from Cambodia and Myanmar rank the most victims encountered the abuses on rights during their works. In this case, it refers exactly to labour law where the problems are very sensitive.

The research further intends to raise the factors that provoke migrant workers in Cambodia and setup the applicable measures to restrict such workers. Being members of the ILO, both Cambodia and Thailand have obligation to respect human rights law specifying on labour field. So, it is important to bring international dispositions to call for cooperation and elimination the issues.

2) Consulting documents

While the research is involving countries and seeking for modeling from EU, there are both national and international legal instruments as following:

- Cambodian Constitution;
- Cambodian Labour Law;
- Cambodian Minimum Wage Law;
- Agreement on Port State Measures (PSMA): IUU fishing;
- Convention No. 29 of ILO;
- Convention No. 97 of ILO;
- Convention No. 188 of ILO; and
- Report on “Hidden Chains: Forced Labor and Rights Abuses in Thailand’s Fishing Industry” issued by Human Rights Watch; etc.

RESEARCH ACTIVITIES

1) Methodologies of research

Personally, the research is a huge work for me as it will not be only the research but a thesis topic for my Mater class.

My supervisor firstly recommended to go through many resources that concern the topic. He asked me to spend time on reading as much as I can so that I definitely understand the reality of labour law and maritime law and able to find the problems. In this stage, there are two libraries that I could find many interesting documents, they are University Library and CDMO Library. The University Library is open to public and only those who possess the Library Card can borrow the books. For CDMO Library, it is a special place which contains mega resources on maritime area. It reserves exclusively to students and researchers whose study and research line with maritime law. The CDMO is truly an asset for that category of people and I was one among them.

Beside the above libraries, I could access to legal database in internet where it is far away from my country that we mostly go by to manual resources. The advantage was that I could quickly search and save the preferred references to read anywhere I want to.

Prof. CHAUMETTE is every open to his students. After having researched on the guided documents, he always reminds me to not hesitate to contact him in case of doubt as the laws are extremely technical. The exchange of ideas and explanation were the second methodology that we did on the research.

Last but not least, it was a gorgeous moment to know many friends with different nationalities to discuss and share our concerns on maritime and social laws. Most of them are PhD candidates who started their researches for years and prepare their defenses. I can attest that the way of communication with them was nice that we can talk to each other or raise my wonders once it comes. In short, they have a strong foundation and have tones of information in this area which can facilitate my research before questioning to my supervisor.

2) Thesis plan

Once the understanding is reached, the plan of thesis is started. Gently remind that my 3 months mobility covers beyond the target of program which, after receiving confirmation from my supervisor, I expanded to do a Master's thesis.

I came up with a draft thesis plan which recaps the main ideas and contents responding to the topic. According to thesis template and surely with French modeling, the thesis shall contain at least 60 pages of paper work. So, the draft plan separated in 2 main parts: 1). Displacement of migration and the infringement of rights and freedoms following by 2). Manner of strengthening controls and application.

After finalized on the plan, I submitted to my supervisor for his review and comment.

3) Review and recommendations

Prof. CHAUMETTE tried to understand the purposes of my thesis before corrected the draft plan.

He guided me to modify my legal issues as well as the titles of the main parts in order to look more consistent. In overall aspect, the draft plan is coherent for him and only some points need to be revised.

4) Revision

Of course, right after getting recommendations, I tried to develop my draft plan following my supervisor's instruction.

There are 3 raised legal issues and the backbone of the thesis was more attractive to answer to those questions

Legal Issues

- a. Can Cambodian migrant fishermen benefit from decent working conditions through the regional implementation of FAO and ILO international conventions?

- b. Can the RGC promotes decent work of migrant fishermen through the ratification of the FAO Agreement on the elimination of IUU Fishing and ILO Convention No. 188?
- c. What is the current legal framework for Cambodian migrant fishermen who work under foreign ship?

Main parts

Part 1: Indecent work of migrant Cambodian fishermen; and

Part 2: Towards Decent Work: Implementing International Standards.

5) Commencement of thesis

The last stage of my mobility is to start writing my thesis but unfortunately, the 3 months came to the end which mean I could only finish very little parts of the whole thesis.

The large work shall continued when I got back to Cambodia and Prof. CHAUMETTE understood on this matter. As always, we agreed to communicate via emails as long as this thesis still pending.

As of now, I regularly send him messages to tell him about the development of the thesis. While my 2nd year of my 2nd Master will be end by 2020, I have much time to conduct this thesis. For the exact time of accomplishment, I would say it depends on how workload at my work place and study are.

CONCLUSION

Well, I am sure that I cannot describe the whole things in this report for 3 months away from home. What I do is that the report focuses only to my main mission and the DOCKSIDE's objective.

About living conditions, I stayed at Crous where I spent 5 minutes walking to the University and 15 minutes to the City Centre by Tram. French culinary were good to me but I frequently cooked Khmer foods too. Weather was my difficulty while on the arrival the temperature was too low and getting high in the last several weeks before my return. The heat wave reached up to more than 40°C and France is not tropical country so the humidity was not exactly the same in Cambodia, it is hot and dry. Thanks to Cambodian people in Nantes who took care of me for logistics and meals.

Even though, I just want to recall that life over there was everything to me. I saw my happiness, joyfulness, hardness and loneliness but they are the most exciting experiences that I never ever have before and looking to catch more. This mobility really enlightens my further steps of life and encourages me to conquer on every single problem.

Again, I truly appreciate Erasmus+ co-funded project DOCKSIDE and the team for letting this opportunity performed for Cambodian researchers and PhD candidates. The fruitful outcome from my mobility proves me how the endurance and effort to the achievement value. I am convinced that there are more affiliated programs to come and flourish with us in Cambodia.

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