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**IMPROVING THE PROTECTION OF MIGRANT
FISHERMEN IN THE TUNA SUPPLY CHAIN:
A Case Study of Indonesian
Fishermen on Taiwanese
Distant Water Fishing
Vessels Operating in the
Pacific Ocean**

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EXECUTIVE SUMMARY

Background and Introduction

The seven commercial species of tuna collectively contribute an average of USD 40 billion annually to the global economy, making them the world's most valuable fish species.¹ The Asia-Pacific region plays a pivotal role in the tuna industry. Taiwan, in particular, operates one of the world's largest distant-water fishing (DWF) fleets, comprising at least 1,100 vessels that operate across the Pacific, Atlantic, Indian Oceans. Annually, these vessels produce an average of 765,000 tons valued at New Taiwan Dollar (NTD) 44.6 billion (USD 1.4 billion) making Taiwan a significant global supplier of tuna. Through bilateral international fishing agreements, Taiwanese tuna

fishing vessels have access to the Exclusive Economic Zones (EEZ) of nearly 30 coastal countries, many of which are Pacific Island nations.² The waters of Pacific Island countries harbor some of the world's richest tuna stocks, supplying approximately 34 percent of the global tuna catch each year. Countries such as Fiji, Solomon Islands, and Marshall Islands, given their proximity to the high sea tuna fishing grounds, serve as favored ports for DWF vessels for activities such as vessel repairs, resupply, and unloading fish catches during their fishing expeditions.

Despite Taiwan's fishing industry's prominence in the global tuna market, several international organizations and government reports have extensively documented forced labor issues within the industry, with a particular focus on Indonesian migrant fishers who predominantly work on Taiwanese vessels

1 Atuna. The Value Of Global Tuna Trade. Retrieved from: <https://www.atuna.com/global-tuna-value-page/>.

2 European Values Center for Security Policy. (2023). Taiwan's Distant-Water Fleet Still on Troubled Waters. Retrieved from: <https://europeanvalues.cz/en/taiwans-distant-water-fleet-still-on-troubled-waters/>.

operating in the Pacific Ocean. These reports have uncovered systemic issues in Taiwan's fishing industry, including systemic illegal, unreported, and unregulated (IUU) fishing, human rights abuses, and the Taiwanese government's challenges in addressing these problems. They have also detailed instances of severe physical abuse among Indonesian fishers on Taiwanese vessels and described exploitative living conditions at sea. International scrutiny, including from the European Union and the U.S. Department of Labor, has led to sanctions and listings of Taiwanese fish products "goods potentially produced by forced labor". In response, Taiwan has implemented reforms, including the establishment of a legal minimum wage for migrant fishers on DWF vessels in 2017 and strengthening the vessel inspection system. Despite these efforts and improvements in reducing extreme human rights violations like fatalities at sea, issues such as excessive working hours, document confiscation, and wage deductions persist among Southeast Asian migrant fishermen.

The USAID Asia Counter Trafficking in Persons project (USAID Asia CTIP), implemented by Winrock International, has commissioned Humanity Research Consultancy (HRC) to conduct research on TIP risks on Taiwanese DWF vessels, focusing specifically on Indonesian fishermen on vessels that operate in the Pacific region. Between December 2022 to May 2023, HRC conducted this study to explore stakeholder dynamics, roles, and practices within the Pacific tuna supply chain, emphasizing their impact on labor exploitation, especially among Indonesian workers on Taiwanese vessels. The study also identifies key TIP risks throughout the recruitment and employment of Indonesian migrant fishermen. Additionally, it assesses existing measures aimed at enhancing fishermen's protection in the Pacific Ocean's tuna supply chain while identifying gaps and opportunities for potential interventions to improve labor conditions on distant water fishing vessels.

This study uses a qualitative methodology, consisting of an initial desk review followed by participant observation and interviews. A desk review was undertaken to map existing literature relevant to the research questions and identify potential stakeholders and locations for primary data collection. Preliminary interviews with 10 Indonesian fishers in Taiwan's major ports informed the selection of Fiji as the primary research site due to logistical considerations. Qualitative research included field visits, key informant interviews with workers, captain and vessel owners, industry stakeholders, and government and civil society representatives. Furthermore, informal interviews, participant observation, and two validation workshops were conducted. Data analysis

was conducted using Microsoft Word and Google Drive, followed by validation workshops with Indonesian fishermen in Taiwan on May 10-11, 2023, to verify findings and gather additional insights on labor conditions in Taiwan's distant water fisheries. In total, 52+ workers, five Chinese crew members, one captain, four vessel owners, 12 other industry stakeholders, 10 government representatives, and five civil society representatives were interviewed. Additionally, 38 workers attended the validation workshops.

Key Findings

Fishermen face vulnerabilities to exploitation across different stages in their employment journey, spanning from recruitment, placement, on vessels, in ports, and upon returning home. The relationships and dynamics among actors in the supply chain—including manning agencies, fishing companies and vessel owners, seafood traders and brands, retailers, shipping agents at ports, and government agencies—collectively contribute to worker exploitation. This exploitation is exacerbated by the industry's complex supply chain, which lacks transparency and traceability, impeding accountability when exploitation occurs. The situation is further compounded by the use of flags of convenience (FoC) which offers vessel owners the ability to evade stricter regulations in their country of nationality and responsibilities towards their workers. Power dynamics within international supply chains also play a pivotal role, as major brands and traders shift risks downstream to suppliers or vessel owners, who in turn externalize them onto workers, thereby increasing incidences of human trafficking.

The power imbalance that contributes to the exploitation of workers is evident in the relationship between fishermen and manning agencies. It starts from recruitment, where fishermen often enter the industry uninformed, leading to ongoing exploitation throughout their employment, worsened by debt bondage from substantial recruitment fees. On vessels, fishermen endure exploitative working and living conditions and abuses, compounded by isolation due to limited communication and prolonged sea stays facilitated by transshipment practices. Despite legislation mandating direct wage payments, vessel owners continue to pay fishers' wages through manning agencies rather than paying them directly, which allows these agencies to exploit loopholes and delay or withhold payments. In addition to these challenges, formal grievance mechanisms are largely absent for fishers experiencing exploitation, and complaints often outlast fishermen's employment, limiting access to remedies.

From a regulatory perspective, unlike migrant coastal fishers and most migrant workers in Taiwan who are protected under the Labor Standards Act, Employment Service Act, and Occupational Safety and Health Act, migrant distant water fishers fall under the jurisdiction of the Act for Distant Water Fisheries and do not benefit from the same regulatory protections, making them more susceptible to exploitation. They face reduced legal safeguards, including lower minimum wages, lack of residence permits, and restricted rights to enter Taiwanese territory. Furthermore, the complex process migrant fishers need to undergo to obtain a work permit often forces them to rely on manning agencies, thereby exposing them to exploitation. Additionally, the role of port states in safeguarding migrant fishermen remains weak due to limited surveillance capacity of foreign vessels entering their ports, which leaves significant gaps in protection mechanisms.

To address the aforementioned issues, HRC has proposed the following recommendations:

1. Authorities should continue efforts to increase legislative requirements for supply chain transparency and traceability, especially ensuring that all actors through the supply chain are covered, including but not limited to vessel owners, wholesalers, distributors, and brands.
2. Intergovernmental organizations, governments, and the private sector should improve the information environment for migrant fishermen.
3. Traders and brands should require their supplier fishing vessels put in place measures to prevent and mitigate risk of abuses from manning agencies.
4. Future studies may benefit from a detailed policy analysis to identify policy gaps and propose policy changes related to the Taiwanese DWF industry.
5. Enforcement of labor conditions in the industry should be strengthened by more effective collaboration between relevant agencies.
6. When designing interventions, policymakers and CTIP practitioners need to consider the power dynamics within the supply chain that allow for more powerful actors at the end of the supply chain to shift risks and costs to less powerful actors upstream.
7. Regional and local governments could design policies to prevent larger traders and brands from monopolizing the prices, thereby ensuring a fairer distribution of the profit to vessel owners and migrant fishermen.
8. Authorities should provide fishermen with means to exercise their agency.
9. Port states should grant greater access to fishermen while vessels are docked at their ports.
10. Port states' surveillance capacity of foreign vessels entering their ports should be strengthened.
11. The capacity of CSOs and NGOs based in Fiji to support migrant fishers should be strengthened, and coordination with those in Taiwan and/or Indonesia should be increased.

GLOSSARY OF TERMS

AIS	Automatic identification system
CBP	U.S. Customs and Border Protection
C188	ILO's Work in Fishing Convention
DWF	Distant water fishing
EEZ	Exclusive economic zone
EJF	Environmental Justice Foundation
EMS	Electronic monitoring system
EU	European Union
FA	Taiwanese Fisheries Agency
FFA	Pacific Islands Forum Fisheries Agency
FL	Forced Labor
FoC	Flag of convenience
FTUC	Fiji Trade Union Congress
GLJ-ILRF	Global Labor Justice-International Rights Forum
HRC	Humanity Research Consultancy
ILO	International Labour Organisation
IUU fishing	Illegal, unreported and unregulated fishing
NTD	New Taiwan Dollar
PAFCO	Pacific Fishing Company Pte Limited
PNG	Papua New Guinea
RFMO	Regional Fisheries Management Organization
SBMI	Serikat Buruh Migran Indonesia
SPA	Serve the People Association
SPPI	Serikat Pekerja Perikanan Indonesia
TIP	Trafficking in Persons
USAID Asia CTIP	USAID Asia Counter Trafficking in Persons
VMS	Vessel monitoring system
WCPO	Western Central Pacific Ocean
WCPFC	Western and Central Pacific Fisheries Commission
WRO	Withhold Release Orders

FISHING TERMINOLOGY

Exclusive economic zone	As prescribed by the 1982 United Nations Convention on the Law of the Sea, an exclusive economic zone is an area of the sea, generally 200 nautical miles from the coast of the state, which a sovereign state has exclusive rights regarding the exploration and use of marine resources.
Distant water fishing	A fishing practice where fleets travel and fish outside their own countries' exclusive economic zones (EEZs). Distance water fishing (DWF) vessels often spend months to years at sea and enter into other countries' exclusive economic zones and international waters.
Flag State	The jurisdiction in which a merchant vessel is registered or licensed.
Port State	Any State receiving fishing vessels in its ports, offshore terminals or other installations for, inter alia, landing, transshipping, refueling or re-supplying.

1. INTRODUCTION

1.1 Background

For over a decade now, the use of forced labor and modern slavery in the fishing industry has been widely documented and reported. The Associated Press, The New York Times, The Guardian, The Reporter (Taiwan), and The News Lens (Taiwan) were some of the leading news agencies that reported distressing accounts of modern slavery on fishing boats. As described in their award-winning reports *Seafood from Slaves*,³ *The Outlaw Ocean*,⁴ and *Fishing Grounds of Blood and Tears* (血淚漁場),⁵ human trafficking, worker disappearances, deaths, and murders at sea were alarmingly prevalent, as criminals found refuge beyond the reach of justice. Indeed, a recent study by FISH Safety Foundation in 2022 revealed that there are over 100,000 fishing-related deaths each year within the industry, many of which were preventable.⁶

Within the fishing industry, distant water fishing (DWF) is a particularly high-risk activity for labor exploitation as it involves fishing vessels traveling long distances, sometimes staying at sea for over a year at a time. During these trips, vessels operate with minimal to no regulation, and workers are often isolated at sea with no means of requesting help or reporting abuse. Taiwan, as the world's second largest owner of DWF vessels, has seen its DWF industry repeatedly called out for persistent and severe labor exploitation. In October 2015, the European Union (EU) issued a yellow card to Taiwan for its lack of cooperation in combatting illegal, unreported, and unregu-

lated (IUU) fishing. The yellow card was later lifted in mid-2019, following efforts made by the Taiwanese government in response to international scrutiny, including efforts to align its distant-water fisheries legal framework with the International Law of the Sea, strengthen the distant-water fleet monitoring and control tools, and enhancements to traceability systems, amongst other reforms.⁷ In addition, in 2017, the government amended the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, where a legal minimum wage for migrant fishers on DWF vessels was established for the first time.⁸

However, despite the reforms, severe labor abuse in the industry continued to be documented and reported. In 2018-2019, the Environmental Justice Foundation (EJF) in Taiwan interviewed 71 former Indonesian fishers who had worked on 62 Taiwanese vessels, and found that violent physical abuse of workers by captains or senior crews occurred in nearly a quarter of those vessels (24%).⁹ Reports published by Greenpeace Taiwan in 2020¹⁰ and 2022¹¹ highlighted continued IUU fishing, egregious human rights abuses, and the repeated failure of the Taiwanese Fisheries Agency (FA) in uncovering, prosecuting, and/or resolving widespread offenses.¹² Other international NGOs such as Human Rights at Sea¹³ and the Global Labor Justice-International Labor Rights Forum (GLJ-ILRF)¹⁴ have also uncovered exploitative living conditions and abuses at sea. From 2021 to 2023, GLJ-ILRF and Greenpeace, representing the Seafood Working Group, have led the drafting of submissions to the U.S. Department of State, advising on the downgrading of the Taiwanese government's ranking in the annual Trafficking in

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- 3 The Associated Press. (2015) *Seafood from Slaves*. Retrieved from: <https://www.ap.org/explore/seafood-from-slaves/>
 - 4 The New York Times (2015). *The Outlaw Ocean*. Retrieved from: <https://www.nytimes.com/interactive/2015/07/24/world/the-outlaw-ocean.html>
 - 5 The Reporter. (2017). *Fishing Grounds of Blood and Tears* (血淚漁場). <https://www.twreporter.org/topics/far-sea-fishing-investigative-report>
 - 6 Willis, S. & Holliday, E. (2022) *Triggering Death: Quantifying the True Human Cost of Global Fishing*. FISH Safety Foundation. Retrieved from <https://www.the-human-cost-of-fishing.org/#:~:text=The%20presented%20research%20clearly%20shows,higher%20than%20any%20previous%20estimates>.
 - 7 SeafoodSource. (2019). Taiwan's IUU yellow card rescinded by EU following reforms. Retrieved from <https://www.seafoodsource.com/news/environment-sustainability/taiwans-iuu-yellow-card-rescinded-by-eu-following-reforms>.
 - 8 Fisheries Agency. (2018). 臺灣採取行動持續改善遠洋外籍船員權益保障 [Taiwan taking continuous efforts to improve the rights of distant water fishers]. Retrieved from: https://www.faa.gov.tw/view.php?theme=Press_release&subtheme=&id=1683
 - 9 EJF. (2020). WIDESPREAD ABUSE AND ILLEGAL FISHING AS TAIWAN'S FLEET REMAINS OUT OF CONTROL. Retrieved from <https://ejfoundation.org/news-media/widespread-abuse-and-illegal-fishing-as-taiwans-fishing-fleet-remains-out-of-control-1#:~:text=Violent%20abuse%20of%20migrant%20workers,reported%20having%20their%20wages%20withheld>.
 - 10 Greenpeace. (2020). *Choppy Waters: Forced Labour and Illegal Fishing in Taiwan's Distant Water Fisheries*. Retrieved from <https://www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/>
 - 11 Greenpeace. (2022). *Fake my Catch*. Retrieved from https://www.greenpeace.org/usa/wp-content/uploads/2022/08/FakeMyCatch_EN.pdf
 - 12 EJF. (2020). WIDESPREAD ABUSE AND ILLEGAL FISHING AS TAIWAN'S FLEET REMAINS OUT OF CONTROL. Retrieved from <https://ejfoundation.org/news-media/widespread-abuse-and-illegal-fishing-as-taiwans-fishing-fleet-remains-out-of-control-1#:~:text=Violent%20abuse%20of%20migrant%20workers,reported%20having%20their%20wages%20withheld>.
 - 13 Chiang, M. (2019). *Baseline study on the Awareness and Application of Human Rights in Taiwan's Fishing Industry*. Retrieved from https://www.humanrightsatsea.org/sites/default/files/media-files/2023-05/HRAS_Baseline_Study_on_the_Awareness_and_Application_of_Human_Rights_in_%20Taiwan%27s_Fishing_Industry_October_2019_SP_LOCKED.pdf
 - 14 Chiang, M., Rogovin, K. (2020). *Labor Abuse in Taiwan Seafood Industry & Local Advocacy for Reform*. Retrieved from <https://laborrights.org/sites/default/files/publications/Labor-Abuse-in-Taiwan-Seafood-Industry-Local-Advocacy-for-Reform.pdf>

Persons (TIP) report.¹⁵ The TIP report, issued every year by the U.S. Department of State, has repeatedly raised concerns about the working conditions in the Taiwanese fishing industry.¹⁶ The U.S. Department of Labor, for the past several years, has listed fish from Taiwan as “goods potentially produced by forced labor”.¹⁷ In addition, the U.S. Customs and Border Protection (CBP) Office has issued several Withhold Release Orders (WROs) on Taiwanese-owned vessels, supported by credible evidence demonstrating that these fishing vessels harvested seafood using forced or convict labor. In 2019, 2020, and 2022, a total of five WROs were issued by the CBP Office to vessels associated with the Taiwanese DWF industry.¹⁸

The USAID Asia Counter Trafficking in Persons project (USAID Asia CTIP), implemented by Winrock International, is a project funded by the U.S. Agency for International Development (USAID) to strengthen learning on CTIP, increase regional coordination and strengthen civil society action, and increase opportunities for private sector leadership across Asia. Recognizing that the Taiwanese DWF industry is a high-risk industry for TIP, and that regional and multi-sectoral coordination need to be strengthened to effectively combat TIP in the industry, USAID Asia CTIP has commissioned research on TIP on Taiwanese DWF vessels, focusing specifically on vessels that fish tuna and operate in the Pacific region. The research targets the tuna fishing industry as it is the primary seafood group caught by DWFs, and due to its market size. Although Taiwanese DWF vessels also operate in other areas, the Pacific Island countries are targeted as it hosts the world’s largest tuna fishing grounds. Indonesian workers, as the largest group of migrant workers in the Taiwanese tuna DWF industry, are the main focus of our research. Humanity Research Consultancy (HRC), as one of USAID Asia CTIP’s key partners and a recognized expert on labor abuse and TIP in the Taiwanese fishing industry, was commissioned to lead this research.

Existing literature on forced labor (FL) and human trafficking in the Taiwanese fishing industry primarily focuses on the dynamics between Taiwanese captains/officers and migrant workers, highlighting issues such as physical harassment, excessive work-

ing hours, and inadequate access to drinking water. However, there is limited coverage and discussion of the interrelated roles of other key stakeholders, such as vessel owners, recruiters, and brokers. Although there have been studies that emphasize the role of “manning agencies” who serve as brokers between the vessel owners and workers, these studies do not address the root causes of the industry that create the need for having these middlemen.¹⁹ Our literature review reveals a gap in the existing research concerning the roles and responsibilities of key actors in the tuna supply chain, as well as the dynamics that govern their interactions. In this case study, we aim to examine obscure stakeholder dynamics, roles, and current practices within the tuna fishing supply chain across key countries.

The overarching objective of this research is to inform USAID Asia CTIP and other CTIP organizations of potential areas for intervention to reduce fishers’ vulnerability to exploitation in the Taiwanese DWF industry. To do so, the following research questions have been defined:

How is the Pacific tuna supply chain organized and what are the dynamics among the different supply chain actors? (Chapter 2)

How are Indonesian migrant fishermen recruited, transferred, and employed on Taiwanese-flagged vessels operating in the Pacific, and what are the key TIP risks present throughout this process? (Chapter 3)

What measures are in place to improve the protection of fishermen in the tuna supply chain in the Pacific Ocean? What are some of the gaps and opportunities for potential interventions to improve the labor conditions experienced by workers on distant water fishing vessels? (Chapter 4)

15 Comments Concerning the Ranking of Taiwan by the United States Department of State in the 2022 Trafficking in Persons Report. Retrieved from <https://laborrights.org/publications/comments-concerning-ranking-taiwan-united-states-department-state-2022-trafficking>

16 US Department of State. TIP reports. Retrieved from <https://www.state.gov/trafficking-in-persons-report/>

17 Bureau of International Labor Affairs, US Department of Labor. (2023). List of Goods Produced by Child Labor or Forced Labor. Retrieved from https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods-print?combine=&field_exp_exploitation_type_target_id_1=All&tid=All&field_exp_good_target_id=All&order=name&sort=asc

18 Withhold Release Orders and Findings List. Retrieved from <https://www.cbp.gov/trade/forced-labor/withhold-release-orders-and-findings>

19 For more on the need for a complex systems view of supply chains see: Aked, J. (2021). Supply Chains, the Informal Economy, and the Worst Forms of Child Labour, CLARISSA Working Paper 8. Institute of Development Studies. DOI: 10.19088/CLARISSA.2021.006. Retrieved from: <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/16755> and Abbasi, M. and Varga, L. (2022). Steering supply chains from a complex systems perspective. European Journal of Management Studies. Vol. 27 No. 1, pp. 5-38. Retrieved from: <https://doi.org/10.1108/EJMS-04-2021-0030>



1.2 Methodology

To address the research questions listed above, this study employed both primary and secondary research. The research team consisted of four researchers: two Taiwanese (female), one Indonesian (male), and one British (female). This diverse team composition enabled us to gather and analyze primary and secondary data in three key languages: Bahasa Indonesian, Mandarin, and English.

First, the research team started with desk research to map existing literature relevant to the three research questions and identify potential stakeholders and locations for primary data collection. The desk research covered academic papers, government reports, media coverage, NGO publications, and other publications by industry actors, in both English and Chinese. In addition, the team reviewed online forum content in Bahasa Indonesian posted by Indonesian fishers who had been on vessels in the Pacific. In total, the team reviewed content from nine fisher Facebook groups, together representing a total of 436,000 members (data as of 5 October 2023). The team took notes, screenshot-

ted, and selected key statements from these posts for translation and analysis. Facebook posts written directly by fishers corroborated information from the literature review and allowed the team to gain more insights on the lived experiences of fishermen on vessels.

Following the desk research, the team also conducted preliminary interviews with ten male Indonesian fishers between the ages of 27 to 54 in Donggang Port and Yanpu Port, two major fishing ports in Taiwan, between 10 and 14 January 2023. The team was able to meet these ten fishers through leveraging the personal connections of one of the team members. These ten fishers collectively shared their experiences gained from working on ten different Taiwanese distant water fishing vessels operating in the Pacific Islands.

The preliminary interviews informed the selection of the target site for visit among all the Pacific Islands. Based on the findings of the desk research and preliminary interviews, Fiji and the Solomon Islands were identified as port states commonly used by Taiwanese tuna fishing vessels due to the presence of fish processing plants, such as the Soltuna cannery²⁰ in the Solomon Islands

20 Soltuna. Retrieved from <https://soltuna.com.au/>.

and Pacific Fishing Company Pte Limited (PAFCO)²¹ in Fiji. As flights to Solomon Islands were more costly and less frequent, the team selected Fiji as the primary location for the fieldwork.

The research team drew on the findings from the desk research and preliminary interviews to identify key informants and design interview questions. For workers, interview questions focused on recruitment routes and working conditions. To identify TIP indicators, the researchers referred to the International Labour Organization (ILO) Operational Indicators of Trafficking in Human Beings.²² For industry representatives, interview questions covered information about their fish catch and prices, challenges they have encountered in the operation of their businesses, and the dynamics among themselves, as well as between them and other industry stakeholders with whom they commonly interact. For government representatives, interview questions covered their experience interacting with fishers and vessel owners, relevant national policies and instruments for the protection of workers' rights, and their observations on the potential labor exploitation or instances of TIP happening on the vessels. For civil society representatives, interview questions covered the labor exploitation they witnessed, the cases that they received, and their recommendations on the labor issues that should be prioritized to ensure the fishers' well-being.

Key informants were identified through snowball sampling and selected based on their level of experience with DWF and/or their understanding of labor issues in the fishing industry. To identify worker informants, the research team leveraged HRC's existing relationships with Taiwan-based migrant worker organizations, who have a wide network of migrant workers employed by Taiwanese businesses, including companies that fish in the Pacific. These organizations were able to help identify the relevant fishers, particularly those who had fished in the Pacific and were based in Fiji at the time of data collection.

A 12-day field visit in Fiji was completed between 29 January 2023 and 10 February 2023. During this fieldwork, HRC visited a major fish processing plant and fishing ports, conducted in-person interviews with key informants, and conducted participant observation to obtain a better understanding of the tuna supply chain involving Taiwanese-flagged vessels and Indonesian fishers. The team spoke with four of the major fishing companies based in Suva, Fiji; the largest of which

owns fourteen DWF vessels that are in operation, while the other three companies own between three to eleven vessels. Apart from the fishing companies, the team also visited a major processing plant that supplies processed tuna products to a major a major global seafood company, one of the largest canned tuna companies in the US. The team also interviewed Fijian government officials, several union representatives, and several local NGOs.

During our visits to the ports, the team had numerous conversations with Indonesian, Fijian, Filipino, and Chinese fishermen. These interactions, although informal, allowed us to gain a deeper understanding of the current situation of the fishers and corroborate our more formal interviews and literature review. Informal interviews, when conducted appropriately and in accordance with ethical guidelines, are able to produce more naturalistic data when compared to formal interviews.²³ They foster a sense of equality between the interviewer and interviewee, enabling the sharing of valuable insights often missed in formal settings. Consequently, such interviews are essential for capturing specific types of data and supplement traditional research methods.

Following the completion of the fieldwork, data was coded and analyzed manually on Microsoft Word and Google Drive among the researchers. After the data analysis was completed and research findings emerged, the team held two in-person data validation workshops with two Indonesian fishermen organizations in Kaohsiung, Taiwan, on 10-11 May 2023. The workshops utilized participatory methods and were moderated by an Indonesian researcher based in Taiwan and joined by another researcher remotely via Zoom. In total, 38 Indonesian fishermen (all male) attended the two workshops, providing them with an opportunity to share feedback on the findings. These two workshops served as validation sessions to help the team verify our findings gathered from the previous stages of the data collection, and collect additional data from more fishermen. In particular, one part of the workshop involved asking fishermen to map out their recruitment and placement routes and to describe the labor disputes or exploitation they have experienced. After these sessions, another round of data analysis was conducted by the team.

21 PAFCO. Retrieved from <https://www.pafcofiji.com/>.

22 ILO & European Commission. (2009). Operational Indicators of Trafficking in Human Beings. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

23 Swain, J., King, B. (2022). Using Informal Conversations in Qualitative Research. *International Journal of Qualitative Methods*, 21. Retrieved from <https://discovery.ucl.ac.uk/id/eprint/1014679/1/16094069221085056.pdf>

TABLE 1 NUMBER OF KEY INFORMANT INTERVIEWS, INFORMAL INTERVIEWS,
AND WORKSHOPS CONDUCTED THROUGHOUT THE STUDY

Stakeholder Group	KIs (Formal interviews)		Informal interviews (in ports, on the vessels)		Work -shops	Total
	M	F	M	F	M	
WORKERS						
Workers/Fishermen (Total)	15	0	37+	0	38	90+
- Indonesian	14	0	30+	0	38	82+
- Fijian	1	0	5	0	0	6
- Filipino	0	0	2	0	0	2
Chinese crew members (i.e., engineers)	0	0	5	0	-	5
CAPTAINS AND VESSEL OWNERS						
Captains	0	0	1	0	-	1
Vessel owners or management staff from fishing companies	3	1	0	0	-	4
OTHER INDUSTRY STAKEHOLDERS						
Port shipping agents	1	1	0	0	-	2
Processing plants	1	0	0	0	-	1
Traders	0	1	0	0	-	1
Fishing Industry Association members	4	0	0	0	-	4
Other fishing company managers	1	0	3	0	-	4
GOVERNMENT						
Fijian public administration officers	2	0	0	0	-	2
Fijian customs and immigration officers	5	0	0	0	-	5
Non-Fijian government officials in Fiji	2	0	1	0	-	3
CIVIL SOCIETY						
Fiji-based NGOs/CSOs	1	1	0	1	-	3
Fijian union leaders	2	0	0	0	-	2
TOTAL						112+

Ethics and Confidentiality

HRC upholds strict ethical principles and prioritizes the confidentiality of all participants we have engaged with in this project. With regards to industry actors, which involve vessel owners, staff from fishing companies and fish processing plants, shipping agents at ports, and representatives from seafood brands, we are committed to maintaining their anonymity and do not intend to publicly disclose their names and the names of their companies, unless

otherwise agreed. For government actors, all of our interactions with them are in compliance with internal departmental approvals. We do not disclose any identifiable information about the individuals we spoke with. Lastly, before engaging in conversations and interviews with fishers, we ensure that they fully understand the objectives of this project and that full and informed consent of their participation is gained. As this research heavily involves personal experience of fishers, no recognizable personal details of these fishermen are provided in the report. However, in

cases where labor abuse was identified during data collection and the exploited interviewees sought help from HRC, HRC would provide assistance in referring the fishermen to relevant service providers.

1.3 Positionality of the Researchers

It is worth emphasizing the careful consideration of the positionality of the researchers. As mentioned above, the research team consists of four researchers, namely, Mina Chiang (Taiwanese), Sharlene Chen (Taiwanese), Jonathan Parhusip (Indonesian), and Valentina Casulli (British). This diverse team composition enabled us to gather and analyze primary and secondary data in three key languages: Bahasa Indonesian, Mandarin, and English.

The team has been conducting extensive studies and campaigns on migrant fisher rights over the last several years and has had monthly conversations with several Taiwanese grassroots NGOs. Mina Chiang and Jonathan Parhusip both have considerable experience in directly helping fisher friends, research participants, and clients in their personal struggles, including salary recovery and negotiation with their manning agencies or employers.

Jonathan Parhusip, as an Indonesian PhD student in Taiwan, has been working closely with the fishermen in the ports of Taiwan over the past four years. Jonathan has spent much time with fishermen outside the confines of formal research settings, having discussions on the issues they experience at their accommodations. With his thorough understanding of the fishers' culture and language, he has been able to build trusting relationships with even newly-encountered fishermen in a relatively short period of time. Many valuable insights into the fishers' experiences have been obtained through informal conversations held on vessels docking at ports, after workers had finished their work.

Mina Chiang and Sharlene Chen also possess ample experience interacting with vulnerable individuals and Indonesian fishers, enabling them to facilitate conversations that allowed the fishermen to freely share their fears, challenges, and experiences.

Due to this positionality, the research team was well placed to gather nuanced perspectives. Acknowledging the potential bias inherent in our interactions with a limited number of fishermen and our background in labor rights advocacy, we prioritized neutrality. We maintained a regular practice of considering multiple

working hypotheses when seeking explanations for our observations. We engaged stakeholders across the supply chain, acknowledging the multifaceted nature of causality and emphasizing the need to understand diverse possible routes beyond initial assumptions.

1.4 Limitations

Difficulties in Accessing Industry Stakeholders and Obtaining Information on the Supply Chain

The team intended to interview industry stakeholders. However, despite some willingness to participate, eight representatives of multiple seafood traders, processing plants, and a seafood industry association declined. Given the widely recognized risk of labor rights violations in the seafood industry,²⁴ certain potential interviewees from the private sector exhibited a high level of caution while interacting with the HRC team, fearing repercussions from the study.

Although the team was able to secure interviews with a number of vessel owners and members of fishing companies, they provided limited information about the traders they interacted with, the pricing dynamics of tuna raw materials and processed tuna products, and the specific destinations for selling and transporting these products. This was due to the opaque nature of the global tuna supply chain, which limited the ability of interviewees to provide such information. Additionally, some interviewees opted to uphold their clients' confidentiality and refused to disclose relevant details to us.

Obscurity of the Official Data Around Numbers of Fishermen and Distant Water Fishing Fleets

In addition, our secondary research analysis was constrained by the limited public information on the international tuna trade and the supply chain. We were unable to identify several data points on the global tuna supply chain, such as the number and types of DWF fleets globally, and the number and profiles of the Indonesian workers involved in global distant water fisheries. Interviewed vessel owners shared that they had limited or no information about where the raw materials go upon being offloaded at ports. This further highlights the lack of transparency in the global seafood supply chain.

24 World Benchmarking Alliance. (2021). *Seafood companies fall short on addressing human and labour rights*. Retrieved from: <https://www.worldbenchmarkingalliance.org/publication/seafood-stewardship-index/findings/seafood-companies-fall-short-on-addressing-human-and-labour-rights/>

2. NAVIGATING THE COMPLEXITY: UNDERSTANDING THE PACIFIC TUNA SUPPLY CHAIN

2.1 Tuna Fishing Operations: Methods and Geography

There are seven major tuna species which are commercially fished globally.²⁵ Species such as skipjack and albacore are commonly used for canned tuna, which holds a relatively lower market value, while species such as bluefin tuna are high-value, sashimi-grade species.

As tuna is primarily found in deep waters, due to limited coastal stocks, tuna DWF vessels have to travel

long distances to reach fishing areas in the high seas. For example, on average, Taiwanese-flagged DWF fleets travel over 3,000 kilometers from their home ports to reach their desired fishing grounds.²⁶ It may take up to a month for these vessels to reach the fishing grounds before they begin their fishing operations.

2.1.1 FISHING METHODS

Once the vessels reach the fishing grounds, they may begin fishing using one of three main methods: pole and line, purse seine, and longline. **Table 2** illustrates the three different methods, which are used depending on the specific tuna species targeted and availability of fish stocks. Each method involves different working hours and exposes workers to varying health and safety risks. For example, longliners, typically large vessels with lines up to 60 kilometers long, contribute to excessive working hours due to the time required to set and retrieve lines.

FIGURE 1: FISHERMEN HANDLING SKIPJACK TUNA. SKIPJACK TUNA IS COMPARATIVELY SMALLER THAN OTHER LARGER TUNA SPECIES.

Photo credit: Mina Chiang



FIGURE 2: A FISHER RESTING ON THE DOCK NEXT TO A RECENTLY CAUGHT TUNA.

Photo credit: Photo shared with Mina Chiang by an anonymous Indonesian fisherman.

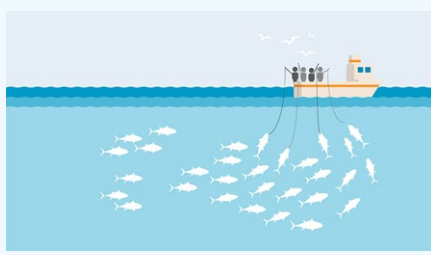
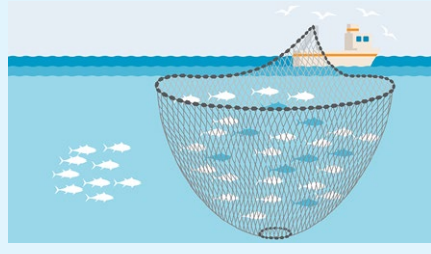
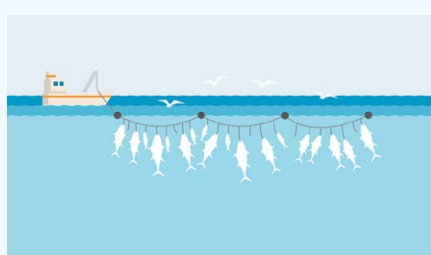


25 These species consist of skipjack, albacore, bigeye, yellowfin, Atlantic bluefin, Pacific bluefin, and southern bluefin. FAO. (2020). *Transshipment: a closer look*. United Nations. Retrieved from <https://www.fao.org/3/cb2339en/CB2339EN.pdf>

26 David Tickler et al. (2018). *Far from home: Distance patterns of global fishing fleets*. *Science Advances*. Retrieved from <https://www.science.org/doi/10.1126/sciadv.aar3279>

TABLE 2: SEGMENTS OF THE TUNA FISHING INDUSTRY BY FISHING GEAR.

Picture source: Marine Stewardship Council.

Fishing gear	Vessel size and fishing methods	Illustration
Pole and line	Pole and line fishing is considered to be the most environmentally friendly and selective tuna-catching method. It minimizes bycatch and damage to nature. Pole and line vessels are generally small in size (10-45 meters).	
Purse seine	Often operated by distant water fishing vessels that travel days and months to fish in the high seas or other countries' EEZ. Purse seine vessels are usually 45-85 meters long. ²⁷	
Longline	Often operated by distant water fishing vessels, large longliners might use lines up to 60 kilometers in length. This method tends to contribute to excessive working hours due to the time required to set and retrieve lines. Longline vessels are usually 30-70 meters long. ²⁸ Within the tuna DWF industry across East Asian flag states - namely China, Taiwan, Japan, and South Korea - long-line fishing vessels constitute a substantial portion of the industry. ²⁹	

Enhanced fishing facilities and technological developments have allowed fishing vessels to remain on the high seas for extended periods of time – reaching several months or even years – without having to return to shore for crew rotations and frequent onshore fish catch unloading. For example, until the relatively recent development of freezers onboard DWF vessels, fishers had far more opportunities to return to land as the vessel had to return to port or shore to unload the catch before continuing fishing.³⁰ Following the development of freezers that can store and preserve fish for longer periods than before, vessels were able to increase the time that they can remain at sea. Meanwhile, the practice of transshipment to transport catch back to shore and re-supply fuel and food for the vessel also allows the vessels to remain at sea and operate longer. In transshipment, the operating vessel will remain at sea while larger carrier vessels, typically ranging from 2,500 to 4,500 tons, will travel to the operating vessel.³¹ For fishing vessel owners, transshipment not only saves time but also increases the overall catch by allowing the operational unit to continue its work at the fishing grounds.³² However, for the migrant fishermen, this means prolonged time at sea without access to shore or communication with anyone off the vessel.

27 FAO. (2024). Fishing Techniques. Tuna purse seining. Technology Fact Sheets. Text by J. Majkowski. Fisheries and Aquaculture Division. Retrieved from <https://www.fao.org/fishery/en/fishtech/40>

28 FAO (2024). Fishing Techniques. Industrial tuna longlining. Technology Fact Sheets. Fisheries and Aquaculture Division. Retrieved from <https://www.fao.org/fishery/en/fishtech/1010/en>

29 Seychelles Fishing Authority. (2021). Industrial fishing. Retrieved from: <https://www.sfa.sc/fisheries/industrial>

30 UK Fisheries. (2023). Brief history: how UK Fisheries is restoring a great British distant fishing heritage. Retrieved from: <https://ukfisheries.net/about-distant-fishing/history-of-distant-water-fishing>

31 Cutlip, K. (2016). *Rendezvous at Sea: What is transshipment?* Global Fishing Watch. Retrieved from <https://globalfishingwatch.org/fisheries/rendezvous-at-sea-what-is-transshipping/#:~:text=During%20a%20transshipment%2C%20a%20fishing.out%20to%20the%20fishing%20grounds>

32 Win Far Fisheries. (2023). Explanations of transshipment. Retrieved from http://www.winfar.com.tw/winold/01_items_trans.htm

2.1.2 GEOGRAPHIC CONTEXT: THE PACIFIC ISLAND COUNTRIES

Pacific Island countries are crucial in the tuna supply chain for several reasons. First, the waters of Pacific Island countries harbor some of the world's richest tuna stocks, supplying approximately 34 percent of the global tuna catch each year.³³ Therefore, many DWF vessels target these locations to apply for licenses to enter their waters for fishing. Second, countries such as Fiji, Solomon Islands, and Marshall Islands, given their proximity to the high sea tuna fishing grounds, serve as favored ports for DWF vessels to stop for vessel repairs, resupply, and/or to unload fish catch during their fishing trips. While existing literature on FL in the tuna industry frequently discusses flag states where vessels originate (e.g., Taiwan) and worker origin countries where migrant fishers originate (e.g., Indonesia), the role of port states has received comparatively less attention.



FIGURE 3: EXCLUSIVE ECONOMIC ZONES (EEZ) MARKED AS LIGHT BLUE AND INTERNATIONAL HIGH SEAS MARKED IN ORANGE³⁴

As mentioned in Chapter 1.2, the team selected Fiji, a key port state,³⁵ as the study location due to its significance in the Taiwanese DWF industry and feasibility reasons. According to the Indonesian fishermen interviewed during preliminary research³⁶ and Taiwanese government records,³⁷ Fiji is a notable anchoring destination and base port for Taiwanese-flagged DWF vessels. With its large land area, high population, and better harbor infrastructure compared to neighboring countries like the Solomon Islands and Vanuatu, Fiji is a popular port for DWF vessels to refuel, re-stock supplies, and unload fish catches.³⁸ Even for foreign-flagged vessels that fish outside of Fijian waters, many will make their way to Fiji to offload their fishing harvests in these ports.⁴⁰ These harvests are either sold to traders and local markets, or sent to processing facilities. The following map illustrates the Pacific countries, including Australia and New Zealand, and the Pacific Island nations, with a highlight of Fiji in the center of the map.



FIGURE 4: MAP OF THE PACIFIC NATIONS.

Photo credit: Adobe Stock.

As of 2021, the Fijian fleet structure consists of 67 Fijian national vessels; of which four vessels are chartered foreign-flagged vessels.⁴¹ The 63 Fiji-flagged vessels fish in Fiji's Archipelagic waters, territorial seas, Fiji's

33 World Bank and Nicholas Institute. (2016). *Tuna Fisheries*. Pacific Possible Background Paper, No. 3. Retrieved from <https://thedocs.worldbank.org/en/doc/102721466580391096-0070022016/original/PACIFICPOSSIBLETunaSummarypaper.pdf>

34 WCPFC. (2012). CONSERVATION AND MANAGEMENT MEASURE FOR TEMPORARY EXTENSION OF CMM 2008-01. Retrieved from <https://www.ofdc.org.tw/8181/web/components/Editor/WCPFC/files/1101.pdf>

35 A port state is a nation that allows Port State Control (PSC) at its ports. The PSC is responsible for inspecting ships that dock in their harbor to ensure they are up to international codes.

36 Preliminary port visits and interview with Miran and Ferdy on January 7-10, 2023.

37 落實漁業勞動檢查無國界 臺灣漁業署派員赴斐濟港口執檢. Available at <https://ocacnews.net/article/344504>

38 Hsien-Ming, Chen. (2017). Taiwan Tuna Fishery: Linkage with PAFCO Cannery in Fiji. Retrieved from <https://www.geo.ntnu.edu.tw/wp-content/uploads/2022/01/673.pdf>

39 Preliminary port visits and interview with Miran and Ferdy on January 7-10, 2023.

40 Food and Agriculture Organization of the United Nations. Fisheries of the Pacific Islands Regional and national information. 104. Retrieved from <https://pacific-data.sprep.org/system/files/fisheries-pacific-2018.pdf>

41 WCPFC. (2022). *Annual report to the commission part 1: Information on fisheries, research and statistics*. Retrieved from <https://meetings.wcpfc.int/node/15322>

Exclusive Economic Zone (EEZ), other EEZs, and high seas within the Western Central Pacific Ocean (WCPO).

Regarding labor rights and the protection of fishers, many Pacific Islands, including Fiji, Marshall Islands, Solomon Islands, and Vanuatu, are currently placed on the Tier 2 Watch List under the TIP report of 2024⁴². This designation means that they “do not fully meet the minimum standards for the elimination of trafficking but are making significant efforts to do so”. Meanwhile, Palau, Tonga, and Federated States of Micronesia (FSM) are in Tier 2, indicating that they “are making significant minimum efforts to stop human trafficking.” However, Papua New Guinea is in Tier 3, suggesting that “the government does not fully comply with the minimum standards and is not making significant efforts to do so.”

In addition to domestic laws on transshipment,⁴³ monitoring, controlling, and surveying transshipment activities in the Pacific are carried out by one of the five tuna regional fisheries management organizations (RFMOs), the Western and Central Fisheries Commission (WCPFC).⁴⁴ Figure 5 shows the scope of the WCPFC.

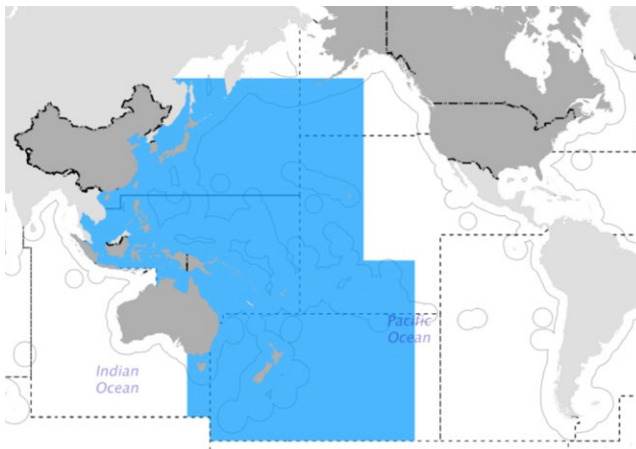


FIGURE 5: WESTERN AND CENTRAL FISHERIES COMMISSION (WCPFC) CONVENTION AREA



In 2018, a total of 1,409 high seas transshipment events in the Pacific were documented, involving 29 carrier vessels and 514 fishing vessels.⁴⁵ In 2021, due to COVID-19 restrictions, there was a decrease in transshipment activities, with a total of 1,007 transshipment events reported to the WCPFC.⁴⁶ Studies found that globally, most carrier vessels are flagged to just a few flag states: Panama (54% of key carriers); Taiwan (10%); China (9%); and Liberia (5%). Notably, Panama-flagged carriers were found to be mainly transshipping fish from Chinese- and Taiwanese-flagged fishing vessels.⁴⁷

2.2 Key Industry Actors and the Workforce

This section will define the stakeholders identified through our study – namely, fishermen, manning agencies, vessel owners, port agencies, traders, seafood processors, wholesalers, and retailers. Furthermore, it will delve into the relationships and dynamics among these stakeholders and explore how they contribute to exploitation of fishermen.

Figure 6 provides an overview of the supply chain and stakeholders, with examples of stakeholders in the dark blue boxes.

42 U.S. Department of States. (2024). 2024 Trafficking in Persons Report. Retrieved from <https://www.state.gov/reports/2024-trafficking-in-persons-report/>.

43 Law and regulation database of the Republic of China (Taiwan). (2023). *Act for Distant Water Fisheries*. Retrieved from <https://law.moj.gov.tw/ENG/Law-Class/LawAll.aspx?pcode=M0050051>

44 The WCPFC was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC Convention), which entered into force on 19 June 2004. The Commission supports three subsidiary bodies: the Scientific Committee, Technical and Compliance Committee, and the Northern Committee, that meet once a year. <https://www.pewtrusts.org/en/research-and-analysis/factsheets/2012/02/23/faq-what-is-a-regional-fishery-management-organization#:~:text=A%3A%20There%20are%20approximately%2017,areas%2C%20some%20of%20which%20overlap.>

45 WCPFC. (2019). Annual Report on WCPFC Transshipment Reporting. Retrieved from <https://www.wcpfc.int/doc/wcpfc-tcc15-2019-rp03/annual-report-wcpfc-transshipment-reporting-secretariat>

46 WCPFC. (2022). Annual report on WCPFC transshipment reporting. Retrieved from <https://www.wcpfc.int/doc/wcpfc-tcc18-2022-rp03/annual-report-wcpfc-transshipment-reporting>.

47 PEW. (2023). Most Global At-Sea Transshipment Involves a Small Group of Key Carriers. Retrieved from <https://www.pewtrusts.org/-/media/assets/2023/04/global-at-sea-transshipment.pdf>

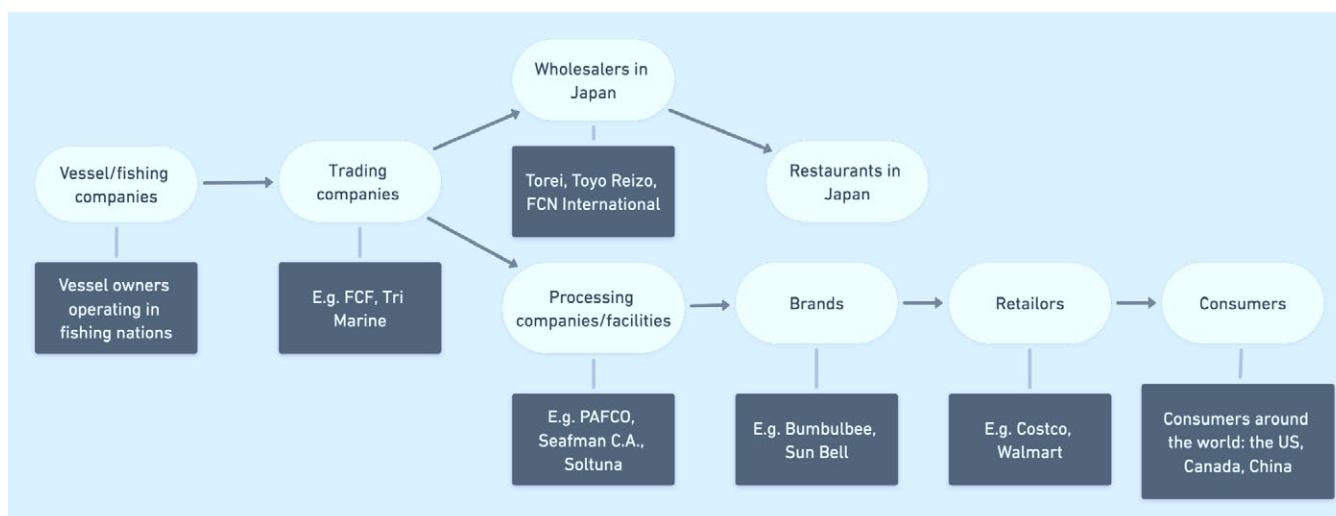


FIGURE 6: WHERE DOES THE FISH GO? MAPPING OF THE INDUSTRIAL STAKEHOLDERS IN THE TUNA SUPPLY CHAIN OF TAIWANESE TUNA DISTANT WATER FISHING VESSELS

2.2.1 FISHERMEN

According to the FA, the majority of fishermen in Taiwan are migrants. Out of a total of 21,355 recorded migrant fishermen, the largest portion is from Indonesia (13,860, or 65%), followed by the Philippines (5,053, or 24%), China (1,098, or 5%) and Vietnam (1,075, or 5%).⁴⁸ The remainder hail from a variety of countries including Myanmar, Kiribati, and Madagascar.⁴⁹ Apart from harvesting fish in the high seas, fishermen onboard may also be tasked with handling other tasks such as cleaning, gutting, and freezing the catch on their vessels. Some fishermen are hired without experience or prior knowledge of fishing, or the country they are being deployed to, while some may have had previous experience working in their country's fishing industry.

TABLE 3: STATISTICS OF CREW EMPLOYED ON TAIWANESE DISTANT WATER FISHING VESSELS UNDER THE REGULATIONS ON THE AUTHORIZATION AND MANAGEMENT OF OVERSEAS EMPLOYMENT OF FOREIGN CREW MEMBERS, Source: Fisheries Agency (2023).⁵⁰

Country	2021		2022		2023	
	Workers	Percentage of total workers (%)	Workers	Percentage of total workers (%)	Workers	Percentage of total workers (%)
Indonesia	10,927	55.82	14,308	63.06	13,860	64.9
The Philippines	6,386	32.62	6,252	27.55	5,053	23.7
Vietnam	980	5.01	1,096	4.83	1,075	5.03
China	1,047	5.35	880	3.88	1,098	5.14
Myanmar	119	0.61	81	0.36	164	0.77
Kiribati	37	0.19	11	0.05	16	0.07
Madagascar	23	0.12	15	0.07	32	0.15
South Korea	10	0.05	11	0.05	27	0.13
Other	46	0.23	37	0.16	30	0.14
Total	19,575	100	22,691	100	21,355	100

48 Fisheries Agency, Ministry of Agriculture. (2023). Number of foreign crew members employed by fishing vessels in Taiwan (我國遠洋漁船外來船員數量). Retrieved from https://www.fa.gov.tw/view.php?theme=Rights_for_Foreign_Crews&subtheme=&id=34

49 Fisheries Agency, Ministry of Agriculture. (2023). Number of foreign crew members employed by fishing vessels in Taiwan (我國遠洋漁船外來船員數量). Retrieved from https://www.fa.gov.tw/view.php?theme=Rights_for_Foreign_Crews&subtheme=&id=34

50 Fisheries Agency, Ministry of Agriculture. (2023). Fisheries Annual Statistic Report (漁業統計年報). Retrieved from https://www.fa.gov.tw/list.php?theme=FS_AR&subtheme=

The Taiwanese DWF industry is highly gendered, with few, if any, female fishers working at sea. This is confirmed based on the team’s experience, information shared by all fishermen who have spoken to us, and government statistics.

In Taiwan, the ‘two-tiered employment system’ sets different standards and regulations for migrant coastal-off-shore fishers and migrant distant water fishers. Migrant coastal fishers, along with migrant workers in other industries in Taiwan, are under the protection of the Labor Standard Act, Employment Service Act, and Occupational Safety and Health Act. Migrant distant water fishers, on the other hand, are not included with other workers in the regulations mentioned above and instead fall under a separate policy framework, the Act for Distant Water Fisheries. This employment system makes distant water fishers more vulnerable to exploitation, in comparison to their coastal-offshore counterparts, as they are not protected by the same authorities and are receiving reduced legal protection from the existing regulations in Taiwan. **Table 4** presents an overview of the key distinctions between the protections received by coastal-offshore fishers and distant water fishers.

TABLE 4: COMPARISON OF COASTAL-OFFSHORE FISHERS AND DISTANT WATER FISHERS⁵¹

	Coastal-offshore fishers	Distant water fishers
Employment type	Domestic employment, meaning fishermen receive residence permits and can live and work in Taiwan	Overseas employment, meaning fishermen do not receive residence permits and have no legal rights to enter Taiwanese land (unless further apply and secure short-term, 14-day permits)
Designated authority	Ministry of Labor	Fisheries Agency
Applicable laws	Employment Service Act; Labor Standards Acts; Occupational Safety and Health Act	Acts for Distant Water Fisheries; Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members
Minimum wage	Approximately USD 870/month (NTD27,470 as of Jan 2024)	USD 550/month
Insurance	Standard Labor Insurance; Taiwan National Health Insurance	Private accident, medical, and life insurance
Labor inspection	Formal labor inspections conducted by the Ministry of Labor	FA has no legal rights to conduct labor inspection based on Taiwan’s Labor Inspection Act. Still, FA sends “inspectors”, or “interviewers” to visit fishing vessels

As demonstrated above, foreign crews employed onboard DWF vessels are entitled to a lower minimum wage than those employed on vessels operating in domestic waters.^{52, 53} In addition, while coastal-offshore vessels are subject to labor inspections conducted by the Ministry of Labor, DWF vessels are not subjected to any labor inspections. Although the FA conducts what it calls “vessel inspections and interviews” on DWF vessels and asks questions related to working conditions, these inspections and interviews lack legal backing, and the FA does not have the legal authority to impose penalties on vessel owners that do not comply with expected standards.⁵⁴

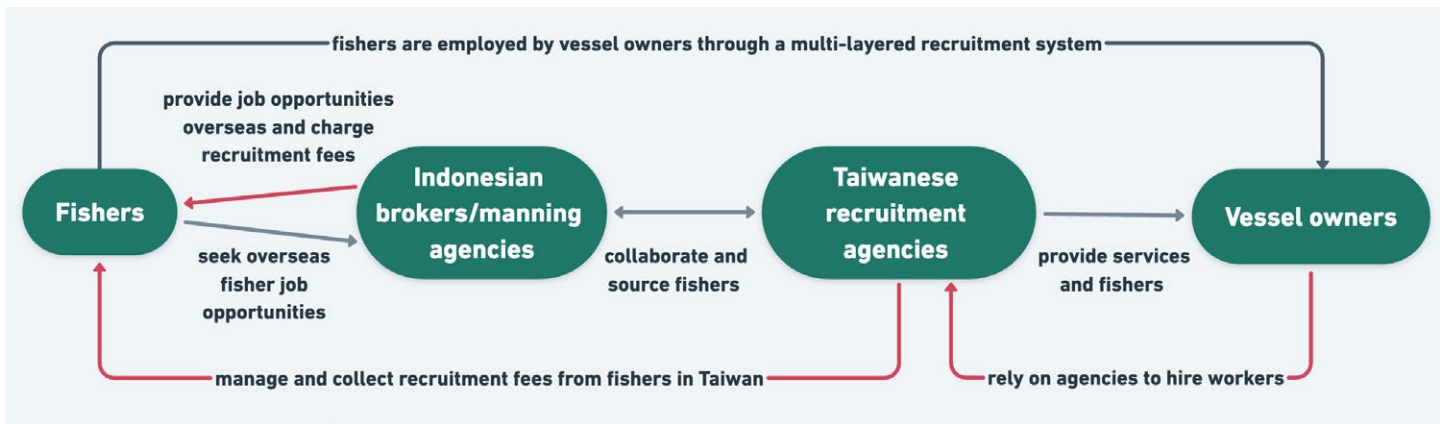
51 Modified from Chiang, M., Rogovin, K. (2020). Labor Abuse in Taiwan’s Seafood Industry & Local Advocacy for Reform, Global Labor Justice - International Labor Rights Forum. Retrieved from <https://laborrights.org/sites/default/files/publications/Labor-Abuse-in-Taiwan-Seafood-Industry-Local-Advocacy-for-Reform.pdf>

52 Law and regulation database of the Republic of China (Taiwan). (2023). Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members. Retrieved from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061>

53 Ministry of Labour. (2022). *Taiwan labour - policies and regulations*. Retrieved from https://english.mol.gov.tw/21139/40790/55451/#title2_1

54 Global Labor Justice-International Labor Rights Forum. (2023). Comments Concerning the Ranking of Taiwan by the U.S. Department of State in the 2023 Trafficking in Persons Report. Retrieved from https://laborrights.org/sites/default/files/publications/2023%20SWG%20TIP%20Report%20Submission%20on%20Taiwan_0.pdf

FIGURE 7: ROLES OF RECRUITMENT BODIES IN THE INDONESIAN FISHERS' RECRUITMENT ROUTE.



2.2.2 MANNING AGENCIES

Manning agencies, often referred to as “recruitment agencies”, are the intermediaries hired by fishing companies and/or vessel owners to recruit, hire, and manage migrant fishers. Their services include: recruiting fishers; assisting them in visa and passport applications and all travel preparations, including pre-departure procedures such as health checks and trainings; liaising with fishing companies and/or vessel owners; and managing fishers throughout their employment, including facilitating wage payments. Vessel owners use these manning agencies to recruit workers from remote areas that they are not able to access, either due to language barriers or lack of connections. From our research, we find that Indonesian workers may meet 2-3 intermediaries through the recruitment and employment process. This includes firstly an individual representative/local broker in their rural hometowns, followed by an Indonesian manning agency based in Jakarta that coordinates with the Taiwan-based manning agency, then finally the Taiwan-based manning agency that coordinates with the fishing company and/or vessel owner. **Figure 7** provides an overview of the different manning agencies and their roles.

The involvement of various intermediaries during the recruitment process often results in a complicated, time-consuming, and opaque process for workers. For example, one Indonesian fisherman shared his experience of a four-month application process (May-August 2022). Upon finalizing his offer, he traveled from his rural Indonesian hometown to the manning agency’s office in Jakarta. From there, he flew directly to Taiwan. Upon arrival to Taiwan, the Taiwanese manning agency took over and took him

through a medical examination,⁵⁵ provided him a work briefing, brought him to the port to be interviewed by the vessel’s captain, and then he boarded the vessel to sea in mid-September 2022.⁵⁶ All recruitment-related expenses, such as in-country travel costs, accommodation in Jakarta, and travel and visa documents were charged to the worker.

While the process described above is typical for many Indonesian fishermen, some fishermen may never set foot in Taiwan during their recruitment and employment period. For example, we heard from some Indonesian fishermen that flew directly from Jakarta to Fiji, where the vessel they were assigned to was docked in Suva Port. When the vessel re-docked in Fiji after several months, the fishermen flew directly from Fiji back to Jakarta.⁵⁷

The following sections will examine in more detail the role and government oversight of Indonesian brokers and manning agencies, and Taiwanese manning agencies.

Indonesian Brokers and Manning Agencies

Indonesian manning agencies are registered and based in Indonesia, predominantly in Jakarta. As most Indonesian fishers do not possess the language skills used in the vessel flag states (such as Chinese, Fijian, and English), they are highly dependent on these local manning agencies to connect them with job opportunities overseas. These manning agencies collaborate with Taiwanese manning agencies to facilitate employment in Taiwan. Besides recruitment, Indonesian manning agencies also assist with passport and visa applications (work visa and entry permit), health checks, and remitting fishers’ wages back to their families.

55 During the COVID-19 period, fishermen had to undergo a 7-day quarantine period in Taiwan, besides the medical examination.

56 Data validation workshop conducted on May 10, 2023.

57 Data validation workshop conducted on May 10, 2023.

Sometimes, there is a two-stage recruitment process within Indonesia. Large official manning agencies may lack contacts in remote villages or islands where potential workers reside. Consequently, they enlist unofficial agencies or brokers from these areas to recruit fishermen. These smaller entities, often unregistered and without overseas recruitment licenses, are compensated per worker recruited by the larger agencies. The fee for recruiting workers offered to individual brokers is around 10 USD per fisherman.⁵⁸ However, the broker market is largely informal, and therefore the price of introducing individuals can vary dramatically depending on the demand at the time, urgency, and the experience of the migrant worker.

In order to conduct their business, Indonesian manning agencies must seek permits from one of three government departments: the Ministry of Trade and the Trade Service, Ministry of Transportation, or Ministry of Manpower.⁵⁹ Regulation of recruitment agencies is limited in Indonesia. For example, there are no requirements related to safety and pre-departure training. Although the Indonesian government introduced a zero payment policy in 2021 that requires foreign employers to cover job placement fees, the implementation of the policy had been repeatedly delayed.⁶⁰ In this research, we found that interviewed fishers are responsible for all the fees incurred during recruitment, including travel expenses, visa and passport applications, and other administrative procedures. They often resort to loans, whether voluntary or coerced by agencies or brokers.

In addition to regulatory gaps, the designation of regulation of recruitment agencies to the three different government departments has also resulted in administrative challenges with coordinating and streamlining permits, leading to a lack of consolidated data on the number of Indonesian migrant fishermen aboard foreign fishing vessels. This lack of data and transparency contributes to exploitation by unregistered and illegal manning agencies as they can operate while escaping government oversight and legal accountability when they exploit migrant workers.⁶¹

Taiwanese Manning Agencies

Taiwanese manning agencies facilitate communication and coordination between Taiwanese fishing companies and/or vessel owners, Indonesian manning agencies, and workers to meet labor demand. First, vessel owners will apply and receive a quota and “employment permit” from the Taiwan Fisheries Agency to hire foreign workers. Then, the vessel owner will hire the Taiwanese manning agency to recruit workers. The Taiwanese manning agency will then facilitate the arrangements and communication between vessel owner, Indonesian manning agency, and workers, including arranging airport pick-ups, health checks upon the arrival of the fishermen, and interpretation services for migrant fishers. To mitigate language barriers, most Taiwanese manning agencies hire in-house interpreters who are proficient in the fishers’ mother tongues, such as Bahasa Indonesia.

As mentioned above, DWF workers, in contrast to workers of other industries, are under the jurisdiction of the Fisheries Agency, rather than the Ministry of Labor. Similarly, manning agencies that recruit migrant workers for DWF vessels are regulated by the Fisheries Agency, unlike those recruiting for other sectors like domestic, factory, or agricultural work, which would fall under the jurisdiction of the Ministry of Labor.

Taiwanese law currently allows manning agencies to impose a “monthly service fee” on migrant workers, including migrant fishermen. This fee can accumulate to a maximum of NTD 60,000 (USD 2,000) throughout a three-year contractual period. According to the “Standards for Fee-charging Items and Amounts of the Private Employment Services Institution,” this service fee “should not be over NTD 1,800 (USD 57) for each month in the first year, NTD 1,700 (USD 54) for each month in the second year and should not be over NTD 1,500 (USD 48) for each month after the third year.”⁶²

As of 2023, the number of Taiwanese manning agencies that recruit migrant fishers for Taiwanese DWF vessels is estimated to be lower than 100.⁶³ Despite their significant role in the fishing industry, they are

58 The Reporter. (2017). Before Departure Indonesian fishermen's Taiwanese dream (離岸之前 | 印尼漁工的台灣夢). Retrieved from <https://www.twreporter.org/a/photoessay-far-sea-fishing/posts/24/>

59 Hung P-C, Lee H-C, Lin C-C and Liu W-H (2022) Promoting human rights for Taiwan's fishermen: Collaboration with the primary source countries of Taiwan's DWF migrant fishermen. *Front. Mar. Sci.* 9:1097378. doi: 10.3389/fmars.2022.1097378

60 <https://humanity-consultancy.com/2021/07/26/backing-down-from-the-zero-payment-policy-indonesian-government-introducing-new-finance-plan-for-migrant-workers/>

61 Five Corridors Project. (2021). Philippines to Taiwan: Fair recruitment in review. Fair Square. Retrieved from <https://fivecorridorsproject.org/philippines-taiwan>

62 Law and Regulations Database of the Republic of China (Taiwan). (2023). Standards for Fee-charging items and amounts of the private employment services institutions. Retrieved from: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090028>

63 Fisheries Agencies. (2023). Authorized manning agencies for recruiting non-Taiwanese fishermen to work on Overseas Employment (核准境外僱用非我國籍船員仲介機構名冊與評鑑成績). Retrieved from https://www.fa.gov.tw/view.php?theme=Announcement_Info&subtheme=&id=194

often not held accountable for placing fishers on vessels that engage in exploitative practices. One example is the case of *Fuh Sheng No. 11* (福陞拾壹號), a Taiwanese-flagged vessel that was detained by South African authorities for poor working conditions following an inspection on 17 May 2018 by the Indonesian Consulate in Cape Town.⁶⁴ *Fuh Sheng No. 11* is the first fishing boat held under the ILO's Work in Fishing Convention (commonly known as C188). Taiwan's Fisheries Agency found that *Fuh Sheng No. 11* violated a number of laws and regulations, including not submitting accurate catch reports, employing unauthorized foreign crew, underpaying crews below minimum wage, forced overtime, violations of labor contracts, and failing to provide adequate living and caring services for its crew. In response to the significant misconduct, Taiwan's Fisheries Agency administered severe penalties to *Fuh Sheng No. 11*. Notably, however, the manning agency responsible for supplying migrant fishermen for this vessel was not subjected to comparable repercussions, and this agency was still allowed to continue operating and introducing workers into Taiwanese vessels.

2.2.3 FISHING COMPANIES/VESSEL OWNERS

Fishing companies/vessel owners are the companies or individuals that own the vessel(s) and are the official employers of migrant fishers. According to the FA, in 2020, Taiwan's distant water tuna fishery is valued at NTD 44.6 billion (USD 1.38 billion).⁶⁵ As discussed in Section 1, Taiwan owns the world's second largest DWF fleet, with a total of more than 1,100 vessels.⁶⁶ Most of the vessels in Taiwan are tuna longliners, purse seiners, and saury and squid stick-held dip net vessels.^{67,68} The industry is traditional, with most Taiwanese fishing companies and vessel owners being family-owned businesses. The DWF industry involves large capital investment and industry

specific knowhow, and therefore most tuna fishing vessel owners have been working in this industry for generations. Many vessel owners are older in age and have limited formal education (e.g., completing only primary school). They rely on knowledge passed through the family to manage their operations, and have not adapted to meet modern-day expectations. For example, most vessel owners and fishing companies do not have websites or social media accounts and do not publish their management structures, business content, working conditions, and other relevant data in any public domain. This means that migrant fishermen, and other relevant stakeholders, do not have the means to understand vessel owners' operations if not through direct interaction with them.

In addition to vessels registered to Taiwan and counted as part of the Taiwanese DWF fleet, there are also a number of vessels that may be registered under foreign flags, but in fact are owned and operated by Taiwanese entities.⁶⁹ These vessels are commonly referred to as flag of convenience (FoC) vessels. FoC vessels offer vessel owners the ability to evade stricter regulations in their country of nationality, or to gain access to fishing grounds linked to the flagged state. By flagging their vessels in other countries, vessel owners are subjected to lower taxes, less stringent worker's rights, and reduced regulatory oversight.⁷⁰ For example, FoC vessels owned by Taiwanese companies are not subject to Taiwanese labor laws,⁷¹ making it harder for Taiwanese authorities to regulate the working conditions on these vessels.⁷² The lack of workers' rights and regulatory oversight on FoCs, paired with demands of extensive overfishing in isolated waters, dramatically increases the likelihood of exploitation of fishers.⁷³

FoCs also contribute to the lack of transparency in the fishing industry, especially through the use

64 Morris, J. X. (2018). *Is This the Start of an Illegal Fishing Crackdown in Taiwan?* The Diplomat. Retrieved from <https://thediplomat.com/2018/10/is-this-the-start-of-an-illegal-fishing-crackdown-in-taiwan/>

65 Fisheries Agency, Ministry of Agriculture. (2020). Overview of the Fisheries. Retrieved from https://en.fa.gov.tw/view.php?theme=web_structure&id=110

66 Chen, Y. (2022). *Ignoring the sustainable use of marine resources, Taiwan continues to provide "harmful fishing subsidies."* United Daily News. Retrieved from <https://sdgs.udn.com/sdgs/story/120965/6169345#:~:text=%E8%AB%96%E8%88%B9%E9%9A%BB%E6%95%B8%E9%87%8F%EF%BC%8C%E5%8F%B0%E7%81%A3%E6%9C%89,%E7%94%A2%E5%80%BC%E7%B4%84400%E5%84%84%E5%85%83%E3%80%82>

67 Ibid.

68 For the definition of the abovementioned fishing types, please refer to the fishing terminology in the beginning of the report.

69 Taiwan Fisheries Agency. (2023). List of FOC fishing vessels updated on the 7th of August 2023. (FOC漁船名單_更新至112年8月07日止). Retrieved from <https://www.fa.gov.tw/view.php?theme=LOCPLBTCOA&subtheme=&id=59>

70 Benson, E., Puga, C. (2021). Flagging the Issues: Maritime Governance, Forced Labor, and Illegal Fishing. CSIS. Retrieved from <https://www.csis.org/analysis/flagging-issues-maritime-governance-forced-labor-and-illegal-fishing>

71 Armstrong, C. (2020). Abuse, Exploitation, and Floating Jurisdiction: Protecting Workers at Sea. Retrieved from <https://onlinelibrary.wiley.com/doi/full/10.1111/jopp.12238>

72 Scanlan, S. (2023). Rough Waters: Taiwanese Fishing Boats Reeling From Forced Labor Charges. AmCham Taiwan. Retrieved from <https://topics.amcham.com.tw/2023/02/rough-waters-taiwanese-fishing-boats-reeling-from-forced-labor-charges/>

73 UK Parliament. (2022). Human rights and labour protections at sea. Retrieved from <https://publications.parliament.uk/pa/ld5802/ldselect/ldin-trel/159/15908.htm>

of shell companies⁷⁴ to register FoC vessels.⁷⁵ This helps obscure the identity of the true owners of the companies conducting wrongdoings, which insulates the owners from repercussions of the illegal actions onboard their vessels and therefore increases the lack of accountability towards vessel owners. Using FoC vessels results in fishermen not knowing where, how, and to whom to communicate their grievances, or what labor laws apply aboard the vessel.

As of 7 August 2023, there were 225 FoC vessels operated or partially owned by Taiwanese nationals under the authorization of the Council of Agriculture.⁷⁶ **Table 5.** provides an overview of Taiwanese owned FoC vessels to different flag states.

TABLE 5. TAIWANESE OWNED FOC VESSELS INCLUDING FLAG STATES AND VESSEL TYPES AS OF AUGUST 2023.

Organized by the author with source from Taiwanese Fisheries Agency.⁷⁷

Flag states	Type of vessel	Number
Panama	Longliner	37
Panama	Carrier	16
Vanuatu	Longliner	38
Nauru	Purse seiner	15
Federated States of Micronesia	Purse seiner	16
Seychelles	Longliner	22
Other flags: Papua New Guinea, South Korea, Mauritius, Marshall Islands, Solomon Islands, Russia, Oman, Belize, and Tuvalu. In total 225 vessels.		

In Fiji, we observed fishing companies that are owned and/or managed by individuals who obtained Fijian nationality despite not being native-born Fijians. Some leading Fijian fishing companies include Golden Ocean Fish Ltd.⁷⁸, Sunshine Fisheries Pte

Ltd., and Hangton Pacific Co. Ltd.⁷⁹ These companies were established and invested in by foreign nationals who obtained Fijian nationality. For example, one of the largest fishing companies in Fiji, owning 11 active DWF vessels, is owned and run by individuals of Chinese ethnicity who gained Fijian nationality after migrating. These companies typically have senior management teams composed of Chinese speakers and exhibit Chinese cultural influences in their documents and office decor. This cultural and linguistic affinity may contribute to their preference for contracting manning agencies from China or Taiwan. Nevertheless, some fishing companies were established locally, such as Solander Pacific Pte. Ltd., which was established in Suva in 1988.⁸⁰ Solander operates tuna longline fishing vessels and contributes about USD 1.1 million to Fiji's economy annually.⁸¹ Of the 400 employees within this fishing company,⁸² 90 percent are local Fijian workers employed as both fishers and white-collar professionals, and the remaining ten percent are migrant workers employed as crew members on their vessels.⁸³

Interviewed fishing companies shared significant challenges in making profit and managing their finances. Interviewed vessel owners noted that they did not have control or bargaining power over the price of their fish catch, as the price of raw material is often controlled by the seafood brands and traders who are primary buyers.⁸⁴ According to vessel owners, the selling price of tuna has remained unchanged for over 20 years, despite the global economy's growth, inflation, and rising fuel prices. This is compounded by the fact that modern tuna fishing vessels operate under strict quota restrictions, limiting the potential annual turnover to the allowed quantity of catch. Consequently, vessel owners often find themselves in a position where they must cut costs to continue operating. One such approach is to reduce the number of vessels in operation, which helps lower operational and maintenance costs. For example, a Fijian company we interviewed previously

74 A shell company is a company that exists primarily on paper, often having little to no active business operations or employees.

75 EJF. (2020). OFF THE HOOK - how flags of convenience let illegal fishing go unpunished. Retrieved from <https://ejf.org/resources/downloads/EJF-report-FoC-flags-of-convenience-2020.pdf>

76 Taiwan Fisheries Agency. (2023). List of FOC fishing vessels updated on the 7th of August 2023. (FOC漁船名單_更新至112年8月07日止). Retrieved from <https://www.faa.gov.tw/view.php?theme=LOCPLBTCOA&subtheme=&id=59>

77 Taiwan Fisheries Agency. (2023). List of FOC fishing vessels updated on the 7th of August 2023. (FOC漁船名單_更新至112年8月07日止). Retrieved from <https://www.faa.gov.tw/view.php?theme=LOCPLBTCOA&subtheme=&id=59>

78 Fish information and service. (n.d.) Golden Ocean Fish Ltd. Retrieved from https://seafood.media/fis/companies/details.asp?l=e&filterby=species&country_id=&page=1&company_id=57545

79 Marine Stewardship Council. (2023). Retrieved from <https://www.msc.org/search-results?indexCatalogue=international-site-search-index&searchQuery=fiji%20company&wordsMode=AllWords>

80 Inter Fish Market. (2023). Solander Pacific Ltd. Retrieved from <https://interfishmarket.com/en/company.aspx?id=1061>

81 Solander. (2023). About the company. Retrieved from <https://solander.com.fj/>

82 Ibid

83 Conversation with a director of a fishing company in Fiji on February 8, 2023.

84 Conversation with company G on February 1, 2023.

operated 19 vessels in Fiji's EEZ and the South Pacific. However, currently, eight out of these 19 vessels are inactive due to declining profits.

"Before the pandemic, we made USD 3,000 per ton for our fishing harvests. But after 2020...after the outbreak of the pandemic, even after the situation getting better, we're only able to sell our fish for USD 2,500 per ton." - A manager working for a Fijian fishing company owned by a Chinese-Fijian.⁸⁵

During our port visits, we also encountered port agents – individuals and/or companies that provide services for vessel owners in facilitating all port-related activities – who shared that vessel owners have been missing payments to them. This not only highlights how vessel owners transfer operational risks to other stakeholders but also underscores the severity of the financial challenges faced by some vessel owners.⁸⁶

Vessel Owners as Employers

Although Taiwanese law requires vessel owners to be responsible for taking care of their workers,⁸⁷ as discussed in Chapter 2.2.2., vessel owners prefer to delegate worker management to manning agencies due to the lower fees these agencies charge to the owners. Manning agencies can afford to charge lower fees because they impose a high "service fee" on fishermen themselves. Owners rarely employ staff, such as translators and human resource managers, to accommodate the needs of their workers, often opting instead to employ manning agencies to handle everything related to migrant workers on behalf of them. This leads to a situation where the workers' primary employer, or the vessel owner, have limited to no direct interaction with workers and may not even know the name of their workers. The fishermen we spoke with confirmed that they rarely had the opportunity to communicate with the vessel owners, and many decisions made by the owners regarding them

(e.g., termination of employment contracts) were announced through manning agencies or captains, leaving them little room to discuss and understand those decisions.

The limited interaction between vessel owners and workers also affects wage payments. Instead of paying workers directly, vessel owners often delegate this responsibility to manning agencies. Even though direct transferring of fishers' salaries has been mandated in the "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members" since 2022,⁸⁸ in reality, some employers still make payments through manning agencies. The process involves the vessel owner transferring payment to a Taiwanese manning agency, which then forwards it to an Indonesian counterpart before reaching the fishers. These intermediaries introduce opportunities for deception and wage manipulation. Additionally, Taiwanese NGOs have reported instances where Indonesian manning agencies opened bank accounts using fishermen's identities, thereby restricting fishermen from accessing their own accounts.⁸⁹

Given the lengthy payment chain for fishermen's salaries, delays or deductions may occur at various points, whether by the vessel owner or the manning agency. Fishermen often find themselves unsure about who should be held accountable or where to seek support. One Indonesian fisherman shared the following testimony, illustrating the insecurity he felt when his salary was processed through the manning agency:

"I just read the news from the internet...my manning agent office in Indonesia has been closed. They were caught in the case of human trafficking and the police arrested the director of the company on the 6th May 2023...[...]I use personal mobile banking and I will wait until the end of the month and if there is no payment then I will consult with the employer (vessel owner) what to do next."⁹⁰

85 Conversation with company S on February 2, 2023.

86 Conversation with a port agent in Fiji on February 3, 2023.

87 Regulations on the Permission and Administration of the Employment of Foreign Workers. (2023). Laws & Regulations Database of The Republic of China (Taiwan). Retrieved from: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090027>

88 Laws and regulations database of the Republic of China (Taiwan). (2023). Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members. Retrieved from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061>

89 Conversation with CSO members based in Taiwan during the project period.

90 Conversation with a fisherman on July 23, 2023.

2.2.4 SHIPPING AGENTS AT PORTS

Shipping agents are private companies that facilitate the arrival, berthing, and departure of vessels at ports. They are based in the port state (in this case, Fiji) and hired by vessel owners and fishing companies to ensure smooth coordination with relevant local authorities, such as the immigration and customs authorities to ensure the vessels' compliance with the legal requirements of the port state. As Fiji is a popular anchoring destination for many foreign-flagged DWF vessels, shipping agents are key to facilitating the business of foreign vessel owners who normally do not have a local presence, such as office or staff, in Fiji.

During our fieldwork, the team visited a Fijian-registered, Taiwanese- and Chinese-owned shipping agency based in Suva, Fiji.⁹¹ According to the interview with the agency, shipping agents may provide services including: coordination with necessary port services, including customs and immigration clearance, pilotage,⁹² tug assistance,⁹³ and cargo handling; logistical support for the supply of fuel, provisions, equipment and entering the ship repairing yards for fishing vessels; and consultation to ensure compliance with relevant national and international regulations, including those related to safety, security, and environmental protection, such as the Fisheries Act in Fiji.⁹⁴ Notably, shipping agents may also play a role in the employment of fishers, and often arrange crew members' accommodation, medicine, and other care for fishermen on behalf of vessel owners.

Despite playing a key role in the industry, we have observed limited mention of shipping agents in existing literature. This is likely due to the fact that most of the existing studies are done either in the labor sending countries (e.g., Indonesia) or flag states (e.g., Taiwan), but the researchers rarely have the opportunity to visit port states (e.g., Fiji).

2.2.5 SEAFOOD TRADERS

Seafood traders are the middlemen who purchase and sell tuna, facilitating the movement of the tuna catch from vessel owners to the retailers. Traders purchase raw tuna from vessel owners and may sell the raw tuna directly to the market, or send it for processing and canning before selling to the brands. Overall, fishing companies in Taiwan and Fiji export raw or processed tuna materials to the main markets, such as the USA, Japan, Australia, South Korea, and Europe,⁹⁵ or to other major canning countries, such as Thailand, the Philippines, and China.⁹⁶

Beyond purchasing and selling vessel owners' catch, traders are often responsible for several operational aspects of fishing vessels as well. For example, traders may also be in charge of arranging refueling in the high seas,⁹⁷ obtaining access to certain fishing grounds in the Pacific Island's EEZ zones for the vessel owners,⁹⁸ amongst others. While this may help vessel owners run their business with less effort needed for logistical arrangements, it also means traders are able to integrate more aspects of the DWF supply chain, and gain wider power, influence, and monopoly.

In recent years, traders have increasingly purchased retail brands. For example, one of the biggest players in the tuna industry, the Taiwanese-owned FCF Fishery Company (FCF),⁹⁹ holds in its portfolio fishing vessels, processing plants, as well as retail brands. Founded in 1972, FCF emerged as a giant tuna trader that successfully delivered Taiwanese tuna to the global market. FCF has seen rapid expansion and, within its first two years of establishment, had opened offices in Malaysia, Uruguay, and South Africa.¹⁰⁰ In 2020, FCF purchased Bumble Bee Foods, a popular US canned tuna brand that was valued at USD 930 million when it was acquired.¹⁰¹

91 Conversation with a shipping agent in Fiji on February 3, 2023.

92 "Pilotage" refers to the assistance provided to vessels by maritime pilots to guide them through unfamiliar or challenging waters, such as harbors or ports.

93 "Tug assistance" refers to the assistance provided by so-called tug boats at ports or harbors to assist larger vessels to dock, undock, or navigate safely.

94 Pacific Islands legal Information Institute. (2023). Laws of Fiji. Fisheries Act. Retrieved from http://www.pacii.org/fj/legis/consol_act/fa110/

95 Atuna. (2018). Focus on Fiji. Retrieved from <http://www.atuna.com/archive.php?article=5154>

96 Seafish. (2015). Taiwan Profile. Retrieved from <https://www.seafish.org/>

97 FCF Co., Ltd. (2024). Bunkering. Retrieved from <https://fcf.com.tw/bunkering/>

98 The Reporter. (2016). Taiwan, Industry Chapter. Are there still opportunities for the distant water fishing industry that is trapped? 【台灣現場 | 產業篇】困港的遠洋漁業，還有機會嗎？<https://www.twreporter.org/a/far-sea-fishing-taiwan-fisheries>

99 FCF Co., Ltd. (2024). Retrieved from <https://fcf.com.tw/>

100 FCF Co., Ltd. (2024). History. Retrieved from <https://fcf.com.tw/our-history/>

101 White, C. (2020). Bumble Bee closes sale to FCF; CEO Jan Tharp calls it "an exciting new chapter". Seafood Source. Retrieved from <https://www.seafoodsource.com/news/business-finance/bumble-bee-closes-sale-to-fcf-ceo-jan-tharp-calls-it-an-exciting-new-chapter>

Another key player in the global tuna industry is Thai Union Group, a Thailand-based company that also now owns several popular tuna brands, including Chicken of the Sea, John West, and Mareblu.¹⁰² Dongwon Industries, a South Korean conglomerate, is also a major player in the industry that had purchased the Starkist tuna brand in 2008.¹⁰³ Other prominent companies in the industry include Princes Group and Tri Marine International¹⁰⁴. These companies have a significant footprint on the global tuna market, owning businesses throughout the supply chain, from fishing to processing and distribution.



FIGURE 8: ILLUSTRATION OF TRADERS' ROLES AS MENTIONED IN 2.2.7

While transshipment is normally arranged by vessel owners, it should be noted that traders play a significant role in supporting vessel owners to arrange transshipment. For example, the tuna trader FCF published on their website that it has established a network of more than 30 carriers.¹⁰⁵

2.2.6 RETAILERS

The most visible actors in the tuna fishing industry are retailers, who sell products directly to consumers. Tuna serves various markets worldwide based on its form and intended use, and retailers in different

countries offer different types of tuna products. There are three categories of tuna products: fresh, frozen, and canned tuna. Japan is a significant destination for fresh tuna filets, particularly for sashimi preparation.¹⁰⁶ The US and the EU countries rank as the leading consumers of canned tuna products, as the canned tuna traditionally do not fit the eating habits of the consumers of other countries. Canned tuna and frozen tuna filets appear in many supermarket retail chains, including Walmart, the largest grocery retailer in the US,¹⁰⁷ Costco, Target, Aldi, Carrefour CA, Amazon, and Trader Joe's. Specifically related to canned tuna, the Business and Human Rights Resource Centre found that most companies involved in the canned tuna supply chain have failed to commit to enforcing basic human rights standards, and only a few companies are making efforts to address modern slavery in their supply chain.¹⁰⁸

2.2.7 ANALYZING STAKEHOLDER RELATIONSHIPS AND DYNAMICS: IMPACTS ON THE EXPLOITATION OF FISHERS

As outlined in the previous section, the Pacific tuna fishing supply chain is a complex system involving multiple stakeholders characterized by a lack of transparency and traceability. Our findings reveal how the dynamics and actions of vessel owners with other stakeholders along the supply chain exacerbate vulnerability, thereby increasing the burden and exploitation faced by the fishers.

Retailers sit at the top of the supply chain hierarchy and play a pivotal role in passing pressure downstream onto suppliers. Big retail brands and traders put pressure on suppliers, namely the vessel owners, through monopsonistic practices. This means a few powerful buyers control the market for selling fish stocks, forcing prices down for suppliers. Trading companies play an important role in connecting the catches from vessels to the market. While they aim to generate profits, they face pressure from larger retail brands that possess greater financial resources. These traders, though less visible to end consumers, hold considerable capital compared to vessel owners, giving them stronger bargaining power in sales negotiations.

102 Thai Union. (2022). Our Brands. Retrieved from <https://www.thaiunion.com/en/products-and-brands/our-brands>

103 Dongwon. (2019). Who We Are. Retrieved from <https://www.dongwon.com/en/business/starkist>

104 <https://trimarinergroup.com/>

105 FCF. (2024). Retrieved from <https://fcf.com.tw/transshipments/>

106 Food and Agriculture Organization of the United States. (2023). An overview of the global tuna market. Retrieved from <https://www.fao.org/in-action/globefish/market-reports/resource-detail/en/c/880744/>

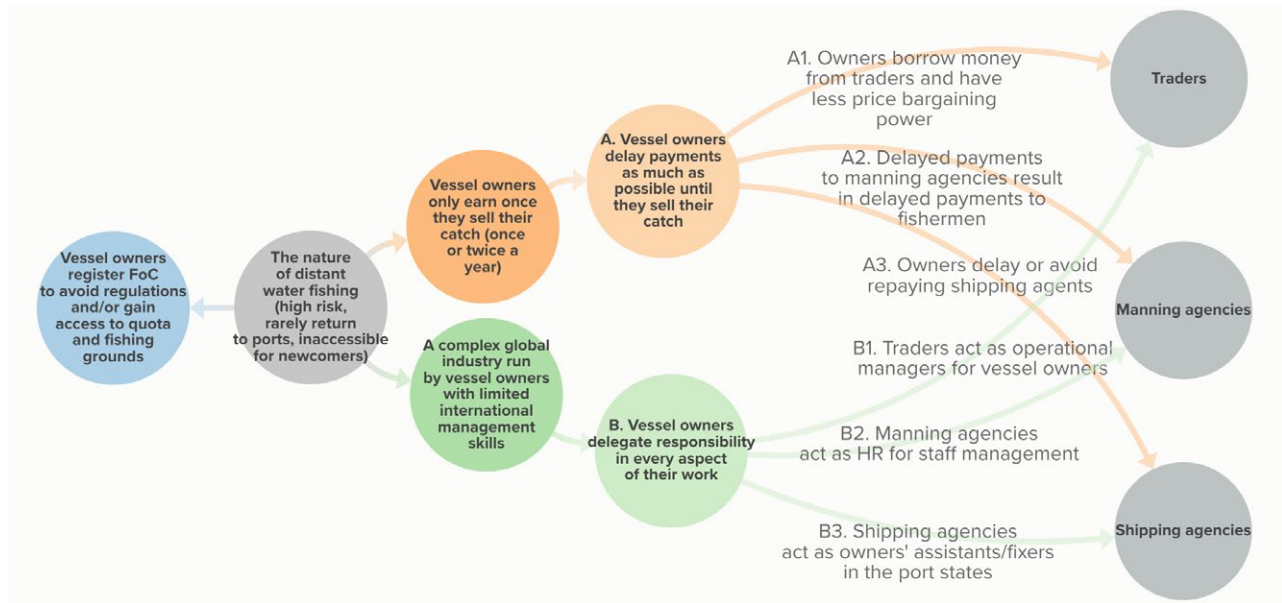
107 Environment News Service. (2021). Marshall Islands Key to Sustainable Global Tuna Industry. Retrieved from <https://ens-newswire.com/marshall-islands-key-to-sustainable-global-tuna-industry/>

108 Business & Human Rights Resource Centre (2021). All at Sea: An Evaluation of Company Efforts to Address Modern Slavery in Pacific Supply Chains of Canned Tuna. Retrieved from https://media.business-humanrights.org/media/documents/Tuna_IL_v6.pdf

Vessel owners bear the actual risks associated with fishing operations but provide limited job opportunities relative to the high demand for fishing jobs by workers. Given the vessel owners' greater social capital and industry knowledge, they also wield power over migrant fishermen. Manning agencies, under pressure to supply workers at lower costs, pass these pressures on to the workers themselves.

The systems map below provides a visual aid to the dynamics between vessel owners and the different industry stakeholders. Along each color stream, the darker elements present some of the overarching challenges in the fishing industry, with the lighter elements and their associated arrows presenting the ways in which vessel owners' responses to such challenges impact other stakeholders in the supply chain, including shipping agencies, manning agencies, and traders.

FIGURE 9: SYSTEMS MAP DEMONSTRATING THE DYNAMICS BETWEEN VESSEL OWNERS AND OTHER INDUSTRY STAKEHOLDERS IN THE FISHING SUPPLY CHAIN.



The map highlights the ways in which the vessel owners' actions push vulnerabilities down the chain.

This map illustrates how the competitive and challenging nature of the fishing industry leads to vessel owners registering FoC vessels to avoid regulations and quota restrictions in their home country. For example, FoC vessels do not need to comply with Taiwan's minimum wage regulations, allowing vessel owners to reduce costs. In addition, due to international sustainability regulations each country is allocated a limited catch quota;¹⁰⁹ by registering under foreign flags, vessel owners can access new quotas and fishing grounds under the new flag.¹¹⁰

Furthermore, the map highlights how vessel owners' financial decisions can trigger delayed payments throughout the supply chain, placing increasing financial strain on those at the bottom and contributing to financial difficulties in the industry, particularly affecting fishers. Moreover, when vessel owners in financial distress borrow money from traders who have more control over fish catches, they lose bargaining power over prices. As a result, vessel owners often need to implement cost-cutting measures to maintain financial viability, which consequently impacts migrant fishers.

In addition, the map demonstrates how vessel owners' lack of management capacity in a globalized industry leads to the delegation of responsibilities to external parties like manning agencies, traders, and shipping agents. This over-reliance contributes to a lack of transparency and traceability, making it difficult to pinpoint responsibility for fishers' exploitation when it occurs.

¹⁰⁹ Marine Stewardship Council. (2024). Shifting stocks and international catch quotas. Retrieved from <https://www.msc.org/what-we-are-doing/oceans-at-risk/shifting-stocks-and-international-catch-quotas>

¹¹⁰ E.J.F. (2020). OFF THE HOOK - how flags of convenience let illegal fishing go unpunished. p.14. Retrieved from <https://ejfoundation.org/resources/downloads/EJF-report-FoC-flags-of-convenience-2020.pdf>



3. FROM INDONESIA TO FIJI: A MIGRANT FISHER'S JOURNEY TO SEA – INSTANCES OF EXPLOITATION

In this chapter, we utilize the ILO Operational Indicators of Trafficking in Human Beings for Labor Exploitation¹¹¹ to identify TIP indicators through workers' experience in recruitment, transit, and employment. Based on the testimonies and conversations we collected from the distant water fishers in Fiji and Taiwan, it is evident that many Indonesian fishers have been subjected to coercion, abuse of vulnerability, and exploitation. While issues like debt bondage or onboard physical abuses have been documented quite extensively in the existing literature, the mechanisms and enabling factors of such issues are often not explained. In this chapter, we therefore provide a more nuanced picture of the risks fishers face and attempt to identify root causes. **Table 6** presents an overview of the findings.

¹¹¹ The indicators include indicators of deceptive recruitment; coercive recruitment; recruitment by abuse of vulnerability; exploitation; coercion at destination; abuse of vulnerability at destination. For more information see: ILO. (2009). Operational indicators of trafficking in human beings. Retrieved from https://webapps.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

TABLE 6: INDICATORS OF TIP OBSERVED FROM INTERVIEWED FISHERS

Indicator Level	Recruitment and Transit (Observed = 5/36)			Destination (Observed = 16/31)		
	Deceptive Recruitment (Observed 0/10)	Coercive Recruitment (Observed 1/10)	Recruitment by Abuse of Vulnerability (Observed 4/16)	Exploitative Conditions of Work (Observed 8/9)	Coercion at Destination (Observed 5/15)	Abuse of Vulnerability at Destination (Observed 3/7)
Strong (Observed 4/7)	Deceived about nature of job, location, or employer	Violence on victims	N/A	Excessive working days or hours	- Confiscation of documents Debt bondage Isolation, confinement or surveillance Violence on victims	N/A
Medium (Observed 17/51)	- Deceived about conditions of work - Deceived about content or legality of work contract - Deceived about family reunification - Deceived about housing and living conditions - Deceived about legal documentation or obtaining legal migration status - Deceived about travel and recruitment conditions - Deceived about wages/earnings - Deceived through promises of marriage or adoption	- Abduction, forced marriage, forced adoption or selling of victim - Confiscation of documents Debt bondage - Isolation, confinement or surveillance - Threat of denunciation to authorities - Threats of violence against victim - Threats to inform family, community or public - Violence on family (threats or effective) - Withholding of money	Abuse of difficult family situation - Abuse of illegal status Abuse of lack of education (language) Abuse of lack of information - Control of exploiters Economic reasons - False information about law, attitude of authorities - False information about successful migration - Family situation - Personal situation - Psychological and emotional dependency - Relationship with authorities/legal status	Bad living conditions Hazardous work Low or no salary No respect of labour laws or contract signed No social protection (contract, social insurance, etc.) Very bad working conditions Wage manipulation	- Forced into illicit/criminal activities - Forced tasks or clients - Forced to act against peers - Forced to lie to authorities, family, etc. Threat of denunciation to authorities - Threat to impose even worse working conditions - Threats of violence against victim - Under strong influence - Violence on family (threats or effective) Withholding of wages	Dependency on exploiters Difficulty to live in an unknown area - Economic reasons - Family situation Relationship with authorities/legal status
Weak (Observed 0/9)	Deceived about access to education opportunities	N/A	- Abuse of cultural/religious beliefs - General context - Difficulties in the past - Difficulty to organise the travel	No access to education	Threats to inform family, community or public	- Difficulties in the past - Personal characteristics

Reference: ILO. (2009). *Operational Indicators of Trafficking in Human Beings*. Retrieved from: https://webapps.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

3.1 Recruitment and Transit

Almost all Indonesian fishers legally working on Taiwanese-flagged vessels have experienced a recruitment route as described in Section 2.2.1, summarized as the following:

1. Indonesian workers are recruited by local manning agencies or brokers in their hometowns that are in business partnerships with Jakarta-based, Indonesian manning agencies and/or Taiwanese manning agencies.

2. Indonesian manning agencies introduce the workers to Taiwanese manning agencies who were hired by Taiwanese vessel owners seeking migrant fishermen.

3. Once the workers are assigned positions on DWF vessels and the arrangement is confirmed with vessel owners, Indonesian manning agencies arrange health examinations, passport applications, and other necessary administrative procedures for the workers.

4. In the meantime, Taiwanese manning agencies apply for employment permits, entry permits, and other documents for the fishers.

5. Once all the applications are complete, fishermen take the flight (often from Jakarta) to the airport near where they will board the fishing vessel. In some cases, especially where Indonesian workers fly directly to the port state, they may not meet the Taiwanese manning agency and may instead be onboarded through the shipping agents.

Indicators of TIP Observed in Recruitment and Transit	
Strong	None.
Medium	<i>Recruitment by abuse of vulnerability</i> 1. Abuse of lack of education (language) 2. Abuse of lack of information 3. Abuse of difficult family situation 4. Economic reasons <i>Coercive recruitment</i> 5. Debt bondage
Weak	None.

3.1.1. RECRUITMENT BY ABUSE OF VULNERABILITY

Abuse of lack of education (language), lack of information, difficult family situation, and economic reasons

Indonesian migrants are often from less privileged socioeconomic backgrounds with limited education. An ILO study of Indonesian fishers working abroad found that they are mostly inexperienced and lacked knowledge about the formal recruitment process and the relevant regulations.¹¹² In our research, most of the migrant fishermen we spoke to come from impoverished rural areas and are the sole breadwinner for their families. In addition, they do not have the language skills and information to navigate the document preparation and administrative procedures to obtain a work permit and go abroad. These vulnerability indicators mean migrants become extremely reliant on the support of manning agencies, and may be taken advantage of by manning agencies. With many Indonesian manning agencies operating illegally, these fishers may be tricked into accepting a job with false information or be lured by unlicensed brokers. They may end up in extremely exploitative situations.¹¹³

Most fishermen we spoke to described receiving their documentation for entering Taiwan and signing their employment contracts right before their departure from Indonesia. They are not consulted and do not have bargaining power to negotiate their destination vessels, salaries, and the type of work they are assigned to. Through the arrangements made to book flight tickets and finalize travel itineraries and

¹¹² ILO. (2020). Study on the recruitment and placement of migrant fishers from Indonesia. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_752111.pdf

¹¹³ Ibid.

employment contracts, they are often not included and have a passive role.

Indonesian fishers also typically lack information about the companies they are employed and recruited by, including the vessel companies and the manning agencies in Taiwan.¹¹⁴ Many fishers, when asked by our team, were not able to name the manning agency that recruited them. Instead, they may only know the nicknames of the individuals who recruited them or translated for them (in the case of Taiwanese manning agencies).¹¹⁵ A contributing factor to this is the language barrier between the stakeholders overseas and the fishers. Interpreters are employed by the Taiwanese manning agencies, meaning that all communications from the vessel and the manning agencies go through the interpreter rather than directly with the fishers.

3.1.2. COERCIVE RECRUITMENT

Debt bondage

Debt bondage is a medium-level indicator for coercive recruitment. In this regard, we found that many fishers were subject to debt bondage during recruitment through the imposition of recruitment fees by manning agencies. As discussed in Chapter 2.2.2, the Indonesian government has yet to implement a zero recruitment fee policy, and the Taiwanese government allows manning agencies to charge “monthly service fees” from foreign migrant workers. Although international standards – such as the ILO Private Employment Agencies Convention, 1997 (No. 181) and the ILO General Principles and Operational Guidelines for Fair Recruitment – state that migrant workers should not bear any recruitment fee and costs related to their employment, including documentation and transportation fees,¹¹⁶ the practice on-the-ground has not met this standard.

Many fishers shared that they were made to sign a “borrowing agreement” just right before boarding their flight from Indonesia, putting into writing that they are being charged recruitment fees by manning agencies, and these charges have translated into debts. In **Figure 10**, we provide an example of a borrowing agreement that states the amount of money the fishermen borrowed from the Indonesian

manning agency. The Mandarin text in the document below translates as “I borrowed USD 1,950 from the Indonesian manning agency to cover processing fees and other fees (listed in the table below). This document was signed by myself without any external intervention or threat. I can attest to this document.” The table then lists the other fees which include “PCR swab, health check, training fee, transportation fee (airport pick up by international manning agency), visa fee, passport and seaman’s book fee, and family care package.” This debt is then deducted from their wages, which will be discussed in the next section under Chapter 3.2.2 Coercion at Employment.

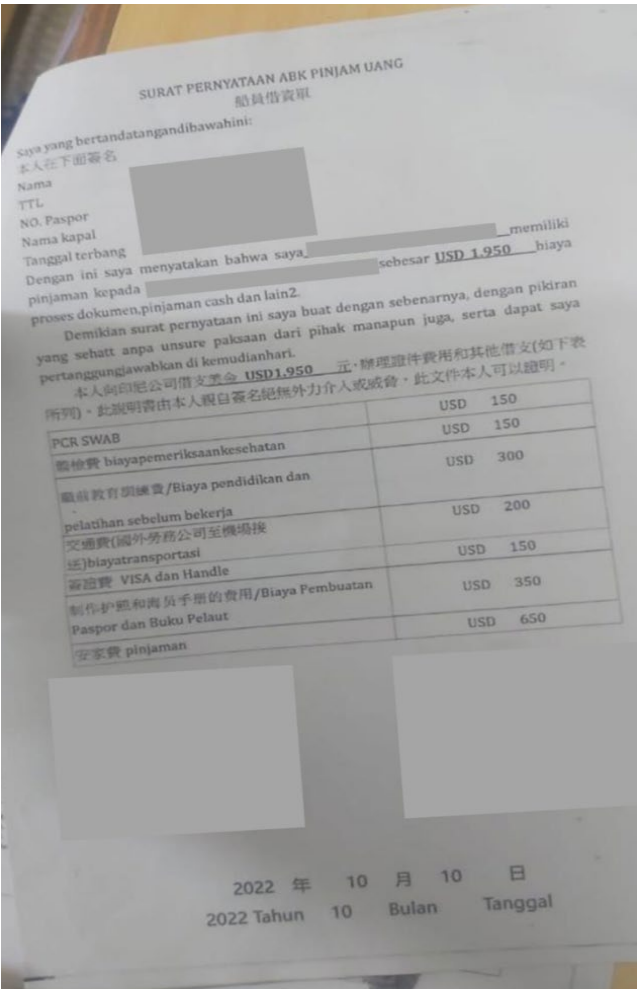


FIGURE 10: THE AGREEMENT SIGNED BY AN INDONESIAN FISHER STATING THE MONEY HE BORROWED FROM THE INDONESIAN MANNING AGENCY.

114 Data validation workshop conducted on May 10, 2023.

115 Data validation workshop conducted on May 10, 2023.

116 ILO. (2019). General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs, Article 17. Retrieved from https://webapps.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf

3.2 Employment

Long periods at sea, excessive working hours, and poor living conditions are common issues fishermen described facing on the fishing vessels. Additionally, there are several cases of migrant fishers' documents being retained by captains, limited access to food and clean water and a lack of proper sleeping quarters, along with cases of unsafe working conditions, which flagrantly break laws on required safety equipment, such as life jackets, gloves, and other protection gears.¹¹⁷

Indicators of TIP Observed at Destination	
Strong	<i>Exploitative conditions of work</i> 1. Abuse of lack of education (language) 2. Abuse of lack of information 3. Abuse of difficult family situation 4. Economic reasons <i>Coercion at Destination</i> 5. Debt bondage 6. Isolation, confinement, or surveillance 7. Violence on victims
Medium	<i>Exploitative conditions of work</i> 8. Bad living conditions 9. Hazardous work 10. Low or no salary 11. No respect of labor laws or contract signed 12. Very bad working conditions 13. Wage manipulation <i>Coercion at Destination</i> 14. Threat of denunciation to authorities 15. Withholding of wages <i>Abuse of vulnerability at destination</i> 16. Dependency on exploiters 17. Difficulty to live in an unknown area 18. Relationship with authorities/legal status
Weak	N/A

3.2.1. EXPLOITATIVE CONDITIONS OF WORK

Excessive Working Days or Hours

The nature of distant water fishing makes it nearly impossible for workers on board to stick to a regular daily timetable and sleep schedule. The daily average working hour for both chief engineers and fishermen ranges from 13 to 18 hours, and workers are expected to get up in the middle of their sleep to respond to incidents.¹¹⁸ The fishermen have more time to rest while the vessels are en route, but during peak fishing periods, some fishermen only get three hours of sleep per day on average.¹¹⁹

Three Filipino fishermen who the team met at a boarding house in Suva, Fiji, were waiting in Fiji temporarily before the beginning of the next fishing voyage. They, like many fishermen we met, had experienced highly unpleasant working conditions, including extremely limited resting time onboard:

"You're lucky to get five hours of sleep a day."¹²⁰ One Filipino fisherman on a Fiji registered tuna fishing vessel.

In addition, we encountered fishers in both Fiji and Taiwan who described being pressured to complete the same amount of work despite reduced manpower. On longliners, fishermen's primary tasks are deploying and retrieving fishing lines into the ocean,¹²¹ each task taking around 5-10 hours. In more ethical operations, fishermen are usually divided into two teams; one for deploying lines and the other for retrieving them, allowing each team adequate rest during the process. However, the fishermen we spoke to had been on vessels where the same team handles both deployment and retrieval of lines, leading to excessively long working hours.

Bad Living Conditions

For fishermen working on distant waters, their vessels serve as both their workplace and their living quarters for the months they are at sea. Therefore, the

117 EJF. (2019). BLOOD AND WATER: Human rights abuse in the global seafood industry. Retrieved from <https://ejfoundation.org/resources/downloads/Blood-water-06-2019-final.pdf>

118 Conversation with Chinese crew members in Fiji on February 3, 2023.

119 Data validation workshop conducted on May 10, 2023.

120 Conversation with fishers in Fiji on February 3, 2023.

121 Once the lines are in the ocean, even if there is little catch, it will have to be pulled out of the water, instead of cutting it off and allowing it to be an environmental hazard. Therefore the cycle is almost irrevocable once initiated and the working hours are hard to cut short if the lines are long. We have created a series of short videos to help readers who are not familiar with the fishing industry to visualize and understand the operations. The footage is from fishermen who are currently still working on the fishing vessels. Watch at <https://www.youtube.com/@HumanityResearchConsultancy/shorts>

conditions on the vessels provided by their employers are key elements affecting their human rights and well-being. Unfortunately, it's common for distant water fishermen to suffer from poor living conditions. Our interviews revealed that it is common for fishermen to receive limited supplies for their daily needs, such as food, drinking water, and other daily necessities.

Crew meals are provided to fishers during fishing practices and the captains and cooks decide what to offer in these meals. Some fishers did not receive enough food, and cooked fishing baits or their fish catches.¹²² While docking at ports, during which crew meals are not provided, some vessel owners or captains only provide a limited allowance for fishers to purchase their food. For example, when in Taiwan, fishers get USD 6.50 per day for food, which is far from sufficient considering the rising cost of living in the country.¹²³

*"See, the cost of meals in Taiwan is high. Since the beginning, our meal allowance has been 200 tokens (NTD). It's not enough. When we work on land, if we stay, breakfast rice box costs NTD 70, lunch NTD 100, no dinner, because we run out of money. Sometimes, in the morning, if we want to save money, we don't eat. So, we only eat lunch and dinner. In the last ten years, it (the price of lunchboxes) has increased from NTD 100 to NTD 150."*¹²⁴
An Indonesian fisherman based in Donggang, Taiwan.

Additionally, most of the Taiwanese longliners are not equipped with shower facilities, and some do not even have toilets. Many fishers shower with seawater and collect water dripped from the air conditioners onboard, as clean water is often limited onboard.¹²⁵ There are multiple reports of migrant fishermen needing to shower publicly when their vessels returned to Taiwanese ports, which resulted in the Taiwanese government constructing shower facilities for migrant fishermen in ports.¹²⁶



FIGURE 11: FOOD PROVIDED ON A CHINESE-FLAGGED DISTANT WATER FISHING VESSEL DOCKING IN FIJI.
Photo credit: Sharlene Chen.

Hazardous Work

Fishermen shared that they experienced a lack of necessary equipment, even with equipment as basic as work boots:

*"From my experience working on old vessels, sometimes, even if the shoes (work boots equipped onboard) are leaking, they are still being used by fishers. We work for 12 hours, and if our feet are wet for a long time, it can lead to diseases."*¹²⁷ An Indonesian fisherman based in Donggang, Taiwan.

*"There are vessels sailing for three months, six months, or more. The fishers do complain. The shoes are torn, we ask for a replacement and it's not given, with the reason of work boots are out of stock. So, until the ship returned (to land), our feet are wet all the time."*¹²⁸ An Indonesian fisherman based in Donggang, Taiwan.

122 Data validation workshop conducted on May 11, 2023.

123 Data validation workshop conducted on May 10, 2023.

124 Data validation workshop conducted on May 10, 2023.

125 Data validation workshop conducted on May 10, 2023.

126 Data validation workshop conducted on May 10, 2023.

127 Data validation workshop conducted on May, 10 2023.

128 Data validation workshop conducted on May, 10 2023.

Wage- and Compensation-related Indicators – Low or No Salary, No Respect of Labour Laws, No Social Protection, Wage Manipulation

Although the minimum monthly salary of fishers on Taiwan's DWF vessel was USD 550, we heard of incidents where fishers were paid below the minimum wage. The following picture is a payslip shared by an Indonesian fisher working on a Taiwanese-owned vessel whom the team met in Fiji in February 2023, showing that their pay was below the minimum wage at USD 500 per month from January to September 2023. In Taiwan, according to the amended regulations,¹²⁹ employers should pay the salary directly to migrant workers. However, this pay slip was issued by the Taiwanese manning agency, which implies that the fisher's salary is being paid by the agency, instead of the employer.

月份 Bulan	日期	Gaji Per Bulan (USD)	Gaji Diatas Kapal	Pinjaman / Loan	PENERIMAAN	KETERANGAN
1	19/10/2021	210,00	21,00	150,00	39,00	
2	Nov-21	500,00	50,00	350,00	100,00	
3	Des-21	500,00	50,00	350,00	100,00	
4	Jan-22	500,00	50,00	350,00	100,00	
5	Feb-22	500,00	50,00	310,00	140,00	
6	Mar-22	500,00	50,00		450,00	
7	Apr-22	500,00	50,00		450,00	
8	Mei-22	500,00	50,00		450,00	
9	Jun-22	500,00	50,00		450,00	
10	Jul-22	500,00	50,00		450,00	
11	Agu-22	500,00	50,00		450,00	
12	Sep-22	500,00	50,00		450,00	
13	Okt-22	500,00	50,00		450,00	
14	Nov-22	500,00	50,00		450,00	
15	Des-22	500,00	50,00		450,00	
16	Jan-23	500,00	50,00		450,00	
17	Feb-23	500,00	50,00		450,00	
18	Mar-23	500,00	50,00		450,00	
19	Apr-23	500,00	50,00		450,00	
20	Mei-23	500,00	50,00		450,00	
21	Jun-23	500,00	50,00		450,00	
22	Jul-23	500,00	50,00		450,00	
23	Agu-23	500,00	50,00		450,00	
24	Sep-23	500,00	50,00		450,00	
Jumlah				1.510,00	9.029,00	

Catatan / 注意:

- Gaji Diatas Kapal: Akan dibayar kepada ABK ketika kapal masuk bandar setelah dilakukan pemotongan akan hutang diatas kapal.
- Pinjaman / Loan: Melengkapi Adm Fee, Biaya-Biaya pembuatan docs ABK, Biaya komunikasi, dll. 如: 代理的交通費、電話費、文件費等。
- Kontrak kerja: Kontrak kerja adalah 2 Tahun. Apabila tidak finish kontrak maka biaya keberangkatan dan biaya kepulangan di tanggung oleh abk sendiri.

aya sudah mendapatkan penjelasan tentang tabel gaji ini dalam bahasa saya sendiri sebelum memberikan tandatangan. aya menyetujuinya dan memberikan tandatangan.

Tanggal tanda tangan: 13-10-2021

FIGURE 12: THE PAY SLIP OF AN INDONESIAN FISHER WORKING ON A TAIWANESE-OWNED VESSEL DOCKED IN SUVA, FIJI.

3.2.2 COERCION AT DESTINATION

Debt Bondage and Wage Withholding

As described in Chapter 3.1.2, migrant fishers enter debt bondage from recruitment. To pay for their loan, workers must incur wage deductions through their employment period. The case described above in **Figure 12**, besides showing violations of the minimum wage law and direct payment law, also shows evidence of wage deductions. The fourth column of the payslip shows the “loan” totaling USD 1,510, which was deducted from the first five months’ salary of the fisher. The document states vaguely at the bottom that this “loan” includes the “transportation fee,” “phone bill,” and “documentation fee”, but does not provide a breakdown on the payslip. This pay slip was signed on 13 October 2021 during the placement period, a few days before the fisher began his work on the 19th in the same month, and it demonstrates that the issue of debt bondage and unfair salary deductions are present for fishermen even before their employment begins.

In addition, although fishers are usually promised monthly salary payments in their employment contracts, the reality on the ground is often the opposite. Many fishermen we spoke to over the years and in this project described that wage withholding is common in the DWF industry, with local NGOs frequently having to intervene to assist fishermen to retrieve their salaries.¹³⁰ In 2023, for example, one Taiwanese frontline organization described handling four fishing vessels that withheld wages to their crew for over six months.¹³¹ Each of these four vessels each had around 10 to 20 crew members. In our discussions with migrant fishers, we also heard of instances where vessel owners would delay salary payments for months, promising to pay only after successfully selling their catch. Such delays, stretching over months, sometimes trap fishermen in exploitative environments as they await payment, leading to dire family situations when they cannot provide for their spouses and children. In the extreme case, NGO workers had to bring the affected migrant fishers to local authorities – generally, the FA – and facilitate mediation with the employer. In the end, the fishermen finally received payment at the airport, right before being sent back home to Indonesia. Even though the workers finally received salary payment, their families back home have suffered hardship because of the delay. Without intervention of NGOs or other third parties,

129 Laws and Regulation database of ROC. (2022). Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Member. Retrieved from <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061>

130 Many fishermen who received deducted pay or no pay described feeling a sense of failure. The financial situation at home plus the lack of earning during the time at sea also made them unable to pursue any further costly and time-consuming legal actions towards the companies. Oftentimes the immediate urgent need was to search for the next job as soon as possible to feed their family, no matter how risky or shady the job opportunities might appear to be.

131 Conversation with the organization's volunteer in Jan 2024.

fishermen would often have no means of demanding their payments, potentially ultimately leaving them with no salary.

Isolation, Confinement, or Surveillance at Sea

As discussed in Chapter 2.1.1, DWF vessels can remain at sea for months or years at a time, during which migrant fishers are completely isolated and mostly do not have access to cellular signal. Unable to communicate with anyone outside their vessel, fishermen cannot seek support or access grievance mechanisms should exploitation occur on the vessel.

During our fieldwork, three Filipino fishers shared their experiences working on a Chinese-owned DWF vessel that had been operating at high seas since early 2021, eventually docking in February 2023. During these two years, large refrigerated-cargo ships or regular-sized fishing vessels came and met their vessel at high sea once every 2-3 months for the transshipment of their fish catch, re-fueling, and the delivery. The fishers had no opportunities to leave the vessel, visit land, or make any external contact throughout the two-year contract period onboard.¹³² While reducing costs for vessel owners, tuna traders, and others along the supply chain, technological advancements and the use of transshipment have together been a major factor in increasing fishermen's isolation at sea, further contributing to their vulnerability. Once vessels leave port, fishers' mobility is confined and they are unable to leave their workplace.¹³³

Even in cases where abuse has not occurred on the vessel, spending extended periods of time at sea can exert a toll on fishers' well-being and mental health,¹³⁴ or contribute to a working environment that is stressful. As revealed by one fisher we spoke with:

"Usually, LG (distant water fishing vessels) operates for three months (per fishing trip). Within these three months, the stress level (of fishers) is probably still okay because they can be in touch with their families every three months. (If the vessel operates for) over three months, on average, the stress level is high. Minor conflicts are more likely to turn into serious problems as fishers' emotions rise.

*Finally, there are conflicts among the fishers, and the captain becomes emotional, too."*¹³⁵
An Indonesian fisher based in Donggang, Taiwan.

Lack of communication with those on land can result in tragedies. For example, fishermen told us stories about how they had returned to shore after more than one year at sea only to find out that their wives and children had left them since their salaries had never been successfully transferred. When migrant fishermen, who primarily come from impoverished rural areas, cannot have their salaries successfully transferred to their families, they are easily viewed as abandoning them. The families are often left with no choice but to seek other, potentially risky, financial support. Therefore, an indirect consequence of not paying the migrant fishers wages is his family putting themselves at risk of exploitation and indebtedness.

Taiwanese fishing vessels that do not offer connectivity at sea options for migrant workers are not incapable of providing these basic and widely implemented technologies. Several advanced technologies currently enable a vessel and its crew to stay connected to people on land. These efforts include the installation of an automatic identification system (AIS), vessel monitoring system (VMS), electronic monitoring system (EMS), radio, satellite phone, and satellite internet. These technologies all serve different purposes. AIS and VMS are intended to keep track of the vessel's position and activities. EMS is intended to monitor the activity onboard the vessel and collect fishing data, including the number of fish that are caught, number of hours or days spent fishing, and bycatch. Radios, satellite phones, and satellite internet are technologies that enable the crew aboard the vessel on the high seas to communicate with people on land.

"The captain can use this (EMS) to observe everyone's activities [deckhands' activities], preventing unexpected incidents as well. The monitoring screen is only located in the captain's cabin [so the management on land cannot see the footage in real time]. Fiji's Ministry of Fisheries makes copies of the footage every time when the vessels return

132 Conversation with fishers in Fiji on February 3, 2023.

133 Chiang, M. and Chen, S. (2022). Wi-Fi for Fishers at Sea. Global Labor Justice-International Labor Rights Forum. Retrieved from <https://humanity-consultancy.com/publication/wi-fi-for-fishers-at-sea/>

134 Heinrich Boll Stiftung. (2023). The Precarity at Sea: Lessons from Indonesian Migrant Fishers. Retrieved from <https://th.boell.org/en/2023/04/11/indonesia-migrant-fishers>

135 Data validation workshop conducted on May 10, 2023.

to port. They want to monitor whether you're following the regulations, and if there's any catching of seabirds or sharks.¹³⁶ A manager at a Fijian fishing company.

Studies tracking the performance of EMS over more than 25,000 fishing days at sea showed that the EMS reduced IUU fishing and increased data collection on bycatch species for biodiversity and conservation concerns; but there are still debates on EMS' ability to address human rights and labor rights related issues.¹³⁷ Unfortunately, satellite internet, the technology that enables all crew members to use their smartphones to connect with people on land, is not yet popular among vessel operators.¹³⁸ While satellite phones are commonly equipped on DWF vessels, they are typically reserved for use by the captain and engineers onboard, with fishermen usually having no access to them.

Isolation, Confinement, or Surveillance at Ports

In addition to enduring prolonged periods of isolation at sea, fishers also experience isolation when they are on land. Even when vessels dock at ports, the fishers' movements may be restricted to the vessel and within the port area. For example, in Suva, Fiji, the team witnessed more than 20 foreign-flagged vessels anchored a few hundred meters away from the shore after unloading their catches and loading on supplies. Without a dinghy or other transportation services, the crews onboard were unable to step foot on land and access facilities in the port. Meanwhile, Fiji-flagged vessels had designated berthing areas.

Some fishers encountered limited freedom of movement while their vessels were berthed in foreign ports. In Fiji, the team also observed that most migrant fishers are not able to leave the port area upon arrival, as they do not possess a permit/visa to enter the country. Such issues were also expressed by our interviewees when they visited foreign ports in the Pacific, Africa, and South American countries, such as the Falkland Islands, Argentina, Chile, and

Peru.¹³⁹ When the vessels dock in ports that are not of the fishermen's nationality, fishers may be required to carry a short pass issued by the local authorities when entering or leaving the ports. Without this pass, fishers' access to the outside of port areas may be restricted.

Even when fishers are granted a temporary pass, many are still made to pay bribes to the port security in order to exit and enter the port area. During our fieldwork in Fiji, we heard several accounts of extortion from Fijian port security guards towards Indonesian fishers who were trying to exit the port area to purchase cigarettes, food, sanitary goods, and drinks from grocery stores, which are not available in the fenced port areas. Indonesian fishers we spoke with (even if they had a temporary pass) were made to pay fees to port security in order to exit the area, despite this not being a legal requirement. Moreover, at least ten migrant fishers we spoke with had their bags subject to security checks before reentering the port area, with security staff confiscating any alcohol or 'excessive' amounts of cigarettes. One Indonesian interviewee recalled his experience in Fiji:

"We are not able to walk in and out the port (Walu Bay in Fiji) freely. The shops and streets are outside the fenced area so when we want to buy things, we always have to go through the security guards. They may extort us. Once I was stopped by the security guards when I tried to re-enter Walu Bay Port in Fiji. They took away the beers I just bought, and asked me to leave the security post. The way they treated me is terrible. I felt frustrated. I even crushed the beers so that the guard will not be able to drink them."¹⁴⁰ An Indonesian fisherman interviewed in Donggang, Taiwan.

Our review of fisher Facebook posts and field visits revealed incidents of threats, abuse, and violence experienced by fishers. For example, the screenshot below in **Figure 13** shows a post by a fisher who witnessed abuses onboard.

136 Conversation with a manager at a Fijian fishing company on February 2, 2023.

137 M. Michelin et al., (2018). "Catalyzing the Growth of Electronic Monitoring in Fisheries: Building Greater Transparency and Accountability at Sea" ; K.S. Plet-Hansen et al., (2017). "Remote Electronic Monitoring and the Landing Obligation – Some Insights into Fishers' and Fishery Inspectors' Opinions," *Marine Policy* 76 : 98-106

138 GLJ-ILRF. (2023). *Taiwan's migrant fishers need Wi-Fi at sea to ensure access to fundamental labor rights*. Retrieved from <https://globallaborjustice.org/wifinowforfishersrights/>

139 Preliminary port visits and interview with Miran and Ferdy on January 7-10, 2023.

140 Conversation with a fisher in Donggong, Taiwan on January 12, 2023.



INFO KAPAL LONGLINE LUAR NEGERI (IKL)



3d · 🌐

Awas lur bukan ana sing olih kapal
LURONG 776, RUNDA3, RUNDA5 aku bekase, soale di pindah pindah bae selama
oprasi nang laut,
Saiki lagi kna kasus penganiayaan kapale ora tau sandar
ABK indo jentike pada bosok gara gara ora olih manjat pas bongkaran, sekali
manjat di jejeki sing duwur pakeane ora saveti

👍👎 118

71 comments 1 share

👍 Like

💬 Comment

🔗 Share

“Watch out for those who are working on the ships Lurong 776, Runda 3, and Runda 5! I was moved to another place while at sea. Saiki is facing another case of assault on the ship.”

FIGURE 13: A FISHERMAN SHARED HIS EXPERIENCES WORKING ON THE CHINESE-FLAGGED VESSELS LURONG 776, RUNDA 3, AND RUNDA 5. THE POST REVEALS HOW HE WAS FREQUENTLY MOVED TO DIFFERENT FISHING VESSELS AND WITNESSED ABUSES ONBOARD.

On 6 February 2023, during our fieldwork in Fiji, we were contacted by two Indonesian fishermen from *Hsin Long No. 01*, a Chinese-owned vessel registered in Fiji. This vessel has been under scrutiny over the death of Albert Latu,¹⁴¹ a Tongan observer assigned to the vessel to monitor the fishing operation onboard. He was found dead on the morning of 27 September 2021.

These individuals who contacted us did not want to continue their employment on *Hsin Long No. 01*, and sought our assistance in addressing two pressing matters: recovering their seven-month overdue wages and facilitating their repatriation to their home countries. Their salary should have been USD 500 per month¹⁴², with USD 50 being paid directly by their employers and the remaining USD 450 being transferred to their families in Indonesia. In coordination with the security personnel at the Fiji port, we obtained the necessary authorization for them to exit the port premises under our supervision.

In our communications, the fishers revealed that they had gone on strike on their vessel in November 2022 after witnessing one of their fellow fishers being beaten by their previous captain. Although a new captain was hired as a result of the strikes, the fishers claimed that the conditions onboard the vessel remained unchanged. The fishermen conveyed to

our team their unsettling experiences with the newly appointed captain, who reportedly engaged in verbal abuse towards them. Expressing their concerns further, they shared that any inquiries regarding their remuneration were met with threats of police involvement.¹⁴³

The team visited the office of the vessel company where these two fishers worked, to assist the fishers to sort the dispute. The staff members at this company cursed and blamed these fishers for the financial setback incurred during the previous fishing trip due to the strikes. They also claimed that the fishers' salaries had already been transferred to the Indonesian manning agency. A few days later, on 11 February 2023, the employer in Fiji sent the fishers back to their home country. The team connected them with an Indonesian labor union to assist them to claim their unpaid salaries.

3.2.3 ABUSE OF VULNERABILITY AT DESTINATION

Dependency on exploiters, difficulty to live in an unknown area, and relationship with authorities/legal status

In addition to the indicators mentioned above, we note that fishermen, while they are at sea and docked in Fiji, are subject to other indicators of abuse of vulnerability at destination including: dependency on exploiters, difficulty to live in an unknown area, and relationship with authorities/legal status.

We also found that some fishermen lacked awareness of the exchange rate between different currencies. Given that the vessel owners are Taiwanese and operate from Taiwan, the salary is often paid in NTD. Manning agencies and vessel owners may take advantage of the fishers' limited understanding of the exchange rate and provide them with a lower salary.

“I didn't know the US dollar (USD) exchange rate to New Taiwan dollar (NTD), and only realized afterwards that the money I received was less because of the exchange rate used by the boss.”¹⁴⁴

141 Tira, I. (2022). 'It's a mystery for us': the puzzling death at sea of a Tongan fisheries observer. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2022/jan/04/its-a-mystery-for-us-the-puzzling-death-at-sea-of-a-tongan-fisheries-observer>

142 Unlike Taiwan, Korea, and Japan, there is currently no regulation in China for the minimum wage of migrant workers on Chinese fishing vessels.

143 Conversation with fishers in Fiji between February 6 and 7, 2023.

144 Data validation workshop conducted on May 10, 2023.



3.3 Indicators of Human Trafficking in the Labor Journey

In this section we reviewed indicators of human trafficking through the labor journey. The power imbalance between the fishers and the manning agencies in both Taiwan and Indonesia emerges from the initial recruitment period, with fishers often having multiple vulnerability markers, such as being the sole breadwinner for their families, being in financially difficult situations, and having limited education or information, and overall lacking an understanding of the industry they are entering. This imbalanced relationship persists throughout the employment period. In the transit and placement period, debt bondage arises from coercion and deception in the contracting stage. Furthermore, fishers' salaries will face deductions or delays in processing. Prolonged periods of isolation means fishers cannot track and verify that their salaries have been paid, and are unable to report or seek support for exploitative conditions of work due to a lack of connectivity. As discussed in the previous sections, each stage of their employment journey reveals deficiencies and shortcomings of governments and employers in preventing violations of labor rights.

According to the ILO's assessment process, a case should be considered as being human trafficking if at least one of the following conditions is met in relation to the indicators of forced labor:

- Two strong indicators, or
- One strong indicator and one medium or weak indicator, or
- Three medium indicators, or
- Two medium indicators and one weak indicator.¹⁴⁵

The team has found that **fishers are highly vulnerable** to four 'strong' indicators: (1) excessive working days or hours; (2) debt bondage at destination; (3) isolation, confinement or surveillance; and (4) violence on victims. In addition, we observed 17 'medium' indicators: (1) debt bondage in recruitment; (2) abuse of difficult family situation; (3) abuse of lack of education (language); (4) abuse of lack of information; (5) economic reasons; (6) bad living conditions; (7) hazardous work; (8) low or no salary; (9) no respect of labor laws or contract signed; (10) no social protection; (11) very bad working conditions; (12) wage manipulation; (13) threat of denunciation to authorities; (14) withholding of wages; (15) dependency on exploiters; (16) difficulty to live in an unknown area; and (17) relationship with authorities/legal status. The migrant fishers we met – and many migrant fishers operating on Taiwanese DWF vessels overall – have clearly fallen under multiple strong and medium indicators of trafficking of adults for labor exploitation.

However, the causes of these exploitative conditions go far beyond the confines of the vessels on which they work. While the captains and vessel owners should rightly be held responsible for the treatment (including the safety and wellbeing) of the fishers working on their boats, there are other stages along the workers journey that result in labor exploitation for the fishers. In addition to the abuses, they face out at sea, fishers also endure exploitation before and after their time board distant water vessels through manning agencies. The exploitation that begins before they board the vessel includes the extortionate recruitment fees, and failure to repay worker wages can often extend well after their employment ends. As this research highlights, there are wider, systemic factors at play which determine the working conditions and cause considerable exploitation of fishers working on Taiwanese vessels.

¹⁴⁵ ILO. (2009). Operational indicators of trafficking in human beings. Retrieved from https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

4. EXISTING EFFORTS AND GAPS

In this section, we list the measures in place to improve the protection of migrant fishermen identified in this research, and discuss their gaps and opportunities. We focus particularly on grievance mechanisms.

4.1 State-based Grievance Mechanisms

Flag State – Taiwan

Taiwan's Ministry of Labor established the 1955 counseling and protection hotline for foreign workers residing in Taiwan.¹⁴⁶ This "1955 Hotline", in service since 1 July 2009, is toll-free, available 24-hours, and provides service in four languages: Indonesian, Thai, English, and Vietnamese, which are the primary languages spoken in the home countries of the majority of migrant workers in Taiwan. It is designed to provide assistance through a variety of services to the migrant workforce, including four areas of services:^{147, 148}

Counseling services around the topics of occupational hazards, working hours, manning agencies, and labor contracts;

Receiving complaints from migrant workers about labor disputes, exploitation, and abuses;

Counseling services around legal advice; and

Referral services for victims of human trafficking and individuals involved in legal controversy or physical harm.

The services provided by this hotline are subject to limitations. For example, many operators employed by the hotline center are Southeast Asian migrants possessing bilingual skills, but they have not been trained as certified interpreters. As a result, there is a possibility that their translation capabilities may not be sufficient to provide accurate assistance to migrant workers.¹⁴⁹ In addition, most operators do not have a legal or social work background, and they may not be capable of identifying potential victims of forced labor and human trafficking or providing precise advice about Taiwanese laws and regulations.¹⁵⁰ For the migrant fishermen, if they know the hotline exists, they may not be aware of their right to call the hotline for assistance or feel comfortable in doing so. Moreover, migrant fishermen spend the majority of their employment period outside of Taiwan on the high seas, meaning they are unable to call the hotline by themselves while lacking connectivity.

The Subsidy Scheme to Improve Social Connectivity at Sea

Recognizing that isolation at sea contributes significantly to worker vulnerability, the Taiwanese government has made developments to improve connectivity at sea for fishers. In December 2022, the Fisheries Agency in Taiwan announced a new subsidy scheme, "Measures for owners of distant water fishing vessels to provide Wi-Fi services to foreign fishers".¹⁵¹ Under this program, Taiwanese-flagged distant water fishing vessels are eligible to apply for subsidies of up to NTD 300,000 (USD 9,886) for the installation of on-board Wi-Fi facilities. Additionally, they can receive a monthly operational fee of NTD 8,000 (USD 263) for a period of up to 12 months.¹⁵²

However, it should be noted that while this program provides financial support for the installation and operation of Wi-Fi facilities on distant water fishing vessels, it does not solve the problem of isolation and the lack of a grievance mechanism experienced by fishers at sea. This voluntary subsidy scheme does not mandate DWF vessels to provide the use of internet to fishers, and the vessel owners installing Wi-Fi in their vessels under this scheme are only required to provide five minutes of the usage of Wi-Fi to each

146 Workforce Development Agency, Ministry of Labor (勞動部勞動力發展署) (2023). 1955 Workers' consultation hotline (1955 勞工諮詢專線) Retrieved from https://www.wda.gov.tw/News_Content.aspx?n=F1B0B632EEA1F749&sms=31AD07381E2A92BF&s=8F3094FEE63201E1

147 Ministry of Labor, Republic of China (Taiwan) (2020). Notices on Work Rights of Foreign Workers in Taiwan. Retrieved from <https://english.mol.gov.tw/21139/21162/21166/21638/>

148 Workforce Development Agency. 1955 Labor Consultation Complaint Line (1955 勞工諮詢申訴專線). Retrieved from https://www.wda.gov.tw/News_Content.aspx?n=F1B0B632EEA1F749&sms=31AD07381E2A92BF&s=8F3094FEE63201E1

149 Conversation with a CSO member in Taiwan on January 11, 2023.

150 Conversation with a CSO member in Taiwan on February 22, 2023.

151 Fisheries Agency, Council of Agriculture, Executive Yuan. (2022). Guideline for operators of distant water fishing vessels to provide Wi-Fi to foreign fishers. Retrieved from https://www.fa.gov.tw/view.php?theme=OceanShippingAct_RULE&subtheme=&id=15

152 Ibid.

fisher per week. Additionally, due to the constraint of the limited budget of the Fisheries Agency, this scheme will only be able to cover less than 10% of the distant water fishing vessels in Taiwan before 2025, meaning only a small portion of the fishers will be able to have social connectivity at sea.

Port State – Fiji

Within port states, we did not identify state-based grievance mechanisms that would have been accessible to Indonesian migrant fishers. Local authorities from Levuka city council in Fiji admitted that there's no established grievance mechanism for foreign workers to report their problems:

"If you're mistreated at work, then you have to open up to a local authority. If there are no complaints coming, we feel that everything is fine. I think that's the gap for us here."¹⁵³

In the absence of an established channel for filing complaints, such as a helpline, an email address, or a dedicated help desk opened to workers, the fishermen would lack clear guidance on where and how to seek assistance from the Fijian government. On the other hand, if a complaint were to be received by foreign fishers, the Fijian government's staff may lack a formal procedure or the authority to effectively address these grievances. Consequently, fishers may find themselves without a means to resolve their labor issues.

"One of the major issues I have found is that, and I kept talking about it in every conference I go to, is that Fiji is very quick in ratifying ILO level conventions. They were one of the first countries to ratify the Maritime Labour Convention. Internationally they might look very good, but that's all they will do. Putting that into practice and making it work has been a very big problem. But now the government has changed. The current government is very new." A Fijian union representative from a transportation union commented on February 10, 2023.

"In Fiji, it's similar to many countries, there is a lack of legislation covering these types of workers. At the same time, there's this huge issue of who should be responsible. I feel it should be all of them (different government departments), but the main blame should be on the ministry of employment."¹⁵⁴ A Fijian union representative from a transportation union.

Overall, we observe that the role of port states in protecting migrant fishers remains largely underexplored. While South Africa was able to exercise its power as a port state to detain a Taiwanese-flagged vessel under C188, as mentioned in Chapter 2, port officers we have encountered in Fiji have told us that they feel powerless to stop any wrongdoings of foreign flagged fishing vessels entering Fiji ports. Whilst the Agreement on Port States Measures requires signatories to identify vessels engaging in IUU fishing and prevent them from landing their catch or docking in their port, the agreement does not outline actions to be taken in the event of labor exploitation on vessels entering the port state.

4.2 Non-state-based Grievance Mechanisms

Private Sector

Principle 29 of the UN Guiding Principles for Business and Human Rights state that businesses should establish operational-level grievance mechanisms and ensure rightsholders' access to remedy.¹⁵⁵ However, among all the fishermen the team interacted with, none of them had experienced working in an environment where a formal grievance mechanism was in place. The fishing and vessel companies they are associated with lacked established procedures for filing grievances and addressing complaints in a formal manner. As a result, the fishermen are left without secure means to raise and resolve their complaints and are working without mechanisms to protect their health and well-being. At sea, this is compounded by the lack of cellular signal and internet. However, on land, we also heard that there are no formally established complaint mechanisms. For example, in our interview with a Chinese manager at a Fijian fishing company, we asked how the company receives and manages worker complaints and received a response that suggested a lack of formally established procedures:

153 Conversation with Levuka City Council on February 5, 2023.

154 Conversation with a Fijian union representative from a transportation union on February 10, 2023.

155 OHCHR. (2021). Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework Retrieved from https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

*"The managerial staff in our company maintain friendly relationships with the fishers and have the contact information of the fishers. If the fishers encounter any problem at work, they can reach out to the staff via messaging apps."*¹⁵⁶

This informal channel of communication does not guarantee that fishers' grievances and concerns will be effectively addressed, nor does it provide safeguarding measures to protect the fishers and formal procedures for remedy. Moreover, all the managerial positions of Fijian fishing companies visited by the team were taken by Chinese, Fijian, and Russians. It's reasonable to assume that without the assistance of an interpreter, the communication between Indonesian fishers and these staff members would be challenging, making it even more difficult to effectively address grievances.

Unions and Worker Associations

Through our fieldwork and conversations with different stakeholders in Fiji, the team found no union representing the migrant crews in the country. A representative from the Fiji Trade Union Congress (FTUC), a union with members from fish processing plants in Fiji, informed us that only Fijian workers and/or workers employed locally in Fiji can join a union.¹⁵⁷ This means it is impossible for migrant crews employed on Fijian or foreign vessels to unionize.

Civil Society and Non-Governmental Organizations

Civil society and non-governmental organizations (NGOs) may operate grievance mechanisms and response centers for migrant workers who have experienced exploitation in the industry. Originating from rural villages in Indonesia, the majority of the fishermen are unfamiliar with interacting with authorities or government bodies, and often approach such interactions with distrust. Instead, if they encounter issues such as delayed salary payments, they will confide in family members or NGO workers, given there is an active and trusted local NGO working with the fishermen (which may not always be the case).

In Indonesia, Serikat Pekerja Perikanan Indonesia (SPPI) and Serikat Buruh Migran Indonesia (SBMI)

are two NGOs that support migrant workers with complaints and legal cases. In Taiwan, we identified a number of organizations that provide support and shelter for fishermen working on Taiwanese-flagged vessels: Serve the People Association (SPA)¹⁵⁸, Stella Maris Kaohsiung, FOSPI, and Rerum Novarum Centre. NGOs such as these ones actively assist and empower workers in filing complaints against abusive practices and unfair treatment. They provide legal advice and guidance throughout the complaint process, ensuring that workers' voices are heard and their rights are protected. By facilitating the reporting of labor violations, NGOs help to hold accountable those responsible for exploiting vulnerable individuals within the tuna fishing sector. The Rerum Novarum Centre (Taiwan), for example, provides legal advice and organizes activities to empower fishermen's capability to problem-solve when facing labor-related issues. They approach fishermen simply by spending time in the ports, befriending migrant fishermen by using Indonesian language, and establishing social media groups (WhatsApp or LINE) with fishermen to gain trust.

In Fiji, we identified Pacific Dialogue Fiji as an organization that is committed to end human trafficking in Fiji. It offers educational workshops to raise awareness around anti-trafficking and supports fishers who have experienced extreme labor exploitation in Fiji.

Through their advocacy efforts, NGOs also aim to raise awareness about labor rights abuses in the tuna fishing supply chain. They work collaboratively with other stakeholders, such as governments, fishing companies, and industry associations, to promote responsible labor practices and drive systemic changes. By highlighting the issues and advocating for stronger regulations and enforcement mechanisms, NGOs contribute to the establishment of fair and ethical working conditions for all individuals involved in tuna fishing operations. For example, Greenpeace, Environmental Justice Foundation, and Human Rights at Sea regularly publish reports to expose labor exploitation in the fishing industry and raise awareness on the issue. Greenpeace and Global Labor Justice launch campaigns and target government officials and the private sector for change.

156 Conversation with a Chinese manager at a Fijian fishing company on February 2, 2023.

157 Conversation with Fiji Trade Union Congress on February 7, 2023.

158 Serve the People Association. (2024). Retrieved from <https://www.spa.org.tw/en>

5. CONCLUSION AND RECOMMENDATIONS

The research aimed to map the Pacific tuna supply chain and analyze the dynamics between the supply chain actors; describe the conditions of recruitment, transfer, and employment of Indonesian migrant fishermen and identify the key TIP risks; and establish an overview of the measures in place to improve the protection of fishermen and understand the gaps and opportunities. To address the research objectives, the research team completed a desk review; interviews with a total of 74+ workers, captains, other crew members, vessel owners, and other stakeholders; two validation workshops with 38 Indonesian fishers; and a 12-day field visit and participant observation. The findings are summarized, alongside corresponding recommendations, below.

5.1 Transparency, Traceability, and Accountability in the Supply Chain

With a lack of transparency and traceability, use of intermediaries, and exploitation of legal loopholes and shortcomings, the Pacific tuna supply chain is complex and obscure. As incidents of TIP and FL cannot always be traced to the perpetrator, or to the buyer or brand, accountability is often not held. In Chapter 2, we mapped the Pacific tuna supply chain and noted the lack of transparency and traceability within the supply chain. For example, interviewed vessel owners generally would only know of the supply chain actors they directly interact with, but do not know where the fish they catch goes. Although the labor exploitation and TIP observed on vessels is also affected by the actions of other supply chain actors, such as price pressure from brands and buyers, their role remains invisible.

In addition, even if supply chain transparency and traceability were achieved, the use of manning agencies means that when abuse occurs on a vessel, it is not always straightforward to determine and establish accountability. Vessel owners who are considered the employers of fishermen do not directly recruit, manage, pay, or even interact with their employees but rather outsource these responsibilities commonly associated with the employer to manning agencies. This undermines accountability procedures when worker abuse occurs, and some interviewed workers shared their confusion at determining whether the vessel owner or the manning agency should be held accountable for their withheld wages.

These issues are compounded by the exploitation of legal loopholes and shortcomings, such as through the use of FoC vessels, and the exclusion of DWF workers from frameworks that protect workers in other industries.

Improving the enforcement of labor conditions in the industry requires increasing efforts for transparency and traceability through the supply chain, mitigating risk of abuse from intermediaries, as well as addressing legal loopholes and shortcomings.

1. Authorities should continue efforts to increase legislative requirements for supply chain transparency and traceability, especially ensuring that all actors through the supply chain are covered, including but not limited to vessel owners, wholesalers, distributors, and brands.

This means vessel owners and processing plants know the end market of the fish they sell, and seafood companies know the vessels they source from. Note that it is almost never in these stakeholders' direct self-interest to do this. While there are some brands that have voluntarily provided traceability information, we observe that information is still limited, and coverage of the entire industry will only be possible with institutional arrangements that incentivize transparency and compliance. Similar initiatives aiming to increase transparency and requiring the brands to publicly disclose their efforts to eradicate modern slavery within their supply chain include the UK Modern Slavery Act and California Transparency in Supply Chains Act.

2. Intergovernmental organizations, governments, and the private sector should improve the information environment for migrant fishermen.

Currently, except for a few cases where migrant fishermen have openly complained about their employment experience on social media or share the information back home, newly recruited fishermen generally have little ability to know about the vessel that they are about to board or the manning agency they are working with. There are no public records that they can search and be informed of prior labor rights violations or complaints associated with their employer and/or manning agency. The lack of information creates a lack of accountability, and allows the exploitation to persist and affect newly recruited workers. Authorities should

aim to improve the information environment for migrant fishermen so that they may be able to avoid vessels or manning agencies with prior complaints. For example, records of prior complaints, cases filed by NGOs, and court judgement history may be linked to the already publicly disclosed WCPFC Record of Fishing Vessels (Example as Figure 14).¹⁵⁹ In addition to vessel owners and/or fishing companies, mechanisms should also be established for fishermen to give feedback and rate manning agencies. All mechanisms should be accessible in migrant languages, including Indonesian Bahasa, Philippine Tagalog, and other common fishermen's languages.

3. Traders and brands should require their supplying fishing vessels put in place measures to prevent and mitigate risk of abuses from manning agencies. Thorough background checks should be conducted prior to the employment of manning agencies, including consultation with senior workers and worker associations or unions to identify manning agencies with prior labor abuses cases. Instead of fully depending on manning agencies, vessel owners should have in-house bilingual staff to be in communication with the migrant fishermen.

4. Future studies may benefit from a detailed policy analysis to identify policy gaps and propose policy changes related to the Taiwanese DWF industry. A detailed legal analysis was not part of the scope of this research. However, we propose additional research to be done to identify policy gaps and propose changes in various areas including but not limited to: differences in standard labor rights offered to coastal-offshore fishers and distant water fishers, gaps and opportunities in the FA's mandate to "inspect" or "interview" fishing vessels and penalize violations, and regulation of manning agencies.

5. Enforcement of labor conditions in the industry should be strengthened by more effective collaboration between relevant agencies. In order for enforcement to be effective, collaboration needs to be facilitated between relevant agencies, such as the Labor

Department and the Fisheries Agency in Taiwan, as well as port authorities in port states such as Fiji. The Labor Department should be involved in interviews and inspections of DWF vessels led by the Fisheries Agency. Authorities should also ensure that vessel owners maintain essential employment records and are able to report who they employ, and the working conditions associated, instead of outsourcing it to any third-party agencies.

JIN SHENG CYUN (VID: 3443)

Vessel Flag:	Chinese Taipei	RFV Listed
Submitted by CCM:	Chinese Taipei	
Vessel Type:	Tuna longliner	
Registration Number:	CTA-2067	
IRCS:	814067	
WIN:	814067	
Port of Registry:	Kaohsiung, Chinese Taipei	
Normal Crew Complement:	12	
Gear Type:	Longlines (not specified)	
Vessel Communication Types and Numbers:	SatTel: 002-872763737811 Inmarsat: 424699713 ARGOS(124718) Ph.No: 088353106 Fax No: 088336920	
Previous Names:	JIN JIAN SHIYANG NO.10, JIN JIAN SHIYANG NO.10	
Previous flag (if any):	None	
IMO/LR:	8540692	
Built in Country:	Chinese Taipei	
Built in Year:	1990	
Owner/Master		
Vessel Owner Name(s):	HUANG LIN, CHIU-O	
Vessel Characteristics		
Last Updated: 06-Feb-2024		
Length:	23.65 Meters	
Moulded depth:	1.85 Meters	
Beam:	4.6 Meters	
Tonnage:	87.57 Gross Tonnage (GT)	
Power of Main Engine or Engine(s):	939.5 Horse Power (Hp)	
Fish hold capacity:	103.988 Cubic Metres	
Freezers		
Freezer type(s):	Other(Frozen)	
Freezer Type Count(s):	2	
Freezing capacity:	30 HP	

FIGURE 14: SCREENSHOT OF A FISHING VESSEL'S PROFILE FROM WCPFC'S PUBLIC RECORD. AT THE MOMENT NO LABOR RIGHTS OR HUMAN RIGHTS RELATED INFORMATION IS CONNECTED TO THE VESSEL PROFILE.¹⁶⁵

5.2 Power Dynamics in the Supply Chain and Vessel Owners

Vessel owners interviewed in this research are experiencing significant financial struggle and challenges in keeping their business afloat, making it more likely that they will minimize labor costs and unlikely that they can afford to improve working conditions. Any recommendation to address TIP in the Pacific tuna supply chain should take into account the conditions facing vessel owners. The vessel owners and industry representatives interviewed for this research described a supply chain where power is centralized within a few multinational brands, and vessel owners, positioned at the bottom of the supply chain, have limited to no control over the price of fish they sell. They experienced downward price pressure and notably observed that the price of tuna has remained unchanged for over 20 years.

159 Retrieved from: WCPFC Record of Fishing Vessels. <https://vessels.wcpfc.int/browse-rfv>

6. When designing interventions, policymakers and CTIP practitioners need to consider the power dynamics within the supply chain that allow for more powerful actors at the end of the supply chain to shift risks and costs to less powerful actors upstream. We also recommend that governments design policies and regulations intentionally to empower these upstream supply chain actors. For example, government agencies and CTIP practitioners could facilitate collectivization of smallholders to collectively bargain and negotiate with international traders and brands for better trading terms.

7. Regional and local governments could design policies to prevent larger traders and brands from monopolizing the prices, thereby ensuring a fairer distribution of the profit to vessel owners and migrant fishermen. Note that the intervention with pricing should also translate into fairer distribution of salaries and better working conditions for the migrant fishermen.

5.3 TIP Risks and Vulnerability Indicators

TIP risks were identified through recruitment, transfer, and employment, including a total of four strong indicators and 17 medium indicators. The four strong indicators of TIP were observed during the employment stage, including excessive working days or hours, debt bondage, isolation, and violence. The 17 medium indicators of TIP consisted of five indicators at the recruitment and transit stage, and 12 indicators at the employment stage.

8. Authorities should provide fishermen with means to exercise their agency by establishing a requirement for all DWF vessels to install satellite Wi-Fi communication technology. Through this technology, fishermen should be provided with access to communications at sea to remain in contact with their family and other contacts on land, allowing them to check their salary payments and submit complaints or request help in the event of abuse on the vessel. This includes: establishing working relationships between relevant authorities and fishers to

design the most effective arrangements for satellite Wi-Fi access and hold captains and owners accountable for providing access; developing grievance policies and procedures; establishing accessible channels to address problems; and setting up investigation and resolution systems. Developments in new satellite technology, such as Starlink, may also allow for more accessible costs and should be closely monitored.

9. Port states should grant greater access to fishermen while vessels are docked at their ports, including access to grocery shops to purchase daily necessities and visit their embassies if requiring any assistance at the port state. Furthermore, port security found to be violating fishermen's rights to exit the port or extorting fishermen should be reprimanded accordingly. The legal status of fishermen and the rights they can access while they are docked at ports should have to be clarified.

5.4 Strengthening Grievance Mechanisms and the Role of Port States

While there have been some efforts to establish grievance mechanisms for migrant fishers, in practice, most still reported that they have not accessed grievance mechanisms. In addition, although there have been efforts to protect migrant fishers on Taiwanese-flagged vessels in Indonesia and Taiwan, the role of port states such as Fiji remain largely under-explored. The lack of grievance mechanisms exacerbates the existing unequal power dynamic present in the DWF industry which allows for those at the bottom of the chain (the fishermen) to be negatively impacted by decisions made by those at the top (brands and buyers). Furthermore, lack of transparency and communication channels along this chain prevent fishermen from being empowered to take appropriate action in protection of their labor rights when needed.



10. Increase port states' surveillance capacity of foreign vessels entering their ports. Port states could become signatories of the C188, which will grant them the authority to inspect foreign vessels entering their port to ensure compliance with the required labor standards as outlined in the C188.

- In addition, port states can use access to fishing grounds as leverage. For example, in 2019, the Falkland Islands Department of Natural Resources implemented a new system to score vessel owners and fishing companies on safety standards, working conditions, and crew welfare. Only vessels with a high score are granted a fishing license to operate in Falkland Islands' waters. As a result of this initiative, vessels operating in the Falkland Islands have installed Wi-Fi facilities and provided access to Wi-Fi for crew members.¹⁶⁰

11. Strengthen the capacity of CSOs and NGOs based in Fiji to support migrant fishers and coordinate with those in Taiwan and/or Indonesia. CSOs and NGOs in port states have an important role to play in supporting migrant fishers' rights and access to grievance mechanisms. Language barriers, lack of transparency, and complexity in the legal status of migrant fishers docked at ports may be some of the barriers to more civil society involvement in supporting migrant fishers.

¹⁶⁰ GLJ-ILRF. (2022). GLJ-ILRF Briefing: Wi-Fi for Fishers at Sea. Retrieved from https://globallaborjustice.org/wp-content/uploads/2023/01/WiFi-for-Fishermen-at-Sea_GLJ-ILRF-Briefer.pdf

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