

U.S. Closing a Loophole on Products Tied to Slaves

By Ian Urbina

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WASHINGTON — President Obama will sign legislation this week that effectively bans American imports of fish caught by forced labor in Southeast Asia, part of a flurry of recent actions by the White House, federal agencies, international trade unions and foreign governments to address lawlessness at sea and to better protect offshore workers and the marine environment.

Last week, the president signed the Port State Measures Agreement, which empowers officials to prohibit foreign vessels suspected of illegal fishing from receiving port services and access. The United States became the 20th country to ratify the pact.

In another step, the National Oceanic and Atmospheric Administration announced a plan this month to improve how seafood is tracked from catch to market, imposing new reporting requirements on American importers. Two of the world's largest trade unions filed a complaint last week with the United Nations' labor agency about seafood from Thailand produced by so-called sea slaves, and the Thai government said it was installing satellite tracking devices on more fishing ships and requiring more reporting as workers get on or off the vessels.

“Step by step, I do really think we’re making progress, and there is a growing awareness of how much we need to get more control over the world’s oceans and the range of crime that happens out there,” Secretary of State John Kerry said in an interview on Monday. He added that he hoped to build on the momentum in the fall during a global meeting, called Our Oceans, that he will host in Washington.

The amendment that the president has said he will sign this week would close a loophole in the Tariff Act of 1930, which bars products made by convict, forced or indentured labor. For 85 years, the law has exempted goods derived from slavery if American domestic production could not meet demand.

In July, The New York Times published an article about forced labor on Thai boats, many of which catch the fish destined for pet food. It chronicled the lives of several dozen indentured Cambodian migrants, most of them boys, working on the ships, all of whom are now free. Among them was a man named Lang Long, who was shackled by the neck during his three years of captivity at sea.

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“I think most Americans were horrified to learn that the fish in the pet food they give to their cats and dogs was being caught by children forced to work on ships against their will,” said Senator Sherrod Brown, Democrat of Ohio, who, along with Senator Ron Wyden, Democrat of Oregon, sponsored the amendment, which has long been a goal of human rights advocates. The amendment focused on all types of forced and child labor, not just that used to produce seafood, and was passed by the Senate on Thursday with bipartisan support.

About 90 percent of seafood for human and pet consumption in the United States is imported, and the oceanic administration’s proposed rules are meant to protect threatened fish species and crack down on seafood entering American ports that has been caught illegally or is fraudulently labeled. The new rules would impose chain-of-custody reporting requirements for 13 species of at-risk fish, including cod, snapper, mahi mahi and several types of tuna.

The list includes types of fish that represent about 40 percent of the seafood that enters the United States, when measured by value. A spokesman for the oceanic agency said it hoped to include all imported seafood species, though no timetable has been set.

On Friday, two of the largest labor unions, the International Transport Workers' Federation and International Trade Union Confederation, filed a complaint at the International Labor Organization, which is part of the United Nations, about the use of forced labor to produce Thai seafood.

"The Thai government has shown a willingness to react, but there are still big gaps in their laws, and even more so in how they enforce them," said Steve Cotton, the general secretary of the transport union, which represents 4.7 million rail, trucking and maritime workers worldwide.

Mr. Cotton said the next step would be for the United Nations labor organization to send a team to investigate the allegations. The complaint carries more weight because it was sponsored by the trade union confederation, which includes the A.F.L.-C.I.O. and is the world's largest union, representing 176 million workers.

Pisan Manawapat, the Thai ambassador to the United States, said his government was working hard to address the problems highlighted by The Times, other news organizations and human rights groups. He said his country had made dozens of arrests of trafficking suspects and had installed satellite tracking devices in the last two months on more than 5,300 fishing ships for better monitoring of fish and workers.

"We want to make sure that our seafood products meet international ethical standards and that workers' rights are protected," Mr. Manawapat said. He added that the Thai police were aggressively investigating the case involving Mr. Long, who is now being housed by the Thai government and receiving physical and mental health care while he decides whether to return to his village.

Kenneth J. Kennedy, an adviser at Immigration and Customs Enforcement, which is partly responsible for preventing slave-made goods from entering the United States, said the loophole in the antislavery rule had been a frustrating problem for him and his agency.

“Once we found out, for example, that Lang Long or the Cambodian boys were being used as slaves to catch seafood being imported into the U.S., we still have difficulty intervening or blocking the fish from entering the U.S. if it could be shown that enough of this seafood cannot be caught domestically to meet American demand,” said Mr. Kennedy, whose agency has been looking into the case of the Cambodian migrants working on Thai ships.

The amendment mandates that another agency, Customs and Border Protection, file an annual report to Congress on its relevant enforcement actions. That will allow more public oversight of how the agency handles these types of allegations.

Michele Kuruc, the vice president of ocean policy at the World Wildlife Fund, said that the government needs a holistic approach since crimes at sea are diverse, ranging from labor to environmental abuses.

Mr. Kerry agreed. “What happened to Lang Long,” he said, “is as much a story about illegal fishing as it is about human slavery, because the illegal boats are most often where this awful treatment is occurring.”

Enforcement remains the biggest challenge, he said. “On the seas you have environmental groups chasing illegal ships, and thank god for them, but this is something governments need to be doing instead,” he said. He was alluding to an episode last year, reported by The Times, in which an environmental group, Sea Shepherd, found and chased for more than 10,000 miles a toothfish poacher ship that for years had been atop Interpol’s most wanted list.

This month, Senegal detained another toothfish-poaching vessel, called the Kunlun, that had also been wanted by Interpol, and had been chased into port by Sea Shepherd. The ship was initially detained by Thailand, but several days later it escaped port and disappeared on the high seas.

“If no one stops them, they get away with it,” said Siddharth Chakravarty, a ship captain who was part of that chase and is in the Southern Ocean looking for another wanted ship called the Viking.

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