Distant Water Fishing Fleets - Preventing Forced Labour and Trafficking

Virtual Discussion, 1st June 2020

Transcript

[MORE INFORMATION ON THE BACKGROUND AND GENESIS OF THIS DISCUSSION BE FOUND ON THE IHRB WEBSITE]

Opening remarks:

- Kevin Hyland – Former UK Anti-Slavery Commissioner and Chair of the IHRB Leadership Group for Responsible Recruitment

Discussion:

- Andy Shen – Senior Oceans Advisor, Greenpeace USA
- Lisa Tsai – Project Lead, Greenpeace East Asia
- Matthew Owens - Director of Sustainability, Tri Marine
- Darian McBain - Executive Advisor, Sustainability, Supply Chains, Corporate Affairs, Thai Union
- David Schilling – ICCR and Investor Alliance for Human Rights
- Neill Wilkins – Head of Migrant Workers Programme, Institute for Human Rights and Business (moderator)

Neill Wilkins: Good afternoon. Thank you all for joining us for this webinar today. My name is Neill Wilkins, I’m head of the Migrant Workers Programme at the Institute for Human Rights and Business. Just to very quickly introduce the two other speakers on the stage at the moment, there’s David Shilling from the Interfaith Center for Corporate Responsibility and Kevin Hyland, who is the former UK Anti-Slavery Commissioner and the current chair of the Leadership Group for Responsible Recruitment.

For anyone not familiar with the Institute for Human Rights and Business, or IHRB, as we’re known, we’re a civil society organisation that seeks to help improve human rights practice in business operations in all sectors and in all locations. I’m based in England, but I have colleagues based in many countries around the world.

The Migrant Workers programme has always been a significant part of the work undertaken by the institute. Back in 2011, we developed, alongside a number of other organisations, the Dhaka Principles for Migration with Dignity. Some of you might be familiar with those. And these provide a framework for understanding the many challenges faced by migrant workers and those who recruit and employ them globally. They’re used and referenced by all businesses in all sectors, and by governments around the world.
In more recent times, we’ve focused a lot of our attention on how migrant workers are recruited. As I’m sure many of you are aware, many migrant workers frequently charge large recruitment fees to secure employment abroad. These fees have been used in situations for debt bondage, and vulnerable to other exploitation, including forced labour trafficking. In 2016, we established the Leadership Group for Responsible Recruitment, a coalition of companies and civil society partners working to promote a very simple premise that we call The Employer Pays Principle, which states no one should pay for a job, the cost of recruitment should be borne not by the worker, but by the employer.

The centre of our discussion today is fishing, and in particular, the activities of the distant water fishing vessels engaged in the fishing of tuna. This multi-million-dollar business is a key economic driver in Southeast Asia, providing jobs on fishing and transport vessels, and in processing plants. The fruits of those efforts, canned tuna, are consumed by people in pretty much every country in the world, but with particularly large markets in Europe and USA. Our civil society organisations are vital in holding companies to account. Shortly, we’ll have representatives from Greenpeace explain to us about the research they have been undertaking on the Taiwanese distant water fishing fleet, and some of the serious issues facing migrant workers employed on those vessels. We’re also pleased to have with us two significant business representatives, Thai Union and Tri Marine.

During today’s discussion, we’ll be asking different organisations to speak in turn, but will allow plenty of time for discussion and questions towards the end. And you’ll see that you can also submit your own questions to panelists as we go along, using the little box at the side of the screen. You also have the option of upvoting questions that have been submitted others. If somebody else asks what you think is a good question, you can then give it your support. We will be recording this discussion and making it available via the IHRB website afterwards.

We’re delighted to be partnering once more with the investment sector. The role of investments in promoting human rights should not be understated. Our partners for today’s event are the Investor Alliance for Human Rights. And as part of that alliance, David Schilling, who is Senior Program Manager for Human Rights at the Interfaith Center on Corporate Responsibility, David, we’re delighted to be partnering with you on this event today. I think we all know that effectively combating forced labour and trafficking requiring different stakeholder groups to be all working together with common purpose. Perhaps you can fill us in on the role of investors, and why do you believe their voice could be a significant factor in bringing change to an industry sector were exploitation can still prevail?

David Schilling: Thanks so much, Neill. It’s always great to work with you and IHRB. This is a really important webinar that you’ve put forth. Want to thank Kevin Hyland, who’ll be giving some opening remarks, who is also the chair of the Leadership Group for Responsible Recruitment, as Neill said. Kevin, I always feel like you are so important in looking at some of the systems issues that need to change, with a real eye towards persons, those that are really being victimised by trafficking, by other systems. And I think that’s really important. Also, Darian and Matthew from the corporate sector, so important to be a part of this conversation, but especially Lisa and Andy from Greenpeace, who teed up a very important report, Choppy Waters. It’s excellent but disturbing that the still have all the challenges that workers face when they’re trapped at sea for long periods of time. It’s a real service to get that information into our hands as investors, as well as companies, to really assess and work collaboratively with migrant workers and other stakeholders in this process.

Just a brief history, if you will, of some of the focus of the Interfaith Center on Corporate
Responsibility, leading into the Investor Alliance. ICCR, founded in ’71, has always looked at investments in companies through the lens of human rights. It’s taken a lot of different initiatives in the 20-plus years, working on overcoming apartheid South Africa, responding to our partners on the ground, getting companies from the US to withdraw until apartheid was dismantled. Issues related to infant formula, you remember in the 70s, so many companies in that arena were marketing unethically to countries in Africa, so that infant formula was being marketed to women, getting doctors to agree that this is the healthy way to go, but it led to a tremendous amount of starvation.

Another area that has really been important is the human rights implications for pharmaceuticals, with pricing of the medicines so out of reach of poor communities, in the developing world - the mid-income countries as well as low-income countries. Certainly over the last 25 years, working on worker rights in global supply chains, in the last I would say six years, really focusing on what we call the no-fees campaign, which really the Employer Pays Principle, where companies need to first adopt policies, no working fee. No worker should ever have to pay for a job. No confiscation of papers, no passports, which would ground them and limit their freedom of movement. And certainly a written contract when they are recruited initially, really says these are the terms or conditions of employment.

Fast forward, our world I think has really changed when we get to 2011, and now we have this UN Guiding Principles on Business and Human Rights. Obviously, a lot of that state, and corporate responsibility, and critical in that system - remedy. I think for us, and we saw more investors coming in to look at human rights risks. The first thing is to really make that shift from enterprise to listening to rights holders. And with human rights due diligence, that has been an important tool for more investors from I would say more of the mainstream to get engaged and involved. It’s not only companies that have the responsibility with respect to human rights, it’s investors as well. We as the investor community have to look to our own practices. What are the policies in place in institutional investment related to human rights? How do we track the issues related to human rights risked people throughout the cycle of the investment cycle, including active engagement with companies.

I think with the OECD in 2017, where it spelled out in its guidance responsible business conduct for institutional investors, that also underscored the need for investors to really get moving, and utilise their leverage in ways that make a difference on the planet. It clearly is important for asset owner, asset managers to embrace the human rights due diligence as a means by which to understand and know what their impacts are, and then show what they’re doing to address adverse impact. I think the situation we’re in, it takes on added urgency in the current context, where the pandemic is made visible, where for some it has been invisible, where the pandemic was made visible wealth and income inequalities, unsustainable supply chains, exposing workers to desperate conditions without any cushion, and then the business models that are not resilient and need to really be changed.

As a result, the ICCR put out an investor action on the coronavirus, maybe a month ago. And it shows how institutional investors are beginning to really see the need for the human rights plans. For that, over about 335 investors have signed on with over $9 trillion assets under management. I think the investor needs to really look to build as we build the new economy. We can’t go back to the way it was, it needs to work for all. And therefore, if more investors embrace the human rights framework, I think that we have a real opportunity to move the needle.

Finally, the Investor Alliance for Human Rights, under Sara Blackwell, put together this amazing guidance that is strategic and practical for investors, the Investor Toolkit for Human Rights, with lots of case studies, checklists, examples of how to get investors
engaged and involved in the full cycle and the full portfolios. With mandatory human rights due diligence, ESG reporting, mandatory reporting to anyone on the scene, it’s really critical that investors not only look at this but use their leverage to address adverse human rights impacts, and to never forget the workers in the context of the total value chain. It’s really an honour to be with Greenpeace today, because investors need to know the way in which they can identify, a few of the companies, their human rights obligations to workers in the seafood sector, and to focus there. We’ll be having some good opportunity to converse today. Neill, thanks for the invitation, and I look forward to the ongoing conversation.

Neill Wilkins: Thank you very much, David. Really important to have that significant investor voice behind our efforts to then of course end trafficking. To begin a wider discussion, I’d like to introduce Kevin Hyland. Kevin is the former UK Anti-Slavery Commissioner, and he’s possibly well known to quite a few of you who are joining us for the discussion today. Kevin, in his previous role, did more than most perhaps to really elevate the issue of forced labour and trafficking in boats and by trains, across all sectors far beyond the UK. Amongst many other roles, Kevin is now the chair of the IHRB Leadership Group for Responsible Recruitment, and has kindly agreed to make a few remarks today. Kevin, please.

Kevin Hyland: Thank you for inviting me to speak today, IHRB, and for all the participants.

[PLEASE NOTE, KEVIN’S CONNECTION WAS INAUDIBLE, SO WHAT FOLLOWS IS A COPY OF HIS PREPARED SPEECH]

Our globalised world has many benefits. Globe hopping, until recently considered a rite of passage by many. Intercontinental trade and finances, educational and cultural exchanges only to mention some of the opportunities our globalised world provides. These all enrich our world, bring together common purposes, values, experiences and understanding. But at the same time inequality, populism and inward nationalistic sentiment has fuelled what Pope Francis has termed “The globalisation of indifference.”

As the current incumbents of this world we should feel shame for our poor stewardship of the planet. Success is all too often seen purely in materialistic and financial terms while inhumanity and suffering have become both deliberate and unintended consequences of globalisation. But nonetheless these are outcomes that have become intrinsic in socio-economic norms and business models across the world.

Feeling shame at the injustice of exploitation in any workplace is crucial both personally and institutionally as the first step to taking responsibility, as without accepting responsibility nothing will change and passing the buck will continue. This scandal affecting 40 million lives worldwide is preventable, generating over US$150 billion per year in criminal benefit and greed. The trend of using human lives as commodities is present in almost every nation in the world despite many global commitments for its eradication. By example, the employer pays principle and migrant workers receiving fair wages and not being subjected to debt bondage, violence or restrictions of freedom should by now in the 21st century be the norm and be part of every businesses practice and culture.

Business leaders, investors, governments, and consumers all need to be resolute that exploitation in any business model is unacceptable and non-negotiable. The notion that modern slavery is almost inevitable in some geographical regions or industries and almost beyond ability to abate has done that very thing, made it inevitable and lucrative as profit weaves in and out of legitimate business transactions.

Everyday our lives interact with products of exploitation and suffering. To suggest this crime is avoidable can sometimes be met with adversity and a view that providing work without
exploitation is complex, unrealistic and virtually impossible, meaning running a business that is ‘tainted’ by profits of modern slavery has become the norm. This should shock business leaders, the models they lead may constitute the fertile breeding ground for this abuse to proliferate.

Not too long ago launching scores of satellites for instant information technology, entertainment or communication, or mining deep below oceans or individuals trading online to purchase a sought after item on the other side of the world that can then be tracked from dispatch to delivery, were all seen as impossible, now they are everyday activities. Yet at the same time the plight of unskilled migrant workers has worsened, demand for their labour has increased and their dignity, respect and rights are all too often being eroded. Children in cobalt mines of the Congo or mica mines in India, sourcing minerals for batteries in mobile phones or eco-friendly vehicles or for the glimmer much sought after for pearlescent paint of luxury cars. Fishers across Europe and SE Asia, their produce ending in one net, whilst they are a separate catch into a life of exploitation. Or those harvesting latex in Africa, paid a pittance on plantations. Their safety and protection limited, yet their produce ends in products subject to rigorous regulations such as with car tyres.

Over the years important commitments have been made at multilateral levels. The UNGA, ILO, UNODC, G20, EU, Council of Europe and more, but words alone that remain on paper are not enough, it is action that changes lives. Countries such as the UK, Australia, France and the US have introduced due diligence legislation, which is a step forward. But all too often overlooked is that human trafficking and modern slavery are serious criminal offences, this must be far better understood. These are not merely audit misdemeanours, but serious crime with devastating or even fatal conclusions. No nation, organisation or individual should be allowed to profit or benefit from this crime knowingly or otherwise, and it is time where only good businesses prosper and those who look the other way are held accountable.

Now facing a global challenge as never seen before, the COVID19 pandemic has curtailed many everyday acts we took for granted. Travel, trade, socialising, investing and education all seeking new ways to re-emerge to meet the new life order. Crucial in protecting communities through the pandemic have been those in health services, care homes, agriculture, fishing, food packing, transport, construction and cleaning. All these professions high on the list of jobs where exploitation takes place. Their contribution has received accolades from Royalty, Prime Ministers and Presidents alike, yet in the backdrop exploitation has continued and has been exacerbated by the COVID19 pandemic.

Shortages of ‘essential’ migrant workers in agriculture, meat processing and fishing has increased demand for recruitment at high risk to workers with little or no support for health, social distancing, or personal protection. Demand for personal protection equipment has soared and ironically at the same time rules and restrictions to prevent exploitation in the rubber glove industries have been rescinded or removed.

As the World Food Programme report potentially over 250 million are at risk of famine and many nations reporting financial recessions, this cannot be seen act as an excuse for the most vulnerable and exploited to shoulder even more of the cost. The urgency to prevent modern slavery has never been more compelling. Responsibility needs to be accepted by governments, businesses, investors and communities, as when there is responsibility and accountability things change. So effective legislation and well- resourced policy implementation are crucial. If we lose sight of this scandal now, we will be failing people for many generations to come.
‘Action not words’ is more crucial than ever before and the time for delivery is now.

Thank you, every best wish to all of you in your work and keep safe.

Neill Wilkins:  ...and to our Greenpeace presenters. We know that illegal, unreported and unregulated fishing undermines national and regional efforts to conserve and manage fish stocks, and as a consequence, inhibits progress towards achieving the goals of longterm sustainability and responsibility. Moreover, illegal, unreported and unregulated fishing greatly disadvantages and discriminates against fishers who do act responsibly and honestly in accordance with the terms of their fishing authorisations and international standards. In recent years, investigations have revealed shocking cases of human rights abuses in certain fisheries, including forced labour and trafficking. And distant water fishing vessels are amongst the worst offenders.

We’re very pleased to welcome Andy Shen, who is the Senior Oceans Advisor for Greenpeace USA, and his colleague Lisa Tsai, who is the Project Lead for Greenpeace East Asia. Andy and Lisa are now going to explain a little more to us about how lack of effective regulation and scrutiny can lead to situations of exploitation, including forced labour and trafficking. Andy and Lisa, I’ll leave it to you.

Lisa Tsai: Hi, I’m Lisa, from Greenpeace East Asia. I will go ahead, then my colleague, Andy Shen, will talk a little bit more. I want to first thanks the IHRB and also ICCR for inviting us to this event. It’s really important for us to talk about actually the forced labour and human trafficking issues in the distant water fishing fleets.

First, I’m just going to briefly talk about the situations happened on the distant water fishing industry. First, you can see from the slides, is for the migrant fisher working on the distant water fishing fleet, their journey happened to be long:

So what we have found throughout the years of investigation is before these migrant fishers actually get on board their fishing vessel they’re supposed to work on, they pass through a lot of different states, and as well as a lot of different stakeholders. Because of the complexity of the whole process, as well as the recruitment process, makes all these migrant fishers really vulnerable. When anything happens during the recruitment process, then it’s hard for them to identify who’s supposed to be responsible for it. When there are
forced labour or human trafficking cases happen, it is also very difficult to track back to what happened during the process, who were actually involved in that. Throughout our information, we try to identify what happened, and also what’s the recruitment process was looked like.

Here I will take the Taiwanese distant water fishing vessel as an example. In Taiwan, basically for the distant water fishing fleets, the migrant fisher from Indonesia and Philippines are the two main countries where the migrant fishers are from. For them, a lot of them get on board the fishing vessels they’re supposed to work on, not in Taiwan port. Instead, it will be some foreign port abroad. A lot of migrant fishers, they will first fly to different countries, and there they get on board from the ports of other countries. Through our investigation, we also found that a lot of the migrant fishers, they don’t get on board the fishing port right away at port. Sometimes they will get transferred by other fishing vessels to get on the fishing vessel they’re supposed to work on. So you can see, for these migrant fishers, the problem is the international nature of their work to work on the fishing vessels so where there are cases happened there will be involved a lot of different stakeholders, as well as a lot of different states.

Last December, our Greenpeace’s Southeast Asia office has to released a report called Seabound.

In the report, we have found that, we interviewed 34 Indonesian migrant fishers among the 13 foreign fishing vessels. And among the 13 fishing vessels, there are 3 are actually Taiwanese fishing vessels. And then two of them are the Taiwanese Flag of Convenience. And Flag of Convenience are the fishing vessel that is invested by Taiwanese, but under other countries’ flag. In the investigation, we also found that deception, withholding wages, excessive overtime, and also physical and sexual abuse are the four main complaints from all these 13 fishing vessels. Which means actually, when we talk about forced labours, we look into these cases, and we have identified all these fishing vessel and also the migrant fishers, they are suspected to the forced labour situation.

And then what we have with this, is the Choppy Waters report, which Neill just mentioned.
So what we did is we went to one of the foreign ports most visited by the Taiwanese distant water fishing vessels. And then we’ve interviewed four Indonesia migrant fisheurs on the three foreign fishing vessels. And two of them are the Taiwanese fishing vessels. The other one is a Japanese flag vessel, but it seems to be linked to the Taiwanese investors. In our investigation, we also found that excessive overtime, debt bondage and also retention of identity documents are the common situation happen to these migrant fisheurs. So based on our investigation, and also from a lot of the report done by other medias, as well as the NGOs, we have found that forced labour continues to happen on the migrant fisheurs.

Of course, as a lot of the audience might have already seen or heard, that there are improvements to the migrant fisheurs’ rights on this. But we have to say that based on our investigation, what we’re doing right now is not enough. There’s still an urgency, where we need to increase the protection of these migrant fisheurs. Because as you can see, of the complicated recruiting process is really difficult, even for the competing authority to really track what’s going on with all these migrant fisheurs. And also when there are problems happen, it’s hard for the authority to really take the people who are responsible for this, and then to solve the problem, because they don’t talk about the problem in Taiwan.
You will see what challenges the government are facing right now. And then also for the migrant fishers, as I think both Neill and also David has mentioned about is, it’s really common for the migrant fisher to get salary deduction, because based on our investigation, we found a lot of migrant fisher, they actually need to pay a guarantee deposit, or they need to pay recruiting fees. And they need to pay those through the deduction of their salary. And we found like one third of their salaries actually are being deducted to pay those recruitment related fees. And so that’s happening to the migrant fisher.

And the other thing make the migrant fisher really vulnerable is, because of the practice of the long period of time at sea, because probably a lot of you guys also know is, these distant water fishing vessel, they tend to stay at sea for a long period of time. In our investigation, we found a lot of fishing vessels, they don’t access to port. Like short, sometimes short it’s three to six months, but then sometimes they stay at sea for long, for more than a year or even two years, which means if there are problems happening to the migrant fishers, it’s really hard for them to seek support and also to have access to any communication.

So what’s happened in Taiwan is, right now, even we have regulation in terms of how to better protect the migrant fishers’ rights. But we consider regulation to be really weak. Because in Taiwan, what happened is we have a two tier system in terms of the migrant fishers. For the migrant fisher working on a distant water fishing vessels, they are protected last compared to our Labour Act in Taiwan, which means they are getting less pay, and also they have less protection in terms of their insurance and also all the safety equipment. The other thing happened is what I just mentioned is, because of these vessels, a lot of them don’t come back to the port afterward. Also a lot of them stay at sea for long. So there’s actually insufficient labour inspection onboard or at port, which means when there are problems, then it’s hard for people to find out. So without identifying the problem or identifying the victims of the forced labour or human trafficking, then it’s hard for us to better protect these migrant fishers.

**Out of Sight, Out of Mind ?!**

- Weak regulation/policy in place
- Insufficient labor inspection onboard or at port
- Lack of access to union or NGO support

And then the other thing is also, to echo back to the long period of time at sea, because these migrant fishers lack access to the union or the NGO support. So when they have problems, a lot of them don’t know how to seek support. And also, they are also really
afraid of speaking up. So that’s the problem of the Taiwanese distant water fishing vessels, fishing fleet, as well as a lot of the distant water fishing fleet. So that’s first, to identify the problem. And then next, my colleague, Andy, will talk about more about what the corporate can do and also as well as the government.

Neill Wilkins: Lisa, before we go with Andy, can I just ask a very quick question. Your survey obviously just touched on a particular number of vessels in the interviews. Can you just explain a little bit to us about how the data was collected, and vetted and verified. But also, obviously any exploitation is an actual particular concern, but can you give us an idea of the scale here? How many vessels are there in the distant water fishing fleet? Do you think that we’re talking about a few exceptional cases or are these practices endemic across the whole fleet?

Lisa Tsai: Yes. In terms of how we identify, how we interview the crew is, actually, in Southeast Asia, we work with the local alliance. So we get the cases, and we use the IUU [illegal, unreported, unregulated] or forced labour indicators to categorise what’s going on with their cases based on their testimonies. So we will meet the forced labour situation. And that’s the same for the two report we haven’t released. And in terms of any systematic problems, we will have to say yes, because in Taiwan right now, we have about over 1,100 just on water fishing vessels. And what we have found also is, in the Taiwanese administration, now they have a list of the vessels that are against the law. If they have IUU or also forced labour situation, they will have to list on that.

So what we have found is in the 2019, among all the cases being identified with the illegal activity across distant water fishing vessel, there are over 80% of them are related to the migrant fishers onboard. Which means the problem continued to happen. It’s not just like the single cases, as some of the people might think. What we have seen based on the government data, as well as what our investigation has shown and also what other NGO has reported is, it continues to happen. And we need a better monitoring to really make the problem to shine, to lift up, so everyone will see, this is something happened at sea. We need to prevent this from happening again.

Neill Wilkins: Thanks very much Lisa. Andy, you’re going to follow on from these. And then we’ll come back to both of you for more questions after Andy.

Andy Shen: Thank you, Neill. Haley as a video clip to share first, before I present.
Andy Shen: I think that’s it. Thanks a lot, Haley, for showing that to the audience. I think it’s important, because we aren’t able to have migrant worker organisations on this panel, that we are able to share the experiences of these workers through the video. And it’s very important for us to ground any of the actions that we all take in the lived experiences of those who are affected. And I want to start by thanking David and Neill, IHRB, ICCR for co-hosting this event. We really appreciate the increased attention on forced labour, human trafficking, environmental abuses, human rights abuses in the distant water fishing fleets. I think it’s a really crucial issue for all stakeholders to tackle, and we can definitely be doing a lot more and more.

My presentation will be focused on some of the solutions that we are posing for tackling these twin issues of illegal fishing over fishing and labour exploitation in tuna fisheries. To start, many people that have worked in this field understand that there is a relationship between IUU fishing and fishing labour exploitation in public tuna fisheries. These are interconnected issues. And in order for us to solve these problems, we need to recognise the human rights protection and environmental protection are interdependent in tuna fisheries, and we need to have solutions that address both or tackle the larger issues at play. For distant water fisheries, forced labour and other forms of labour exploitation can be considered de facto labour subsidies. What has happened is, that in the race to fish coupled with the high cost of distant water fishing that are fishing far away from shore of the flag states, you will see unofficial labour costs. And by that, what I mean is that, you’ll see laws or policies that suppress labour costs sometimes to sub-national minimal wages.

![Human Rights & Environmental Protection in Tuna Fisheries](image)

Sometimes there are practices in place where there’s lack of oversight of enforcement relevant laws, which results in a prevalence of labour abuse. And in order for us to identify solutions to labour exploitation, we must address sustainable fishing practices, such as overfishing and poor fisheries’ management, lack of oversight and control. And the solutions to IUU fishing, over-fishing, must address artificial reduction of labour costs.
Overseeing that the practice in distant water, the distant water international waters is not reflecting the actual costs of a living wage of compliance with labour laws, human rights laws. And if the actual cost were reflected in operating costs, this would have an effect on over fishing and illegal fishing.

It’s our assessment that corporate progress remains slow. Nearly six years after the Guardian and numerous other media outlets began exposing human rights abuses in global seafood supply chains, we have seen some efforts internationally. For example, the secret task force has made some efforts, but we believe that is insufficient, and a lot more needs to be done. I’ll just point out a few areas, where it’s our belief, that much more needs to be done. The Seafood Taskforce has a code of conduct, as long as you are consistent with international standards and best practice. So what we’re looking at for business and human rights, it’s calling for help corporations to respect international human rights and low labour standards. And what we’re seeing is that these codes of conduct, these codes of conduct that are developed for industry are being promoted for industry wide use are falling below international standards.

We’re also seeing human rights policy, which is the first step, is spotty at best on existing networks. We’re seeing that many buyers, that are not able to verify compliance, are not doing their due diligence. And those that are making efforts are not doing best practice in ensuring that there’s rigorous verification of compliance, as founded in worker boards. We’re also seeing that there is a complete lack of transparency on negative human rights impacts in the remediation. So the Business and Human Resource Rights Centre did a report last year, which was a survey of canned tuna companies that source from the Pacific. And what they identified is, that not a single company, even those that have human rights due diligence processes in place, identified any cases of modern slavery in their supply chain. And what we know from our experience through investigation, and also from the investigations of other NGOs is, that these problems are not isolated. There are a point points where they’re endemic.
And when companies are saying that they’re not identifying any human rights impacts, it should be a significant red flag to investors and other stakeholders, who are concerned with this issue. And also, while there are a few commitments to the employer pays principle, which is very important to any modern slavery in the tuna industry, we’re seeing that there is a real lack of implementation. While the policies are not sufficient, there needs to be implementation. And there needs to be public reporting implementation to stakeholders. And until that is actually achieved, recruitment fees and deposits continue to be a key obstacle in decent work.

So here are the principle party asks. These are pulled from our larger corporate asks document, which I invite everyone to review online that you haven’t already.

![Greenpeace Priority Corporate Asks](image)

- Human Rights Due Diligence and Remediation
- Transparency in both fishing and labor practices
- Equality and non-discrimination
- Limiting continuous time at sea
- Ending transshipment at sea
- Fair recruitment
- Freedom of association and collective bargaining
- 100% independent human or electronic catch monitoring

I’ll just go through them very quickly. We are trying to be comprehensive here, covering both the root causes, environmental root causes of labour exploitation in distant water fleets, as well as other issues that are resulting in labour abuse. So we promote, as one of our core asks, human rights due diligence and remediation. As David was saying, a lot of NGOs in the human rights business commerce community are doing, is promoting human rights due diligence. And what we’re seeing is that there just are not enough companies that are doing this, especially buyers in the US are not doing enough of human rights due diligence throughout their supply chains and reaching into the distant water fishing fleets. And also important to that is, when there are negative impacts identified, to demonstrate the effective remedies provided to the workforce.

We’re also experiencing both fishing and labour practices. So while companies, tuna companies have been making important steps in providing traceability to consumers, we’re not seeing that same level of transparency and traceability towards the labour practices in their supply chain. So I think it’s equally important, something that consumers really want
to know. Equality exploitation, a common feature of distant water fishing fleet, and this is a scene in Korea, South Korea and Taiwan, the US Hawaiian long line fleets, the Scottish fleets, among others is, that there is what we’re calling a teacher system, where migrant fishers that are working in distant water fleets in predominantly international waters are systematically distributing these under law, which exempts them from national labour law, gives them lesser rights and benefits, sub-national minimum wage. And this is all part of what we’re calling de facto labour subsidy, which reduces labour costs for operators. And this really needs to end.

We’re also calling for limited continuous time at sea. So currently, there is no international law, that regulates how long fishing vessels can continue to stay at sea. So unlike the shipping industry, where the Maritime Labour Convention regulates and requires shipping vessels, the ships to come back at least once a year to shore, fishing vessels don’t have such a requirement. This is, as we were saying, one of the main reasons why we’re seeing egregious abuses happening, when fishing vessels are allowed to stay legally at sea for months and in extreme cases, years or multiple years at a time. And what we’re calling for is, and this was done in consultation with ITF, the global trade union for fishers, is according to international best practice, currently, a maximum time at sea of three months before the fishing vessel has to return to shore. Then we’re asking for 10 days of continuous paid shore leave for the crew. And we’re also asking for buyers to adopt the policy of preferentially sourcing from fishing vessels that return to ports, of course, adhere to ILO workforce convention, and an effective labour inspection of these fishing vessels under that convention.

So as we’ve gone through numerous reports, fishermen at sea is increasing vulnerability for migrant fishers, because it allows fishing vessels to stay longer at sea, in which traps migrant fishers at sea for longer periods of time. And it’s also been documented to be a mode of transportation for labour trafficking, since we’ve shown the Choppy Waters report. So any fisherman at sea is one of those fishing practices, where if you ended that, that would have benefits both to the marine environment, but also to the workers that are vulnerable. We’re also calling for fair recruitment, so zero recruitment fees, like ICCR, IHRB are calling for, implement Employer Pays Principle.

Freedom of association and collective bargaining, also a long time ask of Greenpeace. We really stand in solidarity with the global unions and the local unions that are trying to organise fishers in a sector that globally has less than 1% of fishers are organising in trade unions. And we believe there’s more worker voice, more worker power. That in itself will be an important solution to many of the abuses that we’re seeing in the distant water fleets. We’re also following 100% independent human intellectual cash monitoring, so those who are working fisheries, understand this is primarily a solution to illegal fishing and over fishing. What we’re seeing is that there’s also opportunities for human observers especially to be a deterrent, and to be eyes on the sea when there are labour abuses occur. There have been mechanisms in the past where these observers can report identified abuses to, for example, regional fishing management organisations. Next slide please.
The goal of the plan is investors building a sustainable fishing industry, and we’re so glad that ICCR and other responsible investors are on this webinar. It’s crucial that investors who finance many of the largest supermarket retailers in the US, and other countries in the world, really pay attention and make this a priority issue for the retailers and brands to address. We believe that according to the UNGPs, leverage should really be used to incentivize and drive social and environmental reforms, such as some of the issues and solutions that we just discussed, but also others such as increasing market access and value for small-scale, low-impact fisheries.

Globally, over 90% of the world’s fishers are working with small-scale fisheries. But a lot of these fisheries are precluded from having greater access to markets and greater value for the products that they provide for the vulnerable population in the states. We’re also seeing that it’s important for investors and brands to realise that distant water fishing can also have a huge negative impact on coastal communities’ rights to food and adequate standard of living. We’re seeing this in West Africa where our sister project, the stolen fish campaign, has been identifying that Chinese distant water fishing fleets, Turkish distant water fishing fleets, are fishing in coastal waters. And this has a real impact and effect on the local communities. Next slide.
Since I’m representing Greenpeace US, and we engage with the US government, the US government has a number of tools at its disposal. What we’re advocating for is that it should continue to enforce the Tariff Act. Recently, there was an enforcement of the Tariff Act by the Customs and Border Protection on Yu Long No. 2, a Taiwanese flagged fishing vessel that was suspected of forced labour. This is a powerful tool that can really deter, potentially deter, forced labour in the fishing industry, but also get companies that are sourcing from high-risk sectors, high-risk distant water fishing fleets, to do more. What we’re saying is that there should be more transparency in how CBP uses the Tariff Act. We think that, for example, if there is more public awareness of the value of the goods that are detained, there’s more public awareness of the importers and buyers who are sourcing from the fishing vessels, who have their goods detained, I think that would be a real impetus for more rapid change in the sector.

We’re also calling for an expedited process. Currently, it can take very long to begin the investigation into the forced actions taken. For campaign organisations, advocacy organisations that see the Tariff Act as a tool, it’s really important that these actions are taken swiftly when evidence is brought. We’re also calling for the Department of Labor to use its biannual list of goods produced by child labour or forced labour, also known as the TVPRA list, to raise greater public awareness of forced labour in distant water fishing. Many of you know that there is a report coming out this year in September, and many stakeholders have been calling for a much more comprehensive report that covers more sectors beyond Thailand and Indonesia. We believe that effective, strategic use of the list by the government could really catalyse government and industry reforms globally.

We’re also calling for the US government to adopt mandatory human rights and environmental due diligence legislation that covers all sectors, including the fishery sector, and the production of raw materials, where the fishing sector is the most high-risk tier of the supply chain. This is critical. We are pleased to see that the EU has taken leadership in announcing that it will be drafting legislation next year. And we really hope that the US
Lastly, we are seeing that there are opportunities with their existing environmental tools and mechanisms to also adapt these to address human labour rights abuses. One example I provide is the US Seafood Import Monitoring Programme. This was after the US ratified the FAO Port State Measures Agreement. This is essentially a environmental traceability tool that the US government uses to try to ensure no illegally caught fish is imported into the US. But it could equally be used, if adapted in a correct way, to ensure that there’s more transparency and traceability on labour practices in the seafood supply chain.

That’s all, so thank you very much. Happy to answer any questions.

Neill Wilkins: Thank you very much, Andy. We’re short on time, but we do have one question that perhaps has been coming up in the feed and is of interest to people. Can you explain, perhaps you and Lisa, can you just explain a little bit about the flags of convenience? Which are the countries the ships are getting flagged out to? Who are the beneficial owners? How does the flag of convenience system work?

Lisa Tsai: Yes, for that one I can actually talk about. For the most recent FOC list, that’s the Flag of Convenience list published by the Taiwanese administration, there are currently 288 FOC vessels. The first countries that have the most is Vanuatu, which Andy also mentioned in the discussion. The second one is actually Panama, followed by Seychelles. From the list, we can also see, because I think some of them you might know is Panama just get another yellow card from EU regarding how they are failing to monitor their fishing vessels. I think that’s the problem we have seen so far, because that could be a loophole where the Taiwanese investors, what they do is flag out, they have their fishing vessels under other flag’s state with much more weaker regulation in terms of IUU as well as forced labours. I think that’s the problem and also the situation we having right now.

The other problem with the FOC is because we are concerned whereas Taiwanese administration probably cannot really get the whole picture of it, because if you go see the investor structure behind those FOC vessels, it’s really easy for the beneficial owners to invest. If they didn’t invest over 50% of that, then they don’t need to register with the Taiwanese administration, which means they could be under the radar. How can we monitor those vessels? That’s why we’re also really concerned about the flag of convenience vessel in Taiwan.

Neill Wilkins: Thank you very much, Lisa. There are a number of great questions coming on the question function on the right hand side of your screens. We will endeavour to answer some more of those a bit later, but it might also be that individual panelists can follow up on some of those questions.

I want to move now because it’s important that we also include a business voice in our discussion today. Company mergers and integrations downstream have cemented relationships between brands and manufacturers, making it perhaps easier to trace products at that level. However, fishing vessels and traders upstream remain a gray area in the supply chain, in the traceability of some of the fishery products.

I’d now like to introduce somebody absolutely at the heart of that dilemma. Darian McBain is the Executive Advisor for Sustainability and Supply Chain at Thai Union, who are one of the major tuna processors in the region. Darian, firstly, thank you for joining us today and speaking from Australia. It’s clearly gone 11, it’s nearly probably gone 12 now, so thank you so much for being a panelist today. Thai Union are one of the one major processes operating in Southeast Asia, and have been at the sharp edge of much of the attention...
that’s been focused on the fishing industry. Your company have been at the forefront of some of the efforts to prevent exploitation.

The Greenpeace report highlights the need for continued due diligence by all the actors. I know that the Thai Union approach is quite holistic. You’re keen to addressing specific concerns as part of a wider fishery improvement programme. Can you describe for us some of the things that you’re doing in the important areas that are part of that strategy for Thai Union? What are the policies, processes, and actions that a company like Thai Union can put in place to try to deliver the due diligence and effective scrutiny that you feel is necessary?

Darian McBain: Hi Neill, hi everybody. Thank you very much IHRB for inviting me to speak here this evening. Some amazing speakers, I’ve really enjoyed hearing from Andy and Lisa before this. Thai Union is the largest canned tuna provider in the world, so it’s interesting, we’re a processor. We are one part of the supply chain. We don’t own vessels, but obviously we have a great deal of responsibility for the sustainability when it comes to that whole value chain. We have an integrated programme for sustainability called SeaChange. And we chose deliberately to just focus on one area, because they are all so interconnected, and I think Andy mentioned this.

We have four different pillars in SeaChange. One is safe and legal labour, which is very much around the human rights. One is responsible sourcing, which is about sustainability of the stocks and traceability. Responsible operations, which is around health and safety in our processing factories, and then people and communities. Through that, and through things like our human rights due diligence process, you have a stream that goes through all of those different areas. If you took an overall view, if you look at, say, the fishery improvement projects that we have in place as we move fisheries towards MSC certification, we also overlay that with a social lens as well.

For the vessels that are participating in our FIPS, we apply our vessel code of conduct and vessel audit programme. The purpose of that is so that we can understand more about the impacts on the workers who are working on those vessels. A particularly important part about vessel code of conduct is that we include a worker voice aspect as we do those audits. Well over 300 worker voice interviews have been done as part of our vessel code of conduct audits, and those worker voices are included into the vessel improvement programmes that come out. in this way, it’s about making sure we do look after the environmental sustainability, but also social sustainability, and then really working with partners really across the whole value chain.

Neill Wilkins: Great, because you mentioned worker voice there and how important that is. Andy and Lisa also mentioned it earlier, and we were keen to show, even if it wasn’t the best quality, that it’s very important to show the lived experience of workers. Worker voice is always going to be an important part of addressing some of the issues that we’re talking about today. Perhaps even more important because it’s the invisibility of these workers on fishing vessels for long periods at sea that may contribute to their vulnerability to exploitation, their ability to seek redress.

I understand that you worked with the International Transport Workers Federation to devise the vessel code of conduct. And you also have worked with the Migrant Workers Rights Network for staff employed in your processing factories. Can you just tell us a bit about how those relationships came about, and the advantage for you of including trade unions and civil society organisations in your progress?

Darian McBain: Sure. I think without the partnerships that we have, we couldn’t have come so far. I think we have to recognise that businesses have focus, which is in our case to produce seafood,
but that doesn’t necessarily make us experts in all other areas. So we look to civil society for where they can really complement our knowledge and help us go much deeper.

If you go into the ITF, really we were introduced by Greenpeace. We have a global agreement with Greenpeace, which we came to in 2017. As part of that, they asked us to work with the ITF, knowing that they had great in-depth knowledge of worker conditions and life at sea. They worked with us on our vessel code of conduct, and it’s been a really amazing partnership because they have such a depth of knowledge. They came in and helped us train our auditors, they’ve run workshops with us in Thailand, for example, to help train fishers and vessel owners on health and safety, and on all sorts of aspects of contracts management, basic CPR and fire safety. They’ve been a partner, and they’ve been able to advise us on how we can really improve the outcomes for fishers.

Similarly with the Migrant Workers Rights Network, this was working more with our factories and Thailand. It that was with Andy Hall, who really flagged to us that migrant workers were going to work in our factories who’d built up debts from recruitment on their journey. This was way back at the end of 2015, early 2016. It was working with MWRN that we built our Ethical Migrant Recruitment Policy, which certainly needs to evolve. But then it was one of the first policies at the time, and working with MWRN, which since brought in over 10000 workers under this ethical recruitment policy. We had an independent assessment of that process last year, and it showed that those workers had paid significantly less fees, they had better work outcomes, and have been very satisfied with the process that was in place. But without those two organisations, without MWRN or the ITF, I don’t think we could have done such an in-depth and thorough job. We definitely need civil society to help us make progress.

Neill Wilkins: So it’s the knowledge and the authority, but also the credibility, perhaps, to be working with credible organisations on some of these policies and processes. Darian, thank you very much.

I want to move on to our other business representative now. I’d like to introduce Matt Owens, who’s the Director of Sustainability at Tri Marine, another major tuna trader from the region, and a part of the Bolton group. Matt, thank you very much for being part of today’s discussion. Tri Marine and Bolton have strong commitments to ethical practice. On your website, you talk about controlling the supply chain from catch to finished product, and vertical integration, helping transparency and traceability. How easy is it to implement strategies and policies and make sure that they’re adhered to across quite a diverse operation?

Matthew Owens: Good morning, and thank you for having me. This certainly is a great challenge - in some instances, we have complete control of the supply chain, where we own and operate fishing vessels, and to the cannery and to market, we have the required visibility that we need. In cases where we’re buying and selling tuna from vessels that we do not own and operate, it can be more challenging. But buying from the vessel, having a relationship with the vessel owner, makes it possible for us to communicate our requirements and audit against them. I think that for other companies that are buying from third parties, that’s much more of a challenge. I think for us, the size of our business, buying from hundreds of vessels globally, working with a number of different processors, canneries, it’s certainly a challenge and it requires constant diligence.

Neill Wilkins: You have some leverage because you’re a big player in the market, but however, it’s spread across a very diverse number of suppliers and that’s where the issue lies. The experience from other sectors is that multi- stakeholder initiatives can be really helpful in moving the industry towards common objectives. Tri Marine are members of the Seafood Task Force. In
a moment, we’re going to watch a Seafood Task Force video, but before we do, can you just describe the Task Force a little more and what the key areas of focus are?

Matthew Owens: Sure. The Seafood Task Force is a multi-stakeholder organisation made up of industry, civil society. Some of the larger buyers include Walmart and Costco, some of the larger suppliers such as Tri Marine, FCF, which is another major tuna trading company, as well as Thai Union and StarKist. The Task Force was first established to address forced labour issues with Thai shrimp, and later included tuna, given the importance of the Thai canning sector to the supply in the US and Europe. In early 2019, the Task Force finalised its vessel auditable standards, which made its code of conduct operable for tuna fishing vessels.

For Tri Marine, our impetus to be very involved in the Task Force is to establish industry-wide standards. The reason that’s important is for a supplier of our size that sells tuna to the major brands and processors globally is we’re faced with a large number of codes of conduct. And I think that it is very important to have a single set of standards that the industry can all agree to. They can always be improved, but certainly we need a starting point that is applicable to all.

Neill Wilkins: Thank you. I understand that we’re now going to see a video that just gives a brief introduction to Seafood Task Force. All of you joining the discussion today can find out a bit more.

Neill Wilkins: Thank you very much for showing that video, which explains a little more about Seafood Task Force, which is up of a group of industry players, plus a number of quite well-known civil society organisations. The Seafood Task Force, like many multi-stakeholder initiatives, is a voluntary initiative. Really this is a question to everyone, what can be done about the many companies who have never joined such bodies or commit to improve practice? Is the demand for ethically sourced products enough to us to a market-driven solution? Or is this a place where governments need to play a stronger role? Who would like to respond to that one? Darian, go on.

Darian McBain: Okay. I see it as a shared responsibility. I don’t think any one actor at any one part of the value chain can have full responsibility. Everybody has some role that they play. They can influence up and downstream from where they are. But you need governments, you need civil society, you need consumers. You need the companies, you need to retailers. Everybody
has to take some responsibility in that chain.

Neill Wilkins: No. As well, you talked in Bangkok about the importance of the brands engaging with these processes as well. It can’t just be about making some requirements in their contracts review. There needs to be a deeper engagement and a conversation about price.

Darian McBain: It certainly does. It needs to have the brands involved as well. It needs to be a recognition of perhaps where the system’s going wrong and how we can all work collaboratively to fix those aspects. I mean, the points that Greenpeace have raised, they keep getting raised and I think, as an industry, and through collaborations such as the Seafood Task Force, we need to work together to really address this.

David Schilling: This is really a very, very helpful conversation. I think, for us in the investment seat, and of course it’s a very diverse community in investment and large asset management fund who are faith-based, but I think there is a kind of a tension. We gotten involved, as you probably know, in a number of a multi-stakeholder initiatives, and I think that absolutely, as Darian said, every stakeholder needs to be at the table. And whether it’s the Responsible Labour Initiative, or the electronics companies, the Leadership Group for Responsible Recruitment, of course, is business plus, but there is that tension between learning about what it means for a worker that’s three months, six months, a year, two years on a distant vessel and not getting off at port, right? The elements of forced labour, high or low criteria of indicators really help point to that. And then the process is that we as investors are getting involved in with companies and multi stakeholders, it seems to take so long.

And there’s this deep sense of urgency because, in a way, the rights holders are facing, every day, some situations that we should have never want of anyone. And, in broader processes, to address that whole value chain, supply chain, take time. I just think that some of your recommendations, Andy, are really important, in terms of the trans shipments and enhanced traceability, but I really like also the binding agreement with trade unions, for example, which then elevates. And, Darian, you pointed out to a number of the groups that you’re working with that have really been instrumental. My concern there is that human rights defenders like Andy Hall really get hit when they raise these issues, so how do we create these frameworks, the Seafood Task Force, that understand they got to put things in place and it takes time when there’s an urgency about this, that workers are hurting. And of course, in the broader scheme of things with COVID-19, we know that the most vulnerable are made even more vulnerable.

Neill Wilkins: Thanks David. Thanks for bringing us some other voices. I just wonder, have we reached a point? Is it around the price? Is it price? Have we got so used to paying too little for a tin of tuna on a supermarket shelf? Or is there still profit for everyone within the current system, providing that we share it more equitability or, as Andy has alluded to in his presentation, is the price that we pay for a tin of tuna, the price that we’ve come to view as the norm, actually an exception? And is predicated on the fact that many people are in situations of forced labour? Andy, do you agree with me?

Andy Shen: Yes. Absolutely. I would also maybe just make a comment about the Seafood Task Force and voluntary multi-stakeholder initiatives. I would strongly advocate for membership requirements, strict criteria on making progress, penalties for noncompliance to suspension, expulsion, conditions for reinstatement. Without these measures in place, what ends up happening, not just for seafood, but for other sectors around the world, is that these initiatives are kind of profited a solution and the marketing tools in some instances to consumers to give the appearance that progress is being made when those on the inside or those that are closer to the issues, know that that is not necessarily the case. I think there needs to be more accountability, more transparency in these multi-stakeholder initiatives,
In terms of the question of consumers and pricing, what we’ve seen with the COVID-19 pandemic crisis in the US, is that there’s a real problem with food security for a lot of Americans that are living at the poverty level. And I think that’s why the struggles of workers in the global north is deeply connected to struggles on workers in the global south. If we’re not giving the workers who are working blue collar jobs a living wage, how should we expect that they should be able to pay $1 or $2 more for a can of tuna if they’re struggling to feed their families? I think that’s a larger question that ... and one of the stakeholders that’s missing from these panels is the retailers and the companies that are sourcing from the seafood produced in the global south.

Neill Wilkins: Thanks, Andy. Matt, is the Seafood Task Force one of the main answers to pushing things forward? Or is it convenient particularly for the industry?

Matthew Owens: I definitely understand and wouldn’t disagree with Andy’s points. I mean, for us, Tri Marine is a supplier, [inaudible 01:21:51] business supplier, and we don’t have necessarily [inaudible 01:21:56], as I mentioned earlier, the usual method [inaudible 01:22:03] standards that are applicable to all. And your point about what happens to people [inaudible 01:22:08], we established our own Tri Marine ethical policy in 2014, long before we joined the Task Force, to address, not just our own staff, but those of our suppliers, and to take it upon every company to do their homework, but then also important to participate in these multi-stakeholder forums to try to bring others along. And that’s really our emphasis, is to bring everybody into the fold, but continue to do what we can on our own, because I understand the frustration with pace when you have that many actors involved, and the membership model is changing to create accountability, and I also agree that that is important.

The way that we look at this is that if we don’t [inaudible 01:22:54] suppliers to change, and we don’t buy the fish, if we say, “Look, enough is enough, we’re not going to buy from you any more”, that food will enter the supply chain somewhere else. And then you’ve lost the ability to be an instrument of positive change. If a supplier is not adjusting or conforming [inaudible 01:23:19] to come up with [inaudible 01:23:19] audit. Certainly then you want to hold their feet to the fire and cease supplying until they are able to address those issues. But this theory of continuous improvement [inaudible 01:23:31] suppliers to drive that positive change is, I think, an important point.

Neill Wilkins: Thank you. A question that’s coming in from the side panel is to what extent can we rely on MSC? Some companies think it’s just enough to show their commitment to human rights by buying or selling products with MSC. Darian, what’s your view on that one?

Darian McBain: We support the MSC, and fisheries that we work with, we work with the improvement programmes to bring them towards the MSC standard, but we also apply further standards on top of that. As I said, we apply our vessel code of conduct, we have our traceability standards, we work with the Global Ghost Gear Initiative. It’s not about moving away from the MSC; I think that’s still the best standards that we have for fishery sustainability, but it’s then looking at what else do we need to do in addition to the MSC to really make changes on the water, both for the environment and for people. And that was one of the interesting points that we got from working with Greenpeace in our agreement that it’s not wrong to be going through flips toward they’re messy, but there’s many things that we need to do. That was again, a really important lesson for us to learn, that you need to be pushing for that further improvement.

I think maybe just to one of David’s points of how to improve, I think we need to start
rewarding transparency. At the moment, companies who do find anything, still tend to get negative publicity. We’re never really going to change the needle if transparency isn’t rewarded and remedy isn’t encouraged. That is something the investment community really can take a lead on.

Neill Wilkins: I think what comes up time and time again, across all sectors is that companies who are undertaking due diligence and then report when they find cases in some shape or form, get pilloried, and those who don’t do, or choose to have their blinkers on and turn the other way, seem to be able to pass under the radar. It’s very true. Something that perhaps the Modern Slavery Act would suppose to begin to address but we’re certainly a long way off that.

I’m afraid to say we have not been able to reconnect with Kevin Hyland, so I’s just like to ask all of that panelists in turn, if they might just make a just little summing up statement. What are the things that they think should happen next to improve the situation of migrant fishers on fishing vessels in distant waters.

Shall we start with our Greenpeace representative. Lisa?

Lisa Tsai: Yes, hello. I think this is a really great discussion because I think a lot of people also emphasised on the urgency of how we can protect the migrant fishers’ rights better, and I think it takes the effort, not just by the government, but also from the whole industry because, as we can see, there are many ...we need a lot of gate keeping, and how we can make this industry on the whole more transparent. And also in terms of the policy or the regulation in place to protect these migrant fishers are actually inconsistent, and that’s where the loophole is. So how do we lift up the regulation and also uphold the higher regulation or framework for protecting these migrant fishers is really key to that because the other thing we found out is ... before, because these fishing vessels, they always operate on the high seas, so no one actually sees the problems, but now we are seeing it. We cannot just hide from not seeing it anymore, and so how we can tackle that is really important.

The other thing I want to emphasise on, and also echo of Andy’s, is that because of the degrading of the marine resources, what we found is because of that a lot of vessels actually need to operate further, and they need to find a way to reduce the cost. That’s also why the forced labour can be a problem with that because it becomes a motivation. If they want to reduce the cost, then the migrant fishers become the most ...of those.

How we can all work together and to protect these migrants is really key, and it’s really urgent to do so.

Neill Wilkins: Thank you. Matt, the view from the industry trying to improve.

Matthew Owens: Well, as far as where things need to go I think, longer term, the holy grail of all this is certain cases is for recruitment agencies, so we have seen from previous reports, our own due diligence, our own auditing, is that in certain sectors of the distant water fleets, the key situation progressive. It is difficult to answer that agencies, and the contractual arrangements between those agents and the crew member versus the contractual arrangements between the home country, let’s say Taiwan, and their agent.

And so having a system in place where a supplier like Tri Marine can rely on a certification or accreditation system to say, “We expect your recruitment agencies to be certified to this standard, to be accredited to this standard.” That’s one thing that we are working towards in the longterm.
I also think that the importance of government can not be ignored, recognising this two tiered contract situation is, or excuse me, two tiered labour regulation situation is really important to resolve. That’s one of the things I do really appreciate what Greenpeace is doing here and also in the US and looking at SIMP, the Seafood Import Monitoring Programme, and other regulatory tools, so that industry can rely on government, and certification to, to help resolve some of these issues.

Neill Wilkins: Thank you. Andy.

Andy Shen: I think there are a lot of solutions. I would just say that I agree that governments and industry both need to do their jobs, and for high risk sectors, such as the Taiwanese distant water fishing fleet, it is incredibly important for companies to embrace and implement a continuous rigorous human rights due diligence, and being able to take the effort to make sure that they have visibility to labour conditions on these distant water fishing vessels, and to also support some of the solutions that we’re calling for that would make it easier for them to ensure that there is compliance with their policies, such as policies that would bring the fishing vessels back to shore more frequently for more regular and rigorous inspections. I think that’s critical for a sector where it’s normal for the vessels to be out at sea for long periods of time.

I think also for governments, a lot of the distant water fishing nations, they are also responsible for developing a system over decades that has created loopholes that allow workers to be exploited. The two tier system is an example, the lack of regulation on continuous time at sea, as an example, these are not blips or accident. These are purposefully designed policies and regulations that allows for exploitation of workers, and also exploitation marine resources. I think it’s important that both governments and industry really take a giant leap forward, and we hope that investors will be there as well to really have oversight and incentivise, and make it clear that as a priority for the fishery investment community to see that these serious abuses are rectified.

Neill Wilkins: Thank you. Like you say, it’s very easy to certain things become so embedded and enmeshed and entrenched in a way that sectors operate, that they become the norm, where they should make the exception. Darian, final thoughts from you.

Darian McBain: I’ll just build on top of comments made. It is the responsibility of the individual governments to manage their fleets, the deep sea water fleets, and the responsibility for those vessels that are using their flags. But I think there’s also a responsibility for collective action. So if you have something like the Port State Measures Agreement, and some other functions where you get a commonality across different jurisdictions, and are often also working towards this. It’s really important so that you do have a level playing field, so that you can’t have different vessels flagging with different states and being able to perform at different standards.

I think, whether we’re looking at audit schemes or how workers are treated, how workers are recruited currently, all of the legal loopholes that exist don’t really support the solutions. And so I think that is really important aspect that we all need to work on together, whether that’s from a business perspective or civil society.

Neill Wilkins: Thank you, Darian. And then finally, and I’m afraid briefly, David.

David Schilling: Yeah, great comments. The investor leverage is really when our organisation engages a range of investors that own publicly traded shares in companies. We’ve fought [inaudible 01:33:50] shareholders around forced labour and recruitment, migrant worker recruitment,
et cetera. I think, for us, really good information matters, and that’s why I like these reports. There’s a load of change that we can utilise with the corporate [inaudible 01:34:07] to be utilised, they’re doing the visual research on sectors, that is there, but the one thing that we really value is information from the ground. Just the experience that we had in Myanmar, a year ago in May, with ... we had the [inaudible 01:34:26] as well as the leadership. There’s a CSO network in Myanmar, in the countryside, that is helping before workers are actually recruited, they are really navigated. You have some good recruiters that are doing it the right way, et cetera, et cetera. They’re really trying to make a difference.

To me, I love to see it, even though in some instances it’s hard for migrant workers on land, whether you’re in Dubai and you’re not able to really move about freely, or you’re in Malaysia in a dorm, and it’s [inaudible 01:35:05] your distant water vessels are so remote. So how do we zero in on pre-regular recruitment? And maybe pay a lot of attention there, because once they’re on the vessel, even though there are certain types of [inaudible 01:35:24]. I think good information that is grounded in the realities of workers is needed by investors to utilise a [inaudible 01:35:34] in a positive way to engage companies to be a part of stakeholder initiatives and collective action, and making a difference that workers see.

Neill Wilkins: Okay, David. Thank you. That’s perhaps a good summary, and a good place for us to end the discussion today. I am sure you could all talk a lot longer. I’m very sorry that we were unable to bring Kevin Hyland back in, but we will ask Kevin to commit his thoughts to paper and include that in some way in a recording that will be made available of the webinar that we’ve all just taken part in.

It remains to me to thank all that speakers. Thank you very much, Andy Shen and Lisa Tsai from Greenpeace, for explaining to us about a lot of issues that are very usually much more hidden away. Thank you, in particular, to our business representatives, Matt Owens from Tri Marine, and particularly Darian for your late night. It’s, really it’s much appreciated to have you on, and the clarity with which you describe the situations is always so much appreciated. I would like to thank my colleagues from the IHB Communications team who had a bit of a time of it today with the communications gremlins, but that’s the nature of this new COVID world of webinars and things like that. And finally, thanks to our friends at the [inaudible 01:37:10] Alliance for being with us on this event. [inaudible 00:01:37:14], as always, David and others, much appreciated.

Further details of all IHRB activities and our migrant workers programme can be found on the IHRB website, and you can also sign up for our regular newsletter. In due course, you should also be able to access a recording of today’s discussion. So thank you very much, and we wish you a rest of a good day. Thank you. Bye.

Andy Shen: Thank you very much.
Darian McBain: Bye.
Matthew Owens: Great to see everybody.
Darian McBain: Thank you.
David Schilling: Let’s keep working.
Andy Shen: Yes