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Waxman

**Driving Ecological Sustainability
in Fisheries by Integrating
Human Rights Issues**

The David and Lucile Packard Foundation



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Driving Ecological Sustainability in Fisheries by Integrating Human Rights Issues

The David and Lucile Packard Foundation

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Contents

5	Summary
8	The Assessment
8	The Challenge
13	The Opportunity
17	Case Study: New Zealand
20	Case Study: Thailand
27	International Governance Landscape
31	Recommendations
38	Conclusion

Summary

This project assessed the market and political forces driving human rights and labor abuses in the fishing and aquaculture industries and their intersection with environmental issues that are current areas of the Packard Foundation’s focus. The following report includes a presentation of potential general strategies to address these issues, an assessment of whether this is worthwhile area for the Packard Foundation to focus attention, and suggestions of potential vehicles for the Packard Foundation to engage to advance this agenda.

In this assessment, we interviewed 39 people who represented 35 organizations, companies and governmental agencies. Additionally, we reviewed 90 journals, media articles, and reports to learn about the issues and opportunities. A full list of resources, including contact information for interviewees, is included as a supplement to this report.

Overfishing of our oceans has set the stage for poor working conditions, most notably on commercial fishing vessels, but also in post-harvest handling, processing facilities, and aquaculture in the seafood industry. Two overarching forces acting together – the global demand for cheap seafood and poor fisheries management – are key culprits in creating an environment where fish stocks are depleted and illegal activities flourish. But there is cause for hope: fisheries management can improve and market shifts can drive change. We’re already seeing the benefit of overhauls in fisheries management and consumer demand in North America and Europe. Many of the fisheries in these regions are recovering from depletion while consumer demand for sustainable fish is rising, causing a major evolution in the purchasing practices of consumer-facing companies from their suppliers abroad.

However, these North American and European fisheries only account for roughly 20 percent of the fish caught worldwide. Upwards of 85 percent of the world’s fisheries remain fully or overexploited, meaning they have been pushed to or beyond their biological limits. Some scientists estimate that as many as 65 percent of the world’s fisheries are overexploited.¹ Unless further action is taken, the future of our oceans remains in jeopardy.

1. Worm, Boris, et al. “Rebuilding Global Fisheries.” *Rebuilding Global Fisheries*, Science, 31 July 2009, [science.sciencemag.org/content/325/5940/578.full](https://www.sciencemag.org/content/325/5940/578.full).

Though consumer demand for sustainable fish is strong, the current definition of sustainable is generally limited to *ecologically* sustainable fish and does not account for potential labor issues in harvest and processing (or human rights issues related to depletion of stocks relied upon by indigenous coastal and riverine communities). But, we find, environmental degradation and human rights abuses are inextricably linked and no longer need to be addressed separately. Non-governmental organizations, academics, and business leaders surveyed echoed this sentiment throughout our outreach in this assessment. As Steve Trent, Executive Director of the Environmental Justice Foundation (EJF) said, “Perhaps what we’re discovering is that through our work campaigning for sustainable seafood and fisheries management, we’ve fixed 70 percent of the problem and the only way to fix the other 30 percent of the problem requires an evolution of strategy.” This basic idea – that working on the human side of the seafood sector will drive change in the ecological side of the sector – was reiterated throughout our conversations with experts and leaders time and again.

Success with integration of human rights and environment in other sectors, as well as specific factors related to fishing dynamics, point to benefits of greater integration. Corporate and government decision-makers often are responsible for both issues, so integrating human rights and the environment will provide broader solutions to decision-makers who seek them, and also help ensure an efficient use of resources. We’ve begun to see this happen in other environmental sectors, most notably in the palm oil and soy industries, where campaigners seeking reform have effectively combined an environmental and human rights agenda. As a result, the vast majority of the corporate sustainability policies on agriculture adopted in recent years include both strong environmental and human rights protections. There’s no reason why this model cannot work in the seafood sector as well.

This integration in seafood has already started. Many of the actors already engaged in the ecological side of sustainable seafood are building alliances with labor and human rights experts (and vice-versa) to learn how to successfully work together to reinforce their efforts. These new alliances have launched joint pilot programs, developed new technological tools, and established both ad hoc and long-term collaborations. The Thai Seafood Working group is one such budding coalition of 25 human rights, environmental, religious, and business organizations that recently sent a letter to President Obama asking him to incorporate the collection of labor practices data as part of a traceability program for the Seafood Import Monitoring Program.

There are several examples of environmental NGOs and companies working together to address ecological sustainability and human rights in an integrated fashion. For instance, when news broke of supply chains potentially tainted by slave labor in the Thai shrimp sector, executives at Safeway, Morrison’s, Costco, Nestlé and others called environmental advisors and NGOs such as FishWise, Monterey Bay Aquarium, Greenpeace, Verité and others. “What do we do?” they asked, expecting that environmental groups would also be prepared to tackle human rights issues. Although most of the environmental groups had been primarily focused on ecological sustainability, they dug into the problem, created human rights departments, and established ad hoc coalitions like The Thai Seafood Working Group.

At its core, company interest in and action on slavery issues is due to two primary factors: fear of the reputational consequences of being identified with slavery in the supply chain and concern about legal liability for it under international law such as the Palermo Convention against Transnational Organized Crime, as well as other US and EU government regulations. Slavery often resonates with many executives as a reputational risk and moral wrong in a way that environmental degradation does not always (of course, this depends on the company and person in question). Every NGO we spoke with mentioned this phenomenon. As a result, an expanded focus on human rights may actually be a way in the door to pursue a broader agenda with market players, and make the case that fisheries need to be restored to end the ecological and economic conditions that increased the likelihood of slavery in the first place. Similarly, in the palm oil industry, immediate concern about destruction of habitat for charismatic wildlife like orangutans, tree kangaroos, and rhinoceroses has been a way to open a broader conversation with executives about improving operations across the board, including on human rights and other issues.

To best map out the landscape of this problem and support our recommendations, we have dedicated two sections of this strategic assessment to case studies of New Zealand and Thailand. The Thai fishing industry has received a significant amount of ongoing international attention, sparked by a series of investigative reports published in The Guardian, Associated Press, The New York Times, and others. The experts we surveyed stressed that the symbiosis of human rights and ecological abuses in the seafood industry is not limited to Thailand, and that scalable, one-size-fits-all solutions to labor abuse and slavery at sea are unrealistic. That said, the exposure of the Thai seafood industry, and the response to it, provide an important case study that can point the way towards broader conclusions.

The Challenge

When criminals are able to turn a profit in an illegal fishing market, they'll go after as many fish as possible. So they also not only destroy lives of human beings, but they destroy an ecosystem. And the more labor they have on board, the larger their catches will be. The economic incentives are there, which is precisely why illegal, unregulated, and unreported fishing practices have grown into a \$20 billion a year industry. And that's why stopping those practices is going to be a major focus of the oceans conference that I will be hosting here at the State Department on September 15th. A global, coordinated effort is desperately needed and long overdue.

Secretary of State John Kerry in his opening remarks at the release of the 2016 Trafficking in Persons (TIP) Report

for human rights and environmental abuse. As we discuss below, the two issues are highly integrated. As we see in the Thailand case study, lack of enforcement of fisheries management regimes by the Thai government has not only created an environment where IUU fishing prospered, but where further criminal activity – forced labor and human trafficking – was used to increase profit at the cost of both human rights and fisheries improvement.

Our oceans are overfished as a result of poor fisheries management regimes operating in a global market that demands cheap seafood. The over-exploitation of the ocean's natural resources has created an environment ripe for criminal activity to flourish and inspired a race to the bottom in which environmental degradation and human rights abuse exacerbate and perpetuate each other.

When business is able to write off human beings or ecosystems as an external cost to their business model, the true cost of business is obscured and conservation is undermined. This relationship is reinforced by international supply chains, allowing consumers to unwittingly provide incentives

IUU Fishing: a strategic entry point

Secretary of State John Kerry noted the pervasive problem of human trafficking in his remarks at the release of the 2016 Trafficking in Persons Report, and made explicit the link between IUU fishing and human trafficking. He was not alone. Of the 39 people surveyed for this assessment, every single person noted that tackling IUU fishing and labor abuse were closely integrated.

While it can't be confirmed that all IUU fishing leads to trafficking issues, or that trafficking only coincides with IUU fishing, most experts surveyed agreed that individuals and businesses engaged in one form of criminal activity tend to be open to other forms of criminal activity. When governments and the international community fail to regulate, conditions are ripe for the exploitation of both fisheries and workers. To boat operators, the risk of getting caught – and quite often the consequences associated – is so low and the potential profit so high that criminals don't blink an eye when it comes to additional criminal opportunity to lower costs (through labor abuse) on their boats. The fixed costs of doing business continues to rise; so as long as criminal activity is permissible, criminals will continue to exploit labor as an external cost, and in turn, push fisheries further into collapse.

In an extensive review of evidence from around the world, the International Labor Organization (ILO) concluded that competitive pressures over a dwindling pool of natural resources have negative impacts on the conditions of employment and can lead to forced labor.² As a result, the presence of IUU fishing is a warning sign for the presence of human trafficking, and vice versa.

The use of Flags of Convenience (FoCs) represents one of the simplest and most common ways in which unscrupulous fishing operations can circumvent labor, fisheries and conservation laws, and avoid penalties. Vessels can flag (essentially register) in a country with less stringent or non-existent standards and regulations compared to their country of ownership, or a country unable or unwilling to enforce existing regulations. Open vessel registries in some states mean that IUU vessels can easily re-flag and change names to confuse authorities and avoid prosecution. The crews of such vessels are invariably exposed to a precarious vacuum of rules and rights.

In his testimony before the Senate Foreign Relations Committee on February 12, 2014 in support of ratification of the Port States Measures Agreement, Professor Mark Lagon shared these thoughts on the links:

² The International Labor Organization. 2014. "World of Work Report 2014." World of Work Report 2014, 2014, www.ilo.org/global/research/global-reports/world-of-work/2014/lang--en/index.htm.

Vulnerability at Sea

Modern slavery doesn't happen only in warzones. It exists in areas of both darkness and plain sight of people all over the world – even at sea.

—Secretary of State John Kerry

will, but have had wage disputes with their employers. In other cases, workers in the seafood industry have faced extremely low wages, inadequate sanitation, lack of safety equipment, lack of personal space, and long working hours. More seriously, there have also been many documented cases of forced labor, human trafficking, and even murder at sea.

It's also important to understand the unique nature of labor at sea. Although human rights abuses can proliferate as an attempt to preserve profitability for fishing operations that are failing due to stock depletion, the ILO concludes that workers in the fishing industry are *especially* vulnerable to abuse⁵ because of the isolated nature of work on boats as well as the lack of robust regulation and law enforcement on the High Seas. Being at sea for days, weeks, or months at a time creates an environment where observer oversight and policing is difficult. Even the toughest policing networks recognize the struggle to monitor and enforce regulations in the strictest of management regimes in the ever-shifting landscape and remoteness of the sea. Additionally, once vessels cross into the High Seas there is no real policing in place resulting in a “wild-west” free-for-all. Ripe for overfishing and human rights abuse, criminal vessels look to reap the greatest benefit from the High Seas in the knowledge that there is no one really watching over their activities.

While there have been a range of human rights and labor issues in the seafood industry, there is great variation in their severity, and the statistical frequency of labor issues (including serious ones) has yet to be determined. In many cases, fishermen live in decent conditions with access to basic necessities and are able to leave at their own free

The Opportunity

The stage has been set for change.

A number of international NGOs, companies, and governments have laid the groundwork for tackling human rights and labor abuse in a more integrated fashion. Over the past two years, a number of actors have begun to discuss opportunities for collaboration on the two issues. Environmental and labor organizations are starting to work side-by-side to encourage good environmental and human rights practices across multiple sectors, especially in Thailand.

The environmental movement has made companies and governments more equipped to deal with human rights abuse.

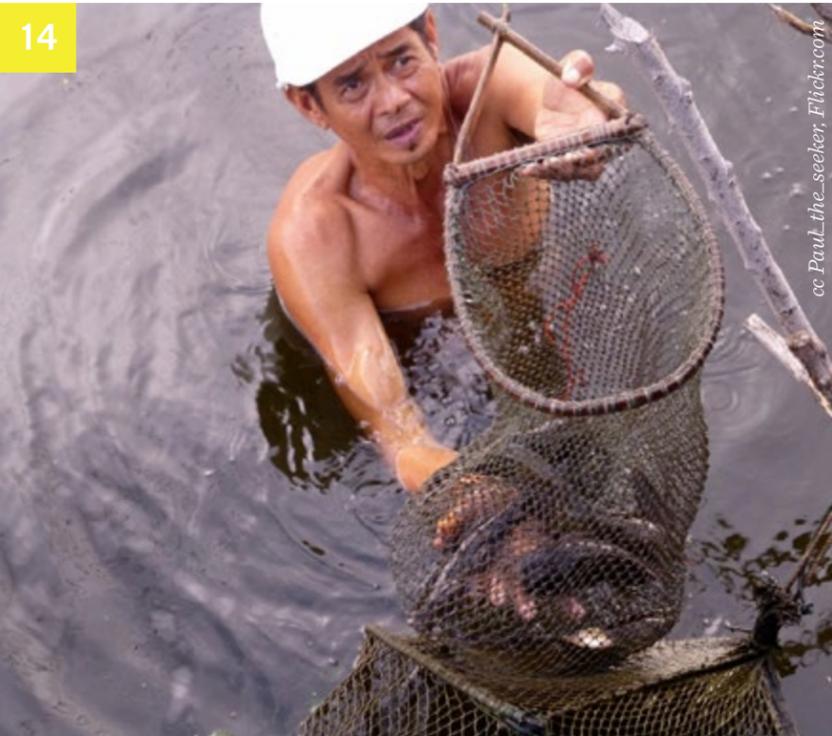
On the environmental side, the work supported by the Packard Foundation and others has created corporate codes of conduct, fisheries management improvement guidelines and labeling schemes that have revolutionized a market for ecologically sustainable fish. This movement has organized consumer sense of responsibility and tapped into a broadly emerging desire of many customers to know where the food they eat comes from, and that it is produced in a manner consistent with their values. A growing number are even willing to pay a premium for the assurance that the fish they are bringing home to feed their families comes from an ecologically responsible source.⁶ NGOs and multinational businesses have created partnerships that have overhauled responsible purchasing practices, optimized and analyzed available data



Environmental campaigning has revolutionized the market for ecologically sustainable fish.

5. 5 De Coning, Eve, et al. “Caught at Sea: Forced Labour and Trafficking in Fisheries.” International Labour Organization, 2013, www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_214472.pdf.

6.Blank, Christine. “Will consumers pay more for sustainable seafood?” SeafoodSource, 2 Mar. 2016, <http://www.seafoodsource.com/commentary/will-consumers-pay-more-for-sustainable-seafood>.



14

Labor groups have identified the worker-support infrastructure needed to empower workers to have a voice in the workplace for the well-being of themselves and fisheries.

to identify high-risk suppliers in supply chains, and created widespread labeling schemes to help educate consumers on their purchases. The sustainable fish movement has been successful in bringing business leaders to the table to understand the risks of environmental degradation of fisheries to their business.

Supply chains can continue to have an impact.

Supply chain campaigns can create corporate actors who want their competitors to adhere to the same standards that they do. In turn, these corporations may be less likely to oppose improved fisheries governance for environment and human rights. Still, lack of opposition on its own is rarely sufficient; champions in government are needed to lock in long-term improvements.

These champions require support and engagement with campaigns—depending of course on the country and its approach to civil society. For example, Greenpeace’s work to expose unsustainable fish on store shelves (with their annual “Carting Away the Oceans” report) has helped set the stage for retailers to require sustainable sourcing by their suppliers, and made some of them advocates for broader reform. Retailers now partner with FishWise, Sustainable Fisheries Partnership, Verité, and others to guide sustainable sourcing practices and supplier engagement. Retailers have also created a “Sustainable Shrimp Task Force” to address human rights abuses connected to the Thai shrimp industry.

Labor groups have identified the infrastructure needed

Groups like the International Labor Rights Forum (ILRF) and Project Issara, bolstered by

15

fundors like Humanity United and the Freedom Fund, have similarly made strides to improve labor conditions and create labor accountability in the seafood industry. These advancements have facilitated the development of systems to provide worker-support infrastructure and worker-empowerment models commonly referred to as “Worker Voice.” These worker-support infrastructure and models give workers a voice in the workplace for their rights and the management of their environment as well as channels for recourse when their rights have been violated. For example, most workers – even those on the high seas - have cell and smart phones which can be used to report a whole host of important data: labor questions (breaks, pay, hours worked), fishing equipment used, and species caught reporting. Project Issara is working to bring the usage of these types of technologies to scale.

International regulatory bodies and governments have updated necessary laws and standards

The international laws and labor standards needed for success are in place. Conventions such as the ILO’s Work in Fishing Convention (2007) and the Maritime Labor Convention (2006) have set labor standards for the fishing industry. Broadly, the Work in Fishing Convention sets international standards for safety on board fishing vessels, food, accommodation and medical care at sea, employment practices, insurance and liability. Widely known as the “seafarers’ bill of rights,” the Maritime Labor Convention establishes minimum working and living standards for all seafarers working on ships flying the flags of ratifying countries. It is comprehensive and sets out, in one place, seafarers’ rights to decent working conditions. It covers almost every aspect of their work and life on board including:

- Minimum age
- Seafarers’ employment agreements
- Hours of work or rest
- Payment of wages
- Paid annual leave
- Repatriation at the end of contract
- Onboard medical care
- The use of licensed private recruitment and placement services
- Accommodation, food and catering
- Health and safety protection and accident prevention; and
- Seafarer’s complaint handling.

Finally, the passage of treaties such as the Port States Measures Agreement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, (PSMA), and its recent ratification by the United States earlier this year give port controls over foreign-flagged vessels, which creates a new level of international policing of suspect imports.

The PSMA sets a global minimum standard for measures to be taken by port states against vessels that engage in IUU fishing or related activities that support such fishing, while recognizing the right of states to apply more stringent measures regarding foreign vessels seeking to enter their ports. Key provisions of the Agreement build on measures taken in regional fisheries management organizations, including:

- IUU fishing vessels and vessels that supply IUU fishing vessels, including vessels on a regional fisheries management organization's IUU fishing vessel list, are denied entry into port or use of port services
- Minimum standards for information to be provided by vessels seeking entry into port
- Cooperation and exchange of information, including verification of fishing authorizations
- Designating ports that permit landings
- Minimum standards for inspection and the training of inspectors; and
- Recognizing the need to assist developing countries with implementation.

These laws and regulations are the major elements needed to create long-lasting change in the seafood movement and to break the cycle of mutually-reinforcing environmental degradation and human rights abuses.

The following case studies of New Zealand and Thailand will provide examples of how these opportunities work in real life, and help create a roadmap to scaling engagement throughout other priority regions, for a more profound impact on fisheries management, IUU fishing, traceability, and transparency in supply chains, human rights abuses, and ultimately the ecological health of our oceans.

Case Study New Zealand

In 2011, Dr. Cristina Stringer and her colleagues published research showing that foreign chartered fishing vessels operating in New Zealand's EEZ were breaking New Zealand law – by partaking in IUU practices and with human rights violations. This research on the topic led to a change in the law – where all boats (foreign and domestic) fishing in New Zealand's EEZ had to be flagged from New Zealand and thus subject to New Zealand law by May 2016. University of Western Australia PhD candidate Douglas MacFarlane, who has published on international law and exploitation in the fishing industry, followed these developments closely and shared the following succinct narrative describing the situation that led to the change of laws in New Zealand. The story underscores the relationship between IUU practices and human rights abuses.

Severe exploitation was occurring in New Zealand's EEZ by foreign charter fishing vessels, most of which were owned by South Korean Companies. Many of the victims onboard were Indonesians deceived into severely exploitative conditions. Those conditions included: working for periods of up to thirty hours, being abused for taking meal breaks, being inadequately fed, having to eat rotting fish bait, sexual abuse, working without safety equipment or training, and working in extremely dangerous (and occasionally fatal) conditions. Those that complained were threatened with deportation, non-payment of wages, termination of employment, and withholding of financial securities paid as part of a deceitful recruitment process.

Tragically, in 2010, one such vessel, the Oyang 70, sank. The tragedy resulted in the deaths of six people. Investigations into the tragedy revealed that the vessel continued to haul in massive catches despite already being at full storage capacity [illegal fishing activity]. The additional fish contributed to the “free surface effect” - where, liquid, or cargo such as fish that can behave as a liquid, leads to excessing vessel “tipping” causing the vessel to heel and sink.

Almost all of the foreign charter vessels were known to be involved in causing significant environmental harm, whether overfishing, upsizing fish and discarding catches and the illegal dumping of oil and pollution.

of catches was the fact that misreporting has been profitable, and the chances of being detected very small. The species of hoki, squid, jack mackerels, barracuda, and southern blue whiting, which were main catches for the foreign vessels, were the most mis-reported.⁷

Stringer was happy to share with us her analysis of the multi-stakeholder approach imperative in bringing about change in New Zealand which she describes as “a confluence of factors [that] emerged, which shone a harsh, unwavering and very public light on abuse and exploitation.” Her specific recommendations are:

“First, the conditions aboard foreign vessels had been the source of public commentary for a number of years. This commentary was escalating. Second, research by academics interested in labor conditions on vessels was published and subsequently reported to parliament. Third, there were some well-publicized examples of egregious behavior by charter vessel companies, which were given wide public coverage. Fourth, trade unions and NGOs took action to publicize working conditions on the vessels and pressure government for change. Fifth, politicians took up the issue in the ministerial inquiry. Finally, the government itself came under international scrutiny, particularly from the U.S. Department of State Office to Monitor and Combat Trafficking in Persons.”

Creating similar conditions in other countries will be conducive to creating the kind of effective regime and progress that New Zealand has achieved.

Some of these offenses have been successfully prosecuted in New Zealand’s courts, leading to massive fines and forfeiture of vessels. However, these deterrents did not stop the use of foreign charter vessels – simply because of the lucrative nature fishing using forced-labor.

Legal reform introduced this year, which incorporated the labor dimensions of fisheries compliance - has already resulted in a total of nine fishing vessels choosing not to fish in New Zealand’s waters. More than any other fact, this demonstrates that all of the fisheries targeted by these foreign charter vessels were uneconomically viable, except without the use of slave labor.

This has meant that New Zealand’s existing authorities have been able to modify their existing fisheries management regime to incorporate a labor dimension, and thus are now clearly able to coordinate the enforcement of domestic labor laws, such as ensuring payment of minimum wages, occupational health, and safety etc.

Critical to the success of this approach, is New Zealand’s motivation to secure the human rights of foreign workers. The sources of this motivation were the fear that further negative publicity via revelations of human trafficking and exploitation would negatively impact on the perception of New Zealand’s other export industries. Nevertheless, without significant financial motivation, history has shown that governments lack the motivation to ensure the successful implementation of human rights and labor protections for migrants employed in vulnerable industries.

This example demonstrates that an increased focus on social issues directly addressed the associated environmental issues caused by these bad fishing practices.

It is important to note the scale of New Zealand fishery: in the 2010/2011 fishing year, there were 56 vessels operating in New Zealand’s deep-sea industry, of which 27 (half) were foreign-flagged vessels under charter to New Zealand fishing companies. In a recent follow up report by Stringer and her research partner Glenn Simmons, they uncovered that the New Zealand fishing industry had grossly underreported their catch. The most serious obstacle to accurate reporting

7. University of Auckland. 2016. “New Zealand fishery catch estimated at 2.7 times more than reported: study.” The University of Auckland, 16 May 2016, <http://thespinoff.co.nz/wp-content/uploads/2016/05/Catch-Reconstruction-media-release.pdf>.

Case Study Thailand

The boats used to go out for five or seven days before returning to shore. Nowadays, we are talking about at least 15 days before the boats return to shore. When they do get back, there's not even much fish!

—Taken from an interview with Mr. Thongkam an owner of more than 20 vessels operating out of Trang Province in Thailand by EJJ in 2013

An introduction to the situation

The Thai fishing industry has grown extensively over the last 30 years with the remarkable growth of international fish trade in the past decade, and has risen to the third biggest exporting nation in the world, after China and Norway.⁸ Ninety percent of the fish caught is exported, with most of that going to developed countries,

with a total value of \$7 billion.⁹ This growth was made possible largely through the extreme exploitation of the waters within Thailand's EEZ. The Thai fishing industry is a textbook example of overfishing. Today, boats catch the equivalent of just fourteen percent of what they did back in the mid-1960s, and Thailand's fish stocks and marine biodiversity are on the brink of total collapse.

Unsustainable fishing practices bolstered by industrialization and city elite

Rapid industrialization of the Thai fishing fleet during the 20th Century resulted in too many vessels using destructive and unsustainable fishing methods to catch too many fish. Traditional Thai fishing was performed by coastal communities in small boats using poles and catching small amounts of fish for local use. The rapid introduction of new technology – refrigeration and larger vessels (trawlers) that could fish deeper for longer – had devastating impacts on Thailand's marine resources as it outpaced any sound fisheries management scheme. Because the technology was expensive, businesspeople from Thailand's urban centers entered the sector to finance investment in more efficient technologies. In the race for Thailand's offshore resources, these investors' access to capital gave them a competitive advantage, which essentially eradicated the small fishing operations – and the stewardship mindset – that once

existed in coastal communities. Today, commercial fishing vessels make up at least ninety percent of the fleet, and small-scale community fishing is mostly a relic of the past.¹⁰

When trawlers faced depleted stocks of commercially important species, vessel operators targeted so-called “trash fish” – a significant proportion of which is made up of juveniles of commercially important species, making regrowth of fish stocks even more challenging – and created a self-reinforcing cycle which further accelerated the exhaustion of Thailand's marine resources. As the waters closest to port became further depleted, boat operators sought their catch further from shore. The Food and Agriculture Organization of the United Nations (FAO) now estimates that at least forty percent of Thailand's catch comes from outside of Thailand's EEZ.¹¹

The perfect storm for the most egregious practices

As the catch peaked within the EEZ, profit margins narrowed, and operators were pressured to reduce costs as their ships faced rising operational costs, increased fuel consumption and prices, smaller catches, and more time between landings. As revenue fell and costs rose, some vessel operators turned to trafficking networks to supply crew and depress labor expenditures. Cheap labor more often than not came from vulnerable populations, particularly migrant workers in search of a better life. Workers from poorer neighboring countries in the region – Cambodia, Laos, and Myanmar – were recruited by brokers using coercion techniques to trick migrants into debt-bondage contracts. While these contracts can initially look like an employment agreement where the worker starts with a debt to repay, they are common vehicles for forced labor. In this case, the migrant workers never were able to pay off their loans and were forced to continue working on boats against their will. Because of their immigration status, according to the UN Inter-Agency Project on Human Trafficking (UNIAP), most of those exploited choose not to report their cases due to fear of their broker, employer, or the police; a lack of understanding of their rights; and/or the inability to speak Thai.

To further increase their catch and reduce costs, operators created a system to enable trawlers to spend weeks, months, or even years out at sea without ever returning to port. This new system, transshipment at sea, is the process in which supplies and fish are transferred between a slow-moving trawler to a mothership headed to port. This development was a key manner in which excessive ecological and human rights violations could go unreported. Once a load of fish has been transferred to a mothership, which keeps cargo below deck in a cavernous refrigerator,

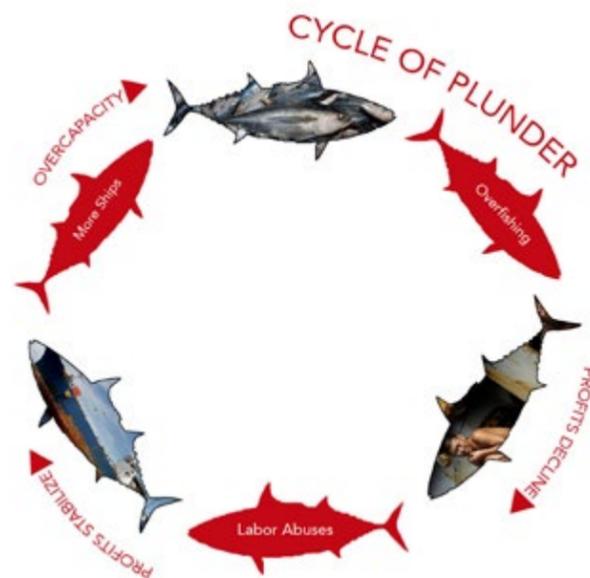
8. Fishery and Aquaculture Country Profiles. Thailand (2009). Country Profile Fact Sheets. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated 1 August 2009. [Cited 2 February 2017]. <http://www.fao.org/fishery/facp/THA/en#CountrySector-ProductionSector>.

9. United States Department of State (June 2012). “Trafficking in Persons Report.” United States Department of State, June 2012, <http://www.state.gov/documents/organization/192587.pdf>.

10. OFAO 2009-2017. Fishery and Aquaculture Country Profiles. Thailand (2009). Country Profile Fact Sheets. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated 1 August 2009. [Cited 2 February 2017]. <http://www.fao.org/fishery/facp/THA/en#CountrySector-ProductionSector>.
11. FAO 2009-2017. Fishery and Aquaculture Country Profiles. Thailand (2009). Country Profile Fact Sheets. In: FAO Fisheries and Aquaculture Department [online]. Rome. Updated 1 August 2009. [Cited 2 February 2017]. <http://www.fao.org/fishery/facp/THA/en#CountrySector-ProductionSector>.

there is almost no way for portside authorities to determine its provenance. This practice allowed for trawlers to stay out at sea for months or years, unregistered, and still get their catch cleared. This practice also created floating prisons of workers trapped at sea for months or years without pay. As AP reporter Martha Mendoza wrote: “The migrants, who are relatively invisible because most are undocumented, disappear beyond the horizon on “ghost ships” — unregistered vessels that the Thai government does not know exist.”

The visual to the right, by John Hocevar of Greenpeace USA, illustrates this cycle.



While slavery is the most egregious, a spectrum of labor abuses existed in the Thai fleet

The span of poor working conditions on Thai boats was extensive, and ranged from infractions of labor standards to the egregious human rights abuses described in detail above. Experts stressed that the full spectrum of labor abuses was alive and well in the Thai fishing fleet. International media attention has put a spotlight on the criminal employer, but it is important to recognize that a range of illegal and criminal activity was taking place in the Thai fleet due to poor management regimes operating in ways that maximize profits.

The Thai government turned a blind eye to depleted stocks and criminal activity

Meanwhile, government regulators failed to recognize their role as stewards and enforcers of law. Operating with antiquated management and nearly non-existent enforcement, there was a blatant disregard and regulation of its fishing industry. Until recently, Thailand had no specific law or regulation concerning IUU fishing. In fact, Oxfam observed that the status of Thai law and the nature of enforcement efforts meant that much of what is internationally considered as IUU fishing was permissible in Thailand, and pirate fish could be legally landed in Thai ports.

Successive governments failed to amend obsolete laws, control fishing fleets, enforce regulations, and monitor and conserve marine resources. Authorities had little to no control over the number of fishing vessels flying the Thai flag, many of which openly employed destructive fishing methods in areas and at times forbidden under law. Under-resourced and technically incompetent enforcement agencies were further undermined by a culture of corruption. Together, this has meant that an array of actors unsustainably exploited Thailand’s living marine resources and workers for decades.

The key to change: European and U.S. pressure

Labor issues in the Thai seafood industry did not grab widespread attention until a series of investigative reports from reputable media outlets, including the Guardian, the Associated Press, and The New York Times, surfaced between 2014-2016. These reports provided evidence that slave-caught and processed fish ended up in export-nation supply chains connected to big retailers like Costco, Tesco, and Walmart throughout the United States and European Union. Through our research, we were able to find references to human rights and ecological abuse in the Thai fishing industry as far back as 2006. It wasn’t until clear connections could be made from retailers back to export-nations that change began to happen, underlining the critical role that market campaigns and engagement play in this field.

Throughout our engagement with leaders in the non-profit sector, this sentiment was reiterated: most corporations understand slavery implicitly and have zero interest in being linked to it in any way, shape or form. In fact, where they fail to see the importance of government reform in response to overfishing, they are generally far more open to reform in response to perceived or actual slavery. Slavery may actually be a way in the door to pursue a broader agenda and make the case that fisheries need to be restored to end the ecological and economic conditions that increases the likelihood of slavery in the first place.

The exposure of links between Thai labor abuses and European markets prompted action from Europe as well. On October 28, 2014, the EU Directorate-General of Maritime Affairs and Fisheries issued Thailand a “yellow card” warning, giving Thailand only three months to curb IUU fishing before it would be banned from exporting fish to the EU. The penalty was part of Europe’s approach to control IUU fishing activities occurring in nations that export to the continent. The system uses tiered alerts to give countries a specified warning time to either comply with the EU demands or be restricted from market access. The system has had a profound impact on Thailand’s willingness to address issues in its fishing industry.



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While slavery is the most egregious, a spectrum of labor abuses existed in the Thai fleet.

and Persons Report. This ranking put Thailand alongside North Korea and Iran – and carried with it threats of further sanctions if action wasn't taken to curb illegal activities. As a result of this exposure, the threat of sanctions from key markets and the call from business to change course, a series of action has happened and continues to unfold in multiple sectors: international government reform, corporate reform, export-nation reform, and Thai government reform. A brief look at progress is outlined below:

Indonesia responds:

- The Indonesian government clamped down on illegal fishing nationwide with a moratorium on all foreign boats. It also launched a criminal inquiry into illegal fishing by Thai boats in Indonesia's EEZ headed by Fisheries Minister Susi Pudjiastuti. However, our colleague

The potential for economic loss was estimated to be the annual value of Thailand's fisheries exports to the EU - \$641 million. Before the yellow card warning, Thailand refused to acknowledge a problem in the industry. After the card was issued and the threat of major economic loss became a reality, a dramatic shift happened in Thailand's rhetorical acceptance of this issue. Within months, agency officials were starting to revise labor laws. This was a stark contrast to their initial response, when they merely invited foreign governments and business leaders to take tours of facilities to demonstrate their compliance and excellent working conditions.

Following the yellow card, in 2015 the United States Department of State dropped Thailand from a level 2 to a level 3 in its annual Trafficking

Bustar Maitar in the last few weeks led an expedition to Papua that found Thai boats operating in Indonesian waters with forced labor, and were able to free three former slaves – though saw hundreds more still in forced labor conditions.

Businesses flexed their buying power:

- The French grocer Carrefour and Norwegian grocer ICA stopped purchasing from CP Foods, the largest producer of seafood in the world, for its involvement in the Thai fishing industry.
- Walmart, Tesco, and Costco, are leveraging their purchasing power to pressure Thai companies to clean up their act while creating plans to move away from Thai producers by 2021 if eradication of slavery had not been actualized.
- Nestlé commissioned Verité to conduct a yearlong internal investigation of its supply chain to determine risk. The results from this commission found virtually all U.S. and European companies buying seafood from Thailand are exposed to the same risks of abuse in their supply chains.

Lawsuits have added to pressure for change:

- Pet food buyers filed a class-action lawsuit alleging that Fancy Feast cat food was the product of slave labor associated with Thai Union Frozen Products, a major distributor. It's one of several lawsuits filed in recent months against major U.S. retailers importing seafood from Thailand.

Thailand is evolving

The Thai government has announced a number of provisions to improve conditions in the fishing industry including:

- Deployment of GPS devices on large fishing boats
- Introduction of fines and terms of imprisonment for non-registration
- Increase in the minimum working age on fishing boats from fifteen to eighteen years.
- Minimum ten hours' rest per day and thirty days' annual leave
- Hiring of 700 anti-corruption staff to combat trafficking.
- Revision of labor law within the Labor Ministry and the Fisheries and Marine department –registration and foreign employees and their registration. These laws have been updated with each of the 7 different fishing labor coordination offices in the seven provinces.

Through years of relationship-building and engagement, the Environmental Justice Foundation have engaged with the Royal Thai Government and Ministry level players to further transform the management regimes related to the fishing industry. EJF is also engaged in regional advocacy to help build power amongst neighboring nations in policing their EEZ zones. Campaigning organizations like Greenpeace are in negotiations with industry players like Thai Union to secure concrete changes in business practices that could affect specific fisheries, including tuna. FishWise has added an entire unit to its organization to quickly build internal expertise to guide their business partners who are urgently looking for best practices to eradicate potential risks of human rights abuse in their supply chains. Other organizations have substantially built capacity in this area as well.

The fight is far from over.

The Thai Shrimp Working Group is calling upon the Thai government to take further action in the following ways:

“For the Thai Government to truly demonstrate its commitment to eliminating trafficking in persons, it must act this year on the following issues that have not been sufficiently addressed in 2015 and leave migrant workers vulnerable to human trafficking:¹²

- Government corruption and impunity for senior public officials involved in trafficking;
- Denial of migrant workers’ right to organize and collectively bargain, including that of migrant fishers;
- Lack of effective oversight over private employment agencies and brokers in Thailand and countries of origin, especially Cambodia, Burma, and Laos, on recruitment fees and in relation to the Thai Nationality Verification Process; and
- Intimidation tactics in the form of criminal defamation and computer crime laws used against researchers, journalists, and whistleblowers in government who disclose information on alleged perpetrators of human trafficking and related crimes.”

The recommendations section of this report provides additional details about potential groups to partner with to support change in Thai fisheries management.

International Governance

A number of national governments and intergovernmental bodies have acted in recent years to combat labor abuses in the seafood industry. The United Nations passed the Port States Measure Agreement (PSMA), which empowers port officials to prohibit foreign vessels suspected of illegal fishing from receiving port services and access. Previously, ports had little control over visiting foreign flagged vessels, making oversight and enforcement of local laws next to impossible. To date, 20 countries have ratified the PSMA, including the United States. In addition, as part of the Sustainable Development Goals, the United Nations made elimination of forced and child labor and human trafficking a key goal under goal 8.



12. ILRF. 2016. “Comments Concerning the Rankings of Thailand by the United States Department of State in the 2016 Trafficking in Persons Report.” International Labor Rights Forum, Thai Seafood Working Group, 16 Feb. 2016, <http://www.laborrights.org/publications/comments-concerning-rankings-thailand-united-states-department-state-2016-trafficking>.

The United States

The U.S. government has acknowledged that it has a responsibility to address slavery in the seafood supply chain, and has taken a number of specific actions to advance progress:

- The ratification of the Port States Measure Agreement in 2015, gives power to U.S. ports to better police vessels engaged in illegal fishing.
- The 2015 amendment of the Magnuson-Stevens Fishery Conservation and Management Act suggests that Congress intended the Seafood Import Monitoring Program to address the myriad national security risks associated with IUU fishing, most notably human trafficking and slave labor.¹³
- In early 2016, closed a loophole in the 1930 Tariff Act which previously allowed goods to come into the country with ties to slave labor. This Act, coupled with the 2010 California Transparency in Supply Chains Act gives Border Control and Customs more authority over goods coming into the country.



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In early 2016, the U.S. government closed a loophole in the 1930 Tariff Act which previously allowed goods to come into the country with ties to slave labor.

All of these initiatives are new, less than twelve months old. There is little information about their impact. However, most groups surveyed are optimistic and believe the legal mechanisms to support heightened oversight of goods are now in place.

That said, Customs and Border Patrol (CBP) is the agency on the frontlines of enforcement at ports, and as of yet there is no additional funding from the government to support this added responsibility. There is reason to worry about the CBP's reliability on enforcement: their records show inconsistency in reporting and potentially issuing Withhold Release Orders (WROs) – basically flags for potentially tainted goods. Since 1991, there have been only 36 instances of WROs being issued: 7 in 1991,

13 in 1992, and, until recently, the last one issued was in 2000. Labor groups feel as if in the past twenty years, CBP has been extremely reluctant to use its power to stop forced labor goods at the port by issuing formal detention or exclusion orders.

Times might be changing. Since the update in the Tariff Act, CBP has updated its Forced Labor Enforcement Fact Sheet to read, “Merchandise mined, produced or manufactured, wholly or in part, in any foreign country by forced labor – including forced child labor... is subject to exclusion and/or seizure, and may lead to criminal investigation of the importer(s).” CBP has also issued three WROs to imports of food products from China. And the new Tariff Act requires the Commissioner of CBP to file an annual report with Congress disclosing how many times in the previous year goods made with forced labor were denied entry to U.S. market, perhaps adding in a long overdue measure of transparency and accountability. Additionally, the regulations say that any person who has reason to believe that merchandise produced by forced labor is being, or is likely to be, imported into the United States may communicate their belief to any Port Director or the Commissioner of CBP.

Still the ILRF is calling on CBP and Congress to take further steps to strengthen Section 307, including:

- Establish an Office for Labor Enforcement within the U.S. Immigration and Customs Enforcement Agency of the Department of Homeland Security to coordinate enforcement of the prohibition on importing goods made with forced labor under section 307 of the Tariff Act of 1930.
- Require U.S. Customs and Border Protection to maintain and regularly update a public web page containing basic information regarding its enforcement efforts under Section 307, including a list of all active petitions and investigations, goods targeted, countries involved, and whether CBP has denied entry to any goods related to the investigation.
- Expand CBPs existing authority to include the ability to issue detention orders that cover regions or industries within countries where forced labor is widespread. Currently enforcement is limited to the enterprise level: petitioners must prove that forced labor is taking place on a particular factory or farm and trace the tainted product to a particular shipment entering a U.S. port. This makes enforcement of Section 307 nearly impossible with many agricultural goods, where products from many farms are comingled before being processed and shipped to the U.S. market.

13. Thai Seafood Working Group. 2016. “The National Ocean Council Committee on IUU Fishing and Seafood Fraud’s Proposed Seafood Import Monitoring Program.” Thai Seafood Working Group, 22 Aug. 2016, s3-eu-west-1.amazonaws.com/www.ethicaltrade.org/files/shared_resources/thai_seafood_working_group_letter_to_obama_administration_8_22_16.pdf?05Cz01.Dl0wCaTBU_hyXiRmaWiwUoH2Q.

A few business sources have noted increased enforcement. On Source Intelligence’s blog, their headline on the topic read, “Border agents are cracking down and demanding more information about products’ origins.”

Overall, there are still challenges in implementation. Different government agencies are still arguing about which one has primary responsibility for action. This makes a lot of sense in that some lack the mandate, others the expertise, some both. While agencies agree that there is something more to do, the lack of coordinated leadership and a White House mandate for action is an area where additional support is needed. Specific additional actions the White House could take include:

- Adding in a human rights mandate in the Task Force on Combating IUU Fishing and Seafood Fraud
- As the White House finalizes its Seafood Import Monitoring Program, include documentation on labor practices as part of the traceability program and expand the program to include all seafood.

The United Kingdom

Passage by Parliament of the UK Modern Slavery Act in 2015 that is aimed at tackling modern day slavery in the UK, which includes a transparency in supply chains provision. This provision requires businesses to publish an annual statement if they have an annual turnover above a certain threshold. An improved statement would confirm the steps taken to ensure that slavery and human trafficking are not taking place in the business (or in their supply chain), or declare that no steps to confirm the existence of slavery or trafficking have been taken. While it is still too early to tell the impacts of this Act, analysis reveals that the majority of company statements published to date do not yet comply with the Act’s requirements: companies must make a statement approved by the Board and signed by a company director (or equivalent) available on the homepage of the company’s website. Out of 75 statements found, only 22 were both signed by a director and available from the company’s website homepage. Thirty-three were not signed by the director, and 33 companies had not placed a link to the statement on website homepage.



Recommendations

This report discusses opportunities for the Packard Foundation to help the sustainable seafood movement integrate environmental and human rights concerns in a ways that are likely to lead to stronger outcomes for both issues than what a siloized approach would deliver. Specific recommendations are below.

We have also included recommendations of several programs and organizations for the Packard Foundation to consider as potential grantees as well as recommendations for governments and philanthropy in general. Of course, these recommendations have to be considered in the context of the Packard Foundation’s budget, priorities, and closer evaluation of any potential grantees’ record of effectiveness, the quality of their plans and proposals, the likely marginal impact of additional funding for any specific organization, and all the other factors that usually go into grantmaking decisions.

1 Work in concert with human rights funders and ecological funders.

There is, of course, an enormous amount of work still to do to create ecologically sustainable fisheries. Fortunately, we don’t believe that the Packard Foundation and other environmental funders need to choose between the two agendas. Instead, human

rights funders and ecological funders can work together to better integrate the two agendas in ongoing work without one or the other substantially shifting focus. Human rights funders we spoke to were delighted to hear that the Packard Foundation had commissioned this assessment, and stand ready to have follow-up conversations about developing a complementary grantmaking strategy. Both labor and environmental NGOs echoed the same sentiment. For them, coordinated and complementary funder strategies will help advance progress in both areas. Funders we identified to engage further include: the Gordon and Betty Moore Foundation, the Freedom Fund, Humanity United, and the Rockefeller Foundation.

2 Build capacity for existing NGO partnerships and initiatives that are making progress in transforming the Thai seafood industry.

A handful of influential players have laid the groundwork for lasting human rights and sustainability improvements in the Thai seafood industry across the corporate, government, and non-profit sectors. Many of these players, detailed in the section of this assessment on Thailand, are already operating at capacity and are in need of dedicated funding to scale and sustain the added workload. Ad hoc coalitions like The Thai Seafood Working Group (led by International Labor Rights Forum (ILRF) and Greenpeace USA) are organizing themselves to handle messaging, tactics, and outreach to governments in hopes of affecting policy in consumer countries including the United States and European Union. Twenty-five groups are involved. On the NGO side, EJF has, hands down, done the most to build rapport and trust with the high-ranking members of the Thai government, which has allowed them to negotiate stronger Thai policy for worker and ecological protections. Project Issara and ILRF are shedding light on the possibilities of empowerment of fishermen through cell-phone technology, enabling workers themselves to be observers and reporters of information. Ethical Trading Initiative is helping workers to organize, expand, and strengthen trade unions that can undertake collective bargaining. Building capacity for these initiatives and ad hoc coalitions could ensure continued impact and enhanced collaboration. Additionally, partnerships formed out of the response to slavery in the shrimp sector in Thailand between NGOs are helping to drive the integration of ecological and environmental sustainability for the long-haul, corporate partners are leaning on environmental groups for guidance, and labor experts are learning a new set of advocacy language (and vice-versa for environmental advocates).

Ecologically-oriented organizations like Monterey Bay Aquarium, Sustainable Fisheries Project, and FishWise have all had to quickly become experts on solutions. Building capacity for human rights departments within these groups could offer long-term, in-house expertise to guide this work over the coming years. Finally, an international network of lawyers organized by Slave Free Seas argues that a case could be taken to the International Criminal Court or World Court on behalf of slavery victims in Thailand. Such a case would be precedent-setting on multiple levels. A judgment against those individuals or States for victims of seafood slavery, but perhaps even more groundbreaking would be its ability to serve as a potential consequence for violations in an environment in which there have been no consequences to deter perpetrators. More details on these and other actors are available in the Thailand section.

Recommendation for the Packard Foundation:
Support the Thai Seafood Working Group

Recommendation for philanthropy:
All of the initiatives mentioned above are worthy and would benefit from additional philanthropic funding to sustain progress and scale efforts.

3 Expand the geographical focus.

Attention to Thailand took off when a slew of media stories broke about atrocious labor abuses implicating supply chains linked to multinational corporations and importing nations. While the drumbeat of attention has helped to focus decision makers on problems in Thailand, human rights abuses in the seafood industry are not limited to Thailand. Those surveyed suggested a focus on other countries within the greater Mekong region (especially Vietnam), Indonesia, as well as (non-Mekong) China. By 2030, Asia is projected to make up 70 percent of global fish consumption.¹⁴ Second, these countries are rife with illegal, unreported, and unregulated (IUU) fishing that is frequently associated with slave labor. Third, these country’s connections to global markets create an opportunity for international leverage through consumer country government action and supply chain sustainability initiatives (including advocacy campaigns).

14. World Bank. 2013. Fish to 2030: prospects for fisheries and aquaculture. Agriculture and environmental services discussion paper, no. 3. Washington DC; World Bank Group. <http://documents.worldbank.org/curated/en/458631468152376668/Fish-to-2030-prospects-for-fisheries-and-aquaculture>.

Finally, there are compelling ecological reasons for increased focus on these countries. In general, their fisheries are heavily depleted, and the coastlines are suffering from the rapid expansion of shrimp farms made possible through aquaculture. These farms destroy local mangrove forests, natural wild fish nurseries. Mangroves are also extraordinary carbon sinks, storing double the carbon per acre than even tropical rainforests. In sum, the Greater Mekong should be a top priority for a joint investment by environmental and human rights funders.

Other emerging geographies to consider include: Taiwan, South Korea, Sierra Leone, and Somalia. These areas all have significant problems with unsustainable fisheries and human rights abuse in their waters and/or in their fleets that operate in foreign or international waters.

Monitors have frequently caught South Korea boats engaged in both abusive labor practices and IUU fishing. South Korean boats were primary culprits when New Zealand cracked down on forced labor on boats operating in its EEZ. Halfway across the world, off the coast of Sierra Leone, South Korean flagged boats were caught keeping laborers against their will in atrocious conditions. A recent Greenpeace report titled “Made in Taiwan” found Taiwanese boats around the world engaged in both IUU for tuna, as well as abusive labor practices.

While the Taiwanese and South Korean EEZs may be smaller than countries in the Mekong or China, they may be “low hanging fruit” to drive change. Both are developed countries with strong cultures of journalistic scrutiny of government and business practices. In Korea, there have been a series of exposés of Korean companies operating irresponsibly or arrogantly that have led to widespread pressure for fundamental reforms in Korean business and government: the Reckitt Benckiser personal care company was shown to have sold faulty air filters in Korea that killed dozens of people; a Korean Airlines executive was fired and imprisoned for diverting a flight because she was unsatisfied with the manner in which she was served macadamia nuts in the first class cabin; the sinking of a holiday ferry that caused hundreds of deaths and our own campaigns to expose the environmental and human rights abuses of Korean palm oil and timber companies have made the country ripe for reform and action. Our partner in Korea, the Korea Federation for Environmental Movements (along with others) has already been active in driving seafood sustainability.

In Taiwan, WildAid campaigning around shark finning was successful in compelling the government to ban the practice, the first in Asia. While more work is to be done to curb the practice, this is a clear indicator that campaigning in these nations can have an impact. Both Korea and Taiwan have lower levels of corruption and better governance than others in the region.

In Africa, despite high levels of IUU, these countries’ current market share and projected growth are smaller than those of the Greater Mekong countries (including China), as well as outside the Packard geographical scope, so should perhaps be a secondary focus.

Recommendation for the Packard Foundation:
Work with human rights and ecological groups to map out a potential integrated approach to a geographical area identified above.

Recommendation for philanthropy:
Support integration of human rights and ecological work in new priority regions.

4

Support action in consumer countries and international organizations.

Key importing countries and regions like the United States, European Union, and Japan are likely targets as well as the International Labor Organization (ILO) and the United Nations. Although the United States and the European Union have significantly increased monitoring and regulation, much more is needed. For example, the United States has passed legislation and closed trade loopholes in the last year to crack down on human trafficking and many agencies are involved in sustainability issues in fishing, but the White House has not prioritized the issue as much as it could. Advocates are calling on the President to add in a human rights mandate in the Task Force on Combating IUU Fishing and Seafood Fraud. We also recommend capacity development for additional countries to ratify the groundbreaking Port State Measures Agreement (PSMA) – a UN agreement to prevent, deter and eliminate IUU fishing through the implementation of robust port state measures. This new treaty is poised to help transform the industry – but lacks teeth without a critical mass of States ratifying it. Just this year, the United

States signed on as the 20th State Party, which provides a critical boost for the treaty. However, major importing nations like Japan, the third largest market for seafood imports, have yet to ratify. Through our outreach, we learned that capacity was lacking within individual states to ratify this measure, an important opportunity for funder investment. Finally, the International Labor Organization (ILO) program called GapFish will combine needed research, with capacity building, transparency and multi-stakeholder initiatives for regional and national fisheries impact. These initiatives could benefit from additional philanthropic funding to sustain progress and scale efforts.

Recommendation for the Packard Foundation:

Support efforts to further the White House’s involvement and coordination on these issues as outlined by the Thai Seafood Working Group.

Recommendations for philanthropy:

Supporting efforts to persuade more countries to ratify the agreement, and ensuring that government and the private sector rigorously implement the provisions of the agreement. Support efforts like GapFish.

Bolster critical monitoring infrastructure including labor risk screening and electronic or human observation.

Strengthen efforts that focus on observer coverage from multiple angles: workers, independent observers, and technology that support transparency and traceability throughout supply chains. Simply put, there is not enough data available or collected yet; current sustainability screens can’t be updated to be more effective. But as technology advances, there is potential for better vessel monitoring. This information will help identify high-risk patterns congruent with labor and environmental abuses as well as to collect data to map out the chain of custody, which will bolster transparent supply chains and traceability efforts. While there is some initial start-up cost concerns, significant increases in transparency and traceability are possible with support from multiple funders, including government funders. While most interviewees stressed that traceability was most important with at-risk fisheries, from catch to processing, they also expressed concerns that achieving a high degree of traceability would be more costly than it is worth – and that using private sector leverage to transform

entire fisheries to sustainable management would have far more impact and be more cost-effective than individual company supply chain traceability. This experience has been echoed in other sectors, notably palm oil and soy (although traceability remains important in efforts to make cattle ranching more sustainable).

A big reason for inadequate government enforcement of fisheries management regimes is insufficient capacity for monitoring vessel behavior. Increasing electronic and/or human observation on these ships would give more visibility to conditions on the high seas. Vessels could also be required to have digital “license plates” or other permanent identifiers, and to provide certificates to vessels that record data on catches, crew, and ship logs. Promising technology like the partnership between Oceana, Google, and SkyTruth’s Global Fishing Watch which launched in conjunction with the 2016 Our Oceans Conference; the Social Responsibility Risk Tool by Monterey Bay Aquarium, Seafood Watch, and Sustainability Fisheries Partnership (SFP) currently under peer review; and SFP’s hot spot satellite mapping have additional potential to help. Further, the fishers on the boat can do monitoring themselves. Most have cell and smart phones, which can be used to report a whole host of important data: labor questions (breaks, pay, hours worked), fishing equipment used, species caught reporting. Finally, blind checks should be integrated into any observer coverage.

Recommendation for the Packard Foundation:

Help bring to scale worker voice monitoring mechanisms, through groups like ILRF and Project Issara, which stand to provide both critical fishery and human rights data.

Recommendations for philanthropy: Invest in digital and observer monitoring mechanisms laid out above.

Recommendations for government: Investment in transparency and traceability initiatives. Require that all vessels have digital license plates. Implement blind checks.

We are happy to assist in the achievement of these objectives.

Conclusion

Slavery in Southeast Asia’s fishing industry is a real-life horror story. It’s no longer acceptable for companies to deny responsibility... not when people are kept in cages, not when people are made to work like animals for decades to pad some company’s bottom line.

—Congressman Chris Smith, R-N.J.

Evidence from Thailand and beyond suggests that precipitous declines in fish stocks over the last half century and rising operational costs – particularly those related to crewing and fueling fishing vessels – have squeezed profit margins, and pushed fishing operations to cut costs by reducing pay and relying on abusive labor conditions. This alarming cycle of environmental degradation and human rights abuse exacerbate and perpetuate one another.

Nonetheless, there are significant opportunities to advance ecological sustainability and human rights together. Better fisheries management in the global north along with consumer campaigns targeting retailers of seafood have restored fish stocks in many places, showing that change is possible. Recent crackdowns on IUU fishing and human rights abuse in New Zealand and Thailand have potential to drive improved working conditions and more sustainable fisheries management. And important new forces are coming online that offer critical tools to tackle human rights and improve fisheries management.

New technologies are adding critical human and digital monitoring and data collection. NGOs in labor, environmental, and human rights groups are joint strategies to tackle fishery mismanagement and slavery jointly. Major importing nations have passed laws necessary to hold offenders accountable, and the United Nations has declared a commitment to eradication of slavery.

As we’ve outlined through this report, there are host of options that the Foundation can take. As the Foundation maps out its next five years strategy, major undertaking to take would be:

- Start with funder coordination and - human rights funders and ecological funders can work together to better integrate the two agendas into ongoing work.
- Supporting existing alliances and initiatives that are tackling the Thai problem. This will ensure transformation of the Thai fishery and bolster its recovery.
- Support efforts targeting U.S. and European governments; the political climate is ripe and this is an issue that has even united a highly polarized Congress.
- Commit itself to supporting the work of an emerging hot spot(s). Investigation into China, Vietnam and/or Indonesia rise to the surface as having the right conditions – IUU fishing and exporters to places like the United States and Europe for an exposé similar to the one that occurred in Thailand. Investigation into Taiwan or South Korea would also be beneficial and a good option. These nations – like New Zealand – have strong reputations that government officials would act quickly to protect.
- Invest in critical monitoring (digital and human observer coverage) initiatives.

Integration of human rights and environmental issues is possible. We are hopeful that this report has helped give the Foundation some options to help guide the way. Thank you for the opportunity to pursue it. We look forward to discussing it further.

Feedback Welcome!
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Annex: List of Interviewees

- 1 Steve Trent, Executive Director, Environmental Justice Foundation
- 2 Ashley Appel, Fisheries Program Manager, Fair Trade USA
- 3 Ame Sagiv, Manager on Investments, Humanity United
- 4 Craig Tuck, Founder, Slave Free Seas
- 5 Thomas Harre, Legal Team, Slave Free Seas
- 6 Abby McGill, Campaigns Director, International Labor Rights Forum
- 7 Dr. Lisa Rende Taylor, Director, Project Issara
- 8 Libby Woodhatch, Head of Advocacy, Seafish
- 9 Blake Lee-Harwood, Communications Director, Sustainable Fisheries Partnerships
- 10 Shawn MacDonald, Director of Programs and Research, Verité
- 11 Audrey Guichon, Program Officer, The Freedom Fund
- 12 Brad Spear, Systems Division, Sustainable Fisheries Partnership
- 13 Roger Plant, Expert, Independent Expert
- 14 Aurora Alifano, Project Director Human Rights, FishWise
- 15 Whitney Webber, Ocean Advocate, Oceana
- 16 Dr. Christina Stringer, Professor, University of Auckland, New Zealand
- 17 Ana Cohen, Natural Resources Staffer, Senator Ed Markey
- 18 Rebecca Surtees, Senior Researcher, Nexus Institute
- 19 Sophy Fisher, Public Information Officer for Asia, International Labor Organization
- 20 Jean-Marie Kagabo, Programme and Operations Officer, International Labor Organization
- 21 Douglas MacFarlane, PhD candidate, University of Western Australia
- 22 Huw Thomas, Fisheries and Aquatic Manager, Morrisons
- 23 Nick Knightley, Category Leader: Food and Farming, Ethical Trading Initiative
- 24 Wendy Norden, Seafood Watch Science Director, Seafood Watch, Monterey Bay Aquarium
- 25 Iain Pollard, Standards & Certification Coordinator, Aquaculture Stewardship Council
- 26 Yemi Oloruntuyi, Developing World Program Manager, Marine Stewardship Council
- 27 Laura Svat Rundlet, Senior Coordinator for Public Engagement, Office to Monitor and Combat Trafficking in Persons, U.S. State Department
- 28 Julia Anderson, Program Advisor- East Asia and the Pacific Islands, Office to Monitor and Combat Trafficking in Persons, U.S. State Department
- 29 Greg Hermsmeyer, Senior Coordinator, International Programs, Office to Monitor and Combat Trafficking in Persons, U.S. State Department
- 30 Eliza Reock, Director of Programs, Shared Hope International
- 31 Etelle Higonnet, Former SE Asia Research Director, Greenpeace Southeast Asia
- 32 Sarah Eyman, Legislative Director, Senator Blumenthal
- 33 Kate Kennedy, Managing Director, North America, The Freedom Fund
- 34 Tony Long, Director, Ending Illegal Fishing Project, The Pew Charitable Trusts
- 35 John Hocevar, Oceans Director, Greenpeace USA
- 36 Andres Hoyos, Legislative Assistant, Senator Kristen Gillibrand
- 37 Adena Leibman, Oceans and Coastal Policy Advisor, Senator Sheldon Whitehouse
- 38 Eric Deeble, Legislative Aide, Senator Kristen Gillibrand
- 39 Andy Chen, International Labor Rights Forum