



A Marshallese fisheries officer boarding a Philippines fishing vessel.

Source: www.francisco-blaha.info

Keeping our seafarers safe

By Peni Komaisavai and Samantha Magick
Photos: Francisco Blaha

IN what has been called a 'landmark decision', Forum Fisheries Agency (FFA) member states are to include crew employment conditions in minimum requirements for fishing licenses.

For many years there has been concern about workers' conditions on foreign long-line fishing vessels plying our region's waters. The FFA says these vessels and the fishing companies that own them, "often require crew to stay at sea for up to a year with poor pay and conditions and harsh penalties for dissent."

The decision to address these concerns also comes on the heels of a Business and Human Rights Resource Centre report that alleges canned tuna brands are "failing to tackle modern slavery in their Pacific supply chains."

That report alleges that "severe human rights abuse is endemic, including forced

labour, slavery, human trafficking and child labour, and reports of migrant workers bought and sold as slaves and tossed overboard if they complain or get injured."

A regional problem requiring regional action

FFA Director General Dr Manu Tupou-Roosen says the decision to scrutinise crew conditions is "about FFA members not just ensuring the sustainability of our resources from a biological perspective or an economic perspective, but also from a social perspective, the human side to this work."

Fishing vessel operators will now be required to take formal responsibility for the health, welfare and safety of a crew member while he or she is on board the vessel, and ensure they meet decent standards in respect of salary and conditions for all crew.

"Basically FFA members are walking the talk and not just saying that crew wel-

fare must be protected. They've also set a deadline that by 1 January 2020 they will make best endeavours to implement that decision and report back on how they've implemented these conditions. So they are holding themselves accountable," says Dr Tupou-Roosen.

She says the FFA will be working closely with its members to ensure they meet that deadline. "We want to ensure they [the conditions] are enforceable, that they are practical and that we are able to deliver, otherwise it's pointless," she says.

Some of the monitoring, control and surveillance tools already in use by FFA members, such as the use of boarding and inspection officers and fisheries observers, removal from the FFA vessel register, inclusion on the Tuna Commission blacklist, and potentially in the future, electronic monitoring, may be used to enforce the new conditions.

But what recourse will FFA members have if crew employment conditions are

Reported cases of Pacific Islanders deaths at sea

Date	Name	Position	Vessel, type	Where	Flag	Citizenship	Cause/status
2018	Junior Lakepa	Engineer	Taitanui, inter-island ferry	Fiji - between Kadavu & Suva	Fiji	Fiji	"fell overboard"
2-Jul-17	Fesaitu Riamkau	Crewman	Chung Kuo no 88/Gilontas	Panama	Vanuatu, now Panama	Fiji	murder/"falling overboard"
26 June 2016	James Nubaru	Observer	Feng Xiang 818, PS	east of Nauru	China	Fiji	"fell overboard"
21-May-16	Usaia Masibalavu	Observer	Western Pacific	unknown	USA	Fiji	"infection from injury"
28 Feb 2016	Domar AnTHONY	Crewman	Fong Kuo 828, PS	Majuro, Marshall Islands	Taiwan	Papua New Guinea	drowning?
20-Jan-16	Kaarine Baita	Crewman	Jih Yu 668, PS	Majuro, Marshall Islands	Taiwan	Kiribati	drowning
Jan-16	unknown	Crewman		Tahitian waters	China	Fiji	suicide
2016	Larry Gavin	Observer	not known	unknown		Papua New Guinea	"lost at sea"
2015	Wesley Talia	Observer	not known	Off New		Papua New Guinea Ireland, PNG	unknown
9-Jan-14	Tomu Koimola	Crewman	Lurong Yu Yuen 72099, LL	Tahitian	China	Fiji	"fell overboard"
4-Feb-13	Mesake Kaisuva	Crewman		Fiji	Taiwan	Fiji	pneumonia?; stomach pains
29-Mar-12	Willie Mays Towai	Policeman		Palau		Palau	accident
29-Mar-12	Earlee Decherong	Policeman		Palau		Palau	accident
29-Mar-10	Charles Lasisi	Observer	Dolores 838, PS	PNG	Philippines	Papua New Guinea	murder
July -Aug 2009	Eria Teboua	Crewman	Jin Chin Fu no.16, LL	Solomon Islands	Taiwan	Fiji	"fell overboard"
5-Dec-08	Joeli Nailati	Crewman	YuhYih no. 12 LL	Solomon Islands	China	Fiji	murder

Source: Pacific Dialogue

found to be unacceptable? That will be up to individual member governments, but Dr Tupou-Roosen says the worst penalty for them would be to cut access. "Depending on the severity of the offence they have committed, the license can be suspended, or it can just be revoked. And so then the fishing operator basically can then not operate. If they were to do so they would be fishing illegally."

Dr Tupou-Roosen says increased protection for crew members is also important in an environment where Pacific leaders want to encourage employment on fishing vessels. "They want to ensure that it is safe and decent and that we're not just putting our people onboard vessels for the sake of money," she says.

Executive Director of the Federated States of Micronesia's National Oceanic Resource Management Authority (NORMA), Eugene Pangelinan, notes that by setting these standards, more Pacific Island nationals may be motivated to become crew

on fishing vessels.

"Working conditions on fishing vessels, particularly large class longliners don't offer very comfortable living conditions and the work is hard and dangerous," Pangelinan says. "These standards can set the benchmark for which Pacific islanders decide whether to work on a vessel or not."

James Sloan, a Fiji-based lawyer who has consulted, advised and written widely on fisheries and marine issues, says it's "fantastic" to see the FFA's action on the issue. Besides the obvious human rights issues, he says there is a strong economic reason to ensure safe, fair conditions for crew members.

"If someone literally is not paying [fair crew wages] then they have an unfair advantage in the market.

"Islands have the biggest and the last remaining healthy stocks of tuna, so everybody is coming into an area where we don't even have the resources to monitor without assistance, what's happening,"

Sloan says.

Local voices on a global stage

Fiji-based NGO, Pacific Dialogue works with international partners to share stories of injury, pain and hardship experienced by Pacific island seafarers. The organisation's Director, Dr Patricia Kailola says the treatment of Pacific islanders aboard foreign fishing boats should be a matter of concern for regional leaders.

"Initially they [international fishing companies] hire four to five Pacific Islanders, they learn from them, then they watch to see what they are doing, then take over from them. Some hire Pacific islanders just because the law requires them to, and in other instances, Pacific islanders are only hired to do the heavy work because there were much stronger that the Asian sailors," Dr Kailola says.

She says they had spoken to some seafarers who defied their foreign bosses while at sea, but were swiftly dealt with.



A Tuvaluan fisheries observer is deployed to a Korean purse seiner in Majuro.

“There were some who knew their rights, but were quickly sorted out and given extra work, less food and in some cases beaten by their employers.”

Amongst the cases Pacific Dialogue has helped publicise is that of 40-year-old Fijian Josaiia Cama, who had his fingers amputated, after being left to work in the freezer of a fishing vessel for a prolonged period of time, without the proper equipment. Dr Kailola said Cama was one of the fortunate ones who walked away with his life.

Pacific Dialogue works with the UK-based organisation, Human Rights at Sea. It's founder David Hammond says the organisation has for the last two years, surveyed flag states to see how and if they are meeting their human rights obligations.

Hammond says: “The headline word here is impunity, is that the level of impunity from some of the leading flag states that have the highest tonnage on board their books, is one of just ignoring civil society and human rights issues because who's going to take them to task?”

“What we have found is that by highlighting in documents, naming and shaming through corroborating, the issue of brand being brought into disrepute which then goes to boards and shareholders, is the most effective tool for people to start engaging to a degree.”

Protecting our eyes at sea

Pacific fisheries observers spend months at sea measuring fish catches, fishing methods and ensuring boats comply with international regulations. They collect scientific data for tuna stock assessments, informing conservation measures taken by regional bodies such as the Western and Central Pacific Fisheries Commission.

Dr Tupou-Roosen says the resolution on crew conditions builds on commitments FFA members have made to protect observers on fishing vessels, and that some of the lessons learnt will be useful in implementing protections for crew members on long-line vessels.

Yet there are still concerns for these seafarers. Fiji opposition parliamentarian, Lenora Qereqeretabua unsuccessfully moved for the allowance for fisheries observers be increased to F\$1million from the current \$260,000 allocation in parliament recently. She cited the tragic case of fisheries observer Usaia Masibalavu, who passed away in May 2016 while aboard a US-flagged tuna purse seine fishing vessel.

Qereqeretabua is concerned for the state of Masibalavu's family three years after his death. “There has been absolutely no talk about insurance or compensation cover for Mr Masibalavu's family who are living without a father and provider,

which is also what my motion for an increase, was intended to ensure. Not only retrospectively for Mr Masibalavu, but also for the hundreds of other fisheries observers that the [Fiji] Ministry of Fisheries is currently and ultimately responsible for.”

Market pressure a factor

Last month the Business & Human Rights Resource Centre released its survey of 35 canned tuna companies and supermarkets representing 80 of the world's largest retail canned tuna brands. The survey on their approach to human rights challenges, including modern slavery, took place between November 2018 and January 2019.

The report's authors say “four of the 35 companies surveyed (Thai Union, Kraft Heinz Australia, Target and REWE Group) said they conduct due diligence specifically to uncover modern slavery in their supply chains, while 80 percent of companies failed to disclose where in the Pacific their tuna comes from, with only 20 percent saying they have mapped their entire supply chains.”

“Migrant workers are particularly vulnerable to abuse due to lack of official documentation, reduced bargaining power, language barriers and diminished safety nets. These factors are aggravated by spending extended periods at sea,



Observer coordinator, Bernard Fiubala aboard a Chinese longliner.

during which time workers are physically isolated, with few options for escape or reporting abuse. There are frequent reports of identity documents being confiscated, trapping workers in forced labour; the supply of forged identity documents rendering men stateless; and captains leaving crew stranded on remote islands as punishment, or simply because they are no longer required for work," the report says.

FFA Director Dr Tupou-Roosen says consumer and market demands are not the main motivation for the proactive stance member states are taking, but they are a factor.

"Markets are looking now to ensure that the product they receive is from a responsible fisher and responsible in its broadest sense, not just in that stocks are biologically healthy, but also that there is social responsibility."

"Market pressure is not the driver. It is modern day slavery. And so that is the key driver for why our members are looking at this issue," she says.

"Above all, it is the right thing to do," says Dr Tupou-Roosen.

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Putting policy into practice

Out of Sight: Modern Slavery in Pacific Supply Chains of Canned Tuna by the Business & Human Rights Resource Centre make some key recommendations for fishing companies operating in the Pacific. In particular, it urges companies to turn policy into practice.

- It says companies should:
- Undertake comprehensive supply chain mapping and scrutiny, including immediate suppliers and sub-contractors, to identify high-risk areas and eliminate risk
 - Develop effective complaint and whistleblower mechanisms
 - Ensure they have clear, comprehensive and tested remediation plans dedicated to addressing modern slavery
 - Design, resource and implement effective internal reporting and monitoring systems
 - Develop comprehensive training on modern slavery for employees, management and contractors of supply chain workers at all levels of the supply chain

It calls on governments and policy-makers to:

- Promote and implement the UN Guiding Principles on Business and Human Rights
- Effectively implement human rights reporting regimes
- Introduce mandatory human rights due diligence by companies

And urges civil society organisations to:

- Provide education to workers on their human and labour rights
- Monitor, research and analyse corporate efforts to address modern slavery

