

Informing practical pathways to combat forced labor in the offshore commercial fishing industry: A research agenda for a transdisciplinary task force.

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**Abstract**

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In 2021 an estimated 128,000 fishers were working on vessels in conditions indicative of forced labor. Forced labor in the offshore commercial fishing industry is detrimental to sustainable fisheries management, the fishing sector, and society as a whole. This research identifies practical pathways towards a more coherent and integrated application of efforts to combat this forced labor. Interviews with cross-sectoral experts clarify the convergence and conflation of key security issues related to the offshore fishing industry and inform recommendations for improved transdisciplinary coherence in efforts to combat this offshore forced labor. Key

findings elucidate crucial areas in the offshore commercial fisheries industry for obtaining better governance, improving problem characterization between disciplines, as well as raising awareness and building capacity. This paper concludes that a holistic, strategic applied effort to combating forced labor in the offshore commercial fishing industry is necessary, and a transdisciplinary task force is proposed.

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# 1 Introduction

The fisheries sector is vital to global security, food supply, economics, and the environment.

Accounting for 17% of the human population's animal-source protein, up to 70% in some coastal areas [1] the seafood industry is a main contributor to global food supply. Estimated by the Food and Agriculture Organization (FAO), of the United Nations (UN) overall capture fisheries<sup>1</sup> harvested 96.4 million tones in 2018, and international trade of seafood accounted for 67 million tons [3]. This demands a large, and healthy, workforce. In 2018, the FAO estimated that 59.51 million people around the globe made their living through the seafood industry that accounted for USD 164 billion of the global economy [3]. Between employment opportunities and international trade of this critical resource, the seafood sector plays an important role in the global economy. Combining this with the important role this resource has in food security means it is imperative to manage this resource sustainably. Further, fish consumption has multiplied at a rate around 1.5 percent per annum between the 1960s and 2018 [3]. This increased consumption has had devastating effects on the environment, from overfished fish stocks to habitat destruction, and the world is left with fewer fish to feed the growing demand [3]. Climate change effects also exacerbate the problem and endanger the health of marine capture fisheries [3]. As the demand for this resource – important to global food and economic security – grows, so does the need for conservation and management through an effective fisheries governance system.

The fisheries governance system is limited when it is approached with a fisheries science-centric<sup>2</sup> view as it tends to leave out the human element of the ecosystem. Fisheries literature

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<sup>1</sup> Capture Fisheries is defined by the FAO as removal of aquatic organisms from natural or enhanced inland waters [2] opposed to fish harvested from farmed aquaculture.

<sup>2</sup> A Science-centric view is one in which quantitative and statistical applied efforts are used to evaluate outputs and are consistent with a linear, 'knowledge transfer', framework [4].

demonstrates that although a consideration, the human dimensions remain often understudied compared to ecological objectives [5]. The fact that healthy fish stocks are dependent on healthy fisheries' communities that harvest those stocks [6] should not be, altogether, surprising. So too should it follow that regulating the human dimension of labor, along with fish stocks, can lead to a more sustainable fisheries management approach.

The offshore commercial fishing sector is vulnerable to social injustices due to poor oversight, weak international legal frameworks, and a lack of transparency in ownership and supply chains [7]. Besides obvious moral and ethical implications, there is also a pragmatic concern when it comes to labor abuses in fisheries – simply put, bad behavior is risky business. Conducting operations under the minimum threshold of legal requirements as they pertain to internationally recognized human rights [8] can jeopardize a business's license to operate [9], for a vessel operating offshore on the high seas<sup>3</sup> the license to operate is dependent on the Flag State that the vessel is registered to. Perhaps more importantly though, this risky behavior can affect their successful import to large markets like the United States (US) [11] and the European Union (EU) [12] who may not let the seafood products enter their markets. With advancements in monitoring, control, and surveillance (MCS) technologies through acoustics [13], satellites, drones and QR codes to name only a few [14], increased transparency is an evolving risk to businesses not meeting the minimum legal requirements that exist in all workplaces, including those of the offshore seafood industry [8]. Ensuring a healthy labor supply on offshore commercial fishing vessels is of utmost importance to ensuring the seafood industry's stability.

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<sup>3</sup> High seas are international waters and are defined, "Under Article 13(1)(a) of the 1958 Geneva Convention on the High Seas, all parts of the sea that are not included in the territorial waters or the internal waters of a state," [10, para. 1].

Exploiting fishermen is anything but novel [15]. The UN's International Labour Organization (ILO) estimated in 2021 there were 128,000 commercial fishers aboard offshore vessels working in conditions indicative of forced labor<sup>4</sup> [17]. And while the exact growth in numbers of incidents of forced labor amongst commercial fishers aboard offshore vessels prior to 2021 is not published, forced labor has increased globally from 2016 to 2021 [17]. Forced labor in the offshore commercial fishing industry is a problem and throughout the rest of this study 'the problem' will be defined as forced labor's proliferation in the offshore commercial fishing industry. As this problem continues to grow, finding the best way to combat the problem will take a better understanding of both the problem itself and what work is being done (or not done) to address this pervasive behavior.

It is complex to characterize the specifics of forced labor in offshore commercial fisheries, also sometimes referred to as 'sea slavery' in the literature [18]. The offshore sector's international border fluidity and lack of transparency create an opaque environment where illicit activity can thrive [19]. The illegal activity<sup>5</sup> of forced labor on offshore fishing vessels [8] often converges with a number of other associated fishery crimes including trafficking in persons, as well as narcotics and small arms [19]. Transnational crime organizations and terrorism operatives exploit this environment's opaqueness to negate regulations and predatorily produce profits from other illicit activities while destabilizing coastal States [19]. Therefore maritime security professionals

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<sup>4</sup> Forced Labor here is defined by the ILO Forced Labour Convention, 1930 (No.29), refers to "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily," [16, para. 10].

<sup>5</sup> Forced labor is illegal internationally and nationally, in every venture, as defined by the 1998 ILO Declaration of Fundamental Principles and Rights at Work [20]. Therefore, working offshore in commercial fishing workers is no exception.

also study the issue of forced labor in the offshore fishing industry, and have interest in the overall fisheries governance system [21]. Adding another level of complexity to characterizing the transnational governance problem of forced labor in offshore fisheries [22] is that this problem is often spoken about synonymously with the term Illegal, Unreported, and Unregulated (IUU) Fishing, but this can present problems. Understanding the ties between these broader associated fishery crimes, including forced labor, and what comprises IUU Fishing is complicated [23]. Although these issues thrive in similar dark environments, they do not necessarily equate. There are many separate violations in this opaque environment requiring different methods of study to find appropriate solutions for each unique problem set.

Studying the unique problem of forced labor in offshore commercial fisheries has shown an emerging field of interest. An explosion of studies and journalistic exposés over the past decade describe egregious human rights violations that proliferate in this space [18]. Many professionals with various professional responsibilities interested in combating this pervasive problem undertake the challenge from their unique perspectives, with distinct methodologies, in order to satisfy their individual objectives. For the purposes of this study, this combination of a professional's perspective, methodologies, and objectives will be referred to collectively as their 'applied effort' throughout the rest of this study. Some applied efforts include conducting research to better understand how the problem, forced labor in offshore commercial fishing, intersects with the economy [24] [25] or undermines sustainable fisheries and marine conservation efforts [26] [27]. While other applied efforts embark on combating the problem from a law enforcement or national security perspective concerned with promoting ocean governance [28] [19]. Applied efforts in the private sector coalesce around business risk

mitigation [29] [8]. Technology developers' applied efforts can improve vessel behavior monitoring capabilities or aid auditors in evaluating labor conditions [30] [31]. There are also some, like labor and human rights advocates, whose applied efforts directly focus on human rights violations [32] [33] [34]. The applied efforts of story tellers, like investigative journalists or artists, raise public awareness to hold bad actors accountable [35] [36] [37].

As described, there are diverse groups of actors who work towards the reduction and eradication of forced labor in the offshore commercial fishing industry. These actors call on a variety of applied efforts dependent on their professional responsibilities. Despite the multitude of applied efforts occurring simultaneously in this space, the number of forced labor incidents continues to grow [38]. Can policy and processes more effective at increasing transparency, promoting governance, and reducing the number of forced labor incidents in the offshore commercial fishing industry be developed?

Reliable information fosters policy improvement. When the Associated Press broke the 'Sea Slavery' story in Thailand's seafood sector [36], the information provided led to Thailand's major fishery reform in 2015 [39]. By examining the various applied efforts working to combat forced labor in offshore commercial fishing, I aimed to identify gaps and discover opportunities that can harness and steer these efforts toward policy and process development capable of reducing the number of incidents of forced labor in the offshore commercial fishing industry.

This investigation (1) synthesized the tools and rationale used by 40 key informants (KIs) who are practitioners, researchers, subject matter experts, and prominent voices in the field

endeavoring to combat the problem – collectively referred to as ‘practitioners’ throughout the rest of this paper – in order to (2) critically analyze their individual methodologies and (3) paint a picture of applied efforts occurring simultaneously around the problem of forced labor in the offshore commercial fishing industry. Through delineating each practitioner’s varied methodologies and associated motivations, this research informs policymakers that a practical pathway forward necessitates working across disciplines and professional responsibilities to fill identified gaps. Further, helpful future research that will support integrated efforts in combating forced labor in the offshore commercial fishing industry has been identified through the inductive investigation process.

## **2 Material and Methods**

Qualitative research methods were employed to investigate the various applied efforts endeavoring to reduce the number of forced labor violations occurring in the offshore commercial fishing industry. The applied efforts that were examined represent a variety of professional responsibilities and organization types. Any distinct beliefs or foundational reasons that added to the fundamental reasoning of why a practitioner chose their specific applied effort were also interrogated. Additionally, through gaining insight to practitioner’s varied applied efforts, this research identified related efforts. Areas were highlighted where related applied efforts had collaborative potential to advance the fight against forced labor in the commercial fishing industry. This study triangulated findings from multiple methods in order to improve the validity of findings [40]. These methods included a desktop literature review, Dunn’s hierarchy analysis for problem delineation [41], key informant (KI) interviews, and inductive content analysis.

## **2.1 Secondary Data Collection**

### **2.1.1 Desktop Literature Review**

Secondary data were collected through a systematic literature review [42] to identify: (1) what organizations, and organization types, are involved in studying and combating the problem of forced labor in the offshore fishing industry, (2) what the root and enabling causes are allowing this problem to thrive, (3) what actions and tools are being used to fight this problem and (4) who the prominent voices are involved in combating the problem.

### **2.1.2 Problem Delineation**

The findings from the literature review regarding what root and enabling causes are allowing the problem of forced labor in the offshore commercial fishing industry to thrive were assessed using Dunn's problem delineation through hierarchy analysis [41]. All possible causes learned from the literature review were parsed out. For each possible cause I determined if the cause could be inhibited, and therefore actionable, by creating or changing policies at any governance level – private or public, and local to international (Figure 1) [27,32,33,43–45]. Underlying causes were considered 'actionable' if the causes were capable of being addressed with policy. This determination was based on my introspection regarding each cause and reflecting as to whether a specific policy action could potentially address the cause.

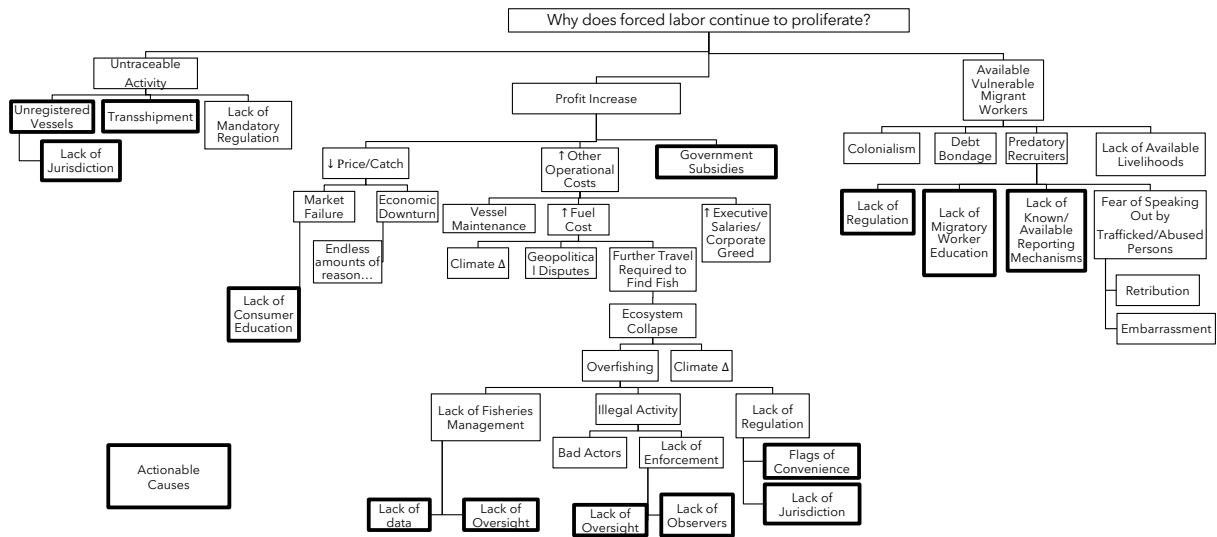


Figure 1: Hierarchy analysis for delineating the underlying causes of the problem of forced labor in offshore commercial fishing. Actionable causes are highlighted with the thicker black outline.

## 2.2 Preparing for Primary Data Collection

### 2.2.1 Interview Preparation

The key topics from the desktop review shaped the selection of KIs from pertinent organizations as well as the design of the interview questionnaire. Interview questions used in-depth individual (IDI) [40] and semi-structured interview (SSI) [46] formats<sup>6</sup> (Appendix 1). As suggested by Silverman and Patterson [48], semi-structured interviews focused on particular key themes and evolved based on informant interests and expertise. This ensured interviews were not too long and captured expert insights inductively (see Appendix 2 for interview guide). A one-page

<sup>6</sup> IDI and SSI formats were purposefully chosen to advance further comprehension of the material from elite key informants [47] as the combination offers breadth and the ability to explore topics “framed and guided by a more formal research question,” [48, p. 60] in depth. This provides the researcher the opportunity of gaining understanding from practitioner’s unique exposures and situated knowledges, while allowing for versatility and open-mindedness from the researcher to dive into categories which may not have been initially considered by said researcher [40].

research description and informed consent/confidentiality form were provided to all KIs (Appendix 3). This research complied with the standards of The University of Washington’s (UW) Human Subjects Division.

### 2.2.2 Recruiting Key Informants and Conducting Interviews

This study reached out to top experts from various organizations (Table 1) with differing professional responsibilities (Table 2) to participate in this study as KIs. Experts were identified as such if their work was published in influential publications like peer-reviewed journals or trusted news/media outlets. KIs were also considered experts if their work had earned professional recognition through a distinguished award. Using snowball sampling techniques [49] these initial KIs became an important source for identifying other potential informants. This was especially helpful with regards to experts who do not publish but are respected in their fields and endorsed as established voices. Interviews were conducted using the Zoom software platform given the COVID-19 pandemic and that informants reside around the world. All interviews were recorded and transcribed.

Table 1: Key informant breakdown by organization type

<b>Organization Type</b>	<b># of KIs from this Organization Type</b>
Academic	9
Civil Society	13
Consultant	7
International Organization	2
Investigative Journalists	2
National Security	4
Private Sector	1

Table 2: Key informant (KI) breakdown by self-identified professional responsibility. Please note, some KIs self-identified as having two professional responsibilities.

<b>Professional Responsibility</b>	<b># of KIs</b>
Accountability Journalism	1
Capacity Building	2
Financial Compliance in Supply Chain Due Diligence	2
Fisheries Economics	1
Fisheries Management	6
Holistic Sustainability (Social & Environmental)	4
Human Rights – Equity Focus	1
Human Rights – Forced Labor Focus	10
Human Trafficking	5
International Law – Human Rights & Business Compliance Specialty	2
Marine Conservation	4
Political Ecology	1
Global Security	6
Technology Development	2

### **2.2.3 Ensuring Quality Data Collection**

The interview guide was pre-tested to ensure question clarity and to identify any possible biasing [50]. I used active listening methods to remain open to unexpected narratives as they unfolded while the KI steered the conversation [51,52]. My understanding of each sentiment expressed by each KI was verified with the KI.

## **2.3 Data Analysis**

### **2.3.1 Content Analysis**

Atlas.ti software (<https://www.atlasti.com/>) was utilized to code and catalogue content analysis findings [52]. I used inductive, critical reflection [53] to code sentiments expressed by the KIs. Some of these sentiments will be presented through KI verbatim quotes in the results section as part of the thematic identification process. Most quotes presented will be non-attributed, while a select few have been attributed with KI permission. The researcher allowed coding categories to

evolve as quotes from the KIs emerged regarding their applied efforts and beliefs around combating forced labor in offshore commercial fisheries. Categories of codes that were inductively reasoned by the researcher reflected the KI's: chosen methodologies, tools<sup>7</sup>, rationale for their applied effort(s), challenges experienced while employing their applied effort(s), what legal instruments the practitioner uses in their efforts, and foundational beliefs and opinions regarding the underlying causes of forced labor in offshore commercial fisheries.

Some code categories did not come from inductive reasoning, such as the KIs professional responsibility, organization type, and efficacy of their applied effort. Instead, these data were self-identified by each KI.

Codes for the underlying causes of the problem, as seen by each KI, were also applied in order to analyze if certain professional responsibility groups or organization types attributed the problem to certain underlying causes. Sometimes the codes for underlying causes were intuited by the researcher based on the KI's narrative and other times the underlying causes were explicitly stated by the KI. The researcher paid particular attention while coding to identify common and uncommon definitions of underlying causes of forced labor.

### **2.3.2 Coding Quality Control**

A goal of this study was to determine the breadth and the associated characteristics of applied efforts being employed to combat incidents of forced labor in the offshore commercial fishing industry. As such, I allowed only one mention per code for each KI applied effort. For example,

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<sup>7</sup> Tools is a broad term here and is defined as any instrument that facilitated methodological performance like international instruments, satellites, annual reports, etc.

if the KI spoke about utilizing the International Anti-Money Laundering Framework as their main tool for an applied effort many times, ‘International Anti-Money Laundering Framework’ was only coded for once. When new codes were added through the inductive process, I returned to prior interviews to check if the coding needed to be updated for this new code.

## **2.4 Recognizing Limitations of Methodologies**

The following possible limitations of the data collection and analysis may have affected the results:

1. English language dependency could have limited the choice of data sources and therefore could have introduced English language and cultural bias [54].
2. According to Fontana and Frey, “Nonverbal behavior or cuing from gender, race, age, class, and other personal characteristics,” [55, p. 97] could have been missed due to the virtual interview format.
3. Practitioners’ expertise could be limited to their professional area of responsibility, therefore not all coded information could be considered ‘expertise’. However, these data are still of interest because they: (1) provide valid findings as the goal is understanding how an expert interacts with the subject of forced labor in the offshore commercial fishing industry and (2) highlights where gaps in practitioner understanding existed.
4. Representation of organization types and professional responsibilities were not exhaustive. Interviewing additional people from different organizations could result in different conclusions.
5. Fisherman and vessel owners/operators were not represented in primary data collection due to safety concerns for both the researcher and potential informant. This study’s data

contains some information about the experiences of these two groups, but only as secondary data points.

### 3 Results & Discussion

#### 3.1 Demographics

These interviews provided an overarching picture to the current state of affairs in combating forced labor in the offshore commercial fishing industry. Table 3 shows the frequency each underlying cause was attributed by each KI professional responsibility groups as well as the total number of KIs who mentioned the underlying cause. Table 4 provides a description of each underlying cause. Interrogating the features and characteristics of the work being done to address this forced labor uncovered 18 themes regarding actionable pathways to address 14 out of the 15 underlying causes identified by KIs.

Table 3: Underlying causes for the continuance of forced labor in the offshore commercial fishing industry, as attributed per key informants’ professional responsibility groups. Note, empty spaces reflect zero attributions.

	Total	Accountability Journalism	Capacity Building	Financial Compliance in Supply Chain Due Diligence	Fisheries Economics	Fisheries Management	Holistic Sustainability (Social & Environmental)	Human Rights	Human Rights - Equity Focus	Human Trafficking	International Lawyer - Specialty in Human Rights & Business Compliance	Marine Conservation	Political Ecology	Security	Technology Development
Profit Margin Increase	34	1	2	2	1	6	3	1	6	2	1	3	1	4	1
Lack of Oversight	29	1	2	2		5	3	1	3	3	2	2	1	4	
Lack of Opportunity	23	1				5	2		5	4	1	1		3	1
Opportunists in Murky Environment	21			1	1	2	1		5	3	1	2	1	4	
Racism	12	1		1		1	2		4	2				1	
Available Labor Acceptance - perceived "this is my life"	10		1			2	1		3	1				2	
Ecosystem Collapse	10				1	2	2		3			1	1		
Corruption	9			1					3	3	1		1		
Subsidies	9				1	1	2		1			2		2	
Isolation	6			1			1		1	1	1	1			
Bureaucratic Expenses & Logistical Difficulties/Brokers	5								3	2					
Misleading Sustainability Certifications	5					1	1		3						
Inequality	5						1			2	1			1	
Fear in victims	4								2	2					
Population Density	1											1			

Table 4: Descriptions of underlying causes of forced labor in the offshore commercial fishing industry .

Underlying Cause	Underlying Cause Description
Profit Margin Increase	Cost savings motive
Lack of Oversight	Lack of enforcement capacity and relaxed regulations
Lack of Opportunity	Lack of economic opportunities and/or political instability in vulnerable communities
Opportunists in Murky Environment	Employers who exploit other underlying causes
Racism	Willingness to objectify humans from different social, religious, or cultural groups
Available labor's acceptance	Victim perception that 'this is my life', resulting in willingness to participate in status quo
Ecosystem Collapse	Depleted fish stocks send fishing vessels further from land driving increase in other fixed operational costs
Corruption	Dishonest proceedings for personal gain
Subsidies	A grant or contribution of money to secure service, often distributed by a government
Isolation	Remoteness of the environment
Bureaucratic Expenses & Logistical Difficulties, i.e. the need for brokers	Navigating a complex bureaucratic system of licenses, permits, and visas leave fisherman vulnerable to working with brokers to secure employment opportunities.
Misleading Sustainability Certifications	Sustainability certifications on seafood labels mislead general public
Inequality	Systematic social and economic disparity
Fear in victims	Victims fear retaliation if they file a grievance
Population Density	Increased population has more demands on productivity while increasing employment competition

It is important to note that, while all KIs have expertise in their unique fields, they may not have expertise across every part of this problem set. Therefore, the observations reported here depict perceptions and opinions of experts working in this arena as defined by their experiences.

## 3.2 Exploring Underlying Causes

KIs identified 15 underlying causes attributing to the problem's existence. These causes validated the information mapped out in the hierarchy analysis (Figure 1) with the exception of the outlier of 'Population density'.

### 3.2.1 Profit Margin Increase

'Profit Margin Increase' was the most mentioned underlying cause as well as the only underlying cause to be expressed by every professional responsibility represented in the data. This is key to note for designing a strategic solution. Sentiments lending themselves to this belief included:

- "It's simple economics, its cost savings."
- "Profit motives."
- "The root cause of any of this is money and greed."
- "It's greed."
- "It [the practice of forced labor] is better for their bottom line."
- "...a function of profitability."
- "Cost savings come through forced labor and through human rights violations."
- "That labor is the most fudgeable resource that a person has in their business model, where they might be able to squeeze to get more profits."
- "It [the underlying cause of forced labor] is profit. That's it, hardcore economics."

### **3.2.2 Lack of Oversight, Lack of Opportunity, and Opportunists in a Murky Environment**

‘Lack of Oversight’ and ‘Lack of Opportunity’ were the next widely recognized underlying causes, followed closely by ‘Opportunists in a Murky Environment’— the idea that there will always be those willing to exploit the lack of oversight and lack of economic opportunities. Comments revealing ‘Lack of Oversight’ also included sentiments regarding relaxed, or unenforced, regulations:

- “Lax regulations.”
- “I think, work with what we've got, and we haven't even hit close to implementing what [policies] we have. And look at all these [policies]... how creative and committed we can get to implementing it [policies].”
- “Fishing is a particularly vulnerable sector for there to be labor abuse because there is so little oversight.”
- “Lack of law enforcement, like of the regulations implementations, and I think it's [forced labor] really related with bad governance.”
- “They [illicit actors] understand that monitoring control and surveillance at sea is very limited. So, they have a great opportunity to do it [commit human rights violations] without being known.”

'Lack of Opportunity' spoke to the lack of economic opportunities that provide life-sustaining income in vulnerable communities:

- “Poverty creates a certain amount of desperation. Add to that the fact that you are in a different place, and you look different, and you don't have any support system, and so forth. That vulnerability is something that can be easily taken advantage of.”
- “Lack of job opportunities.”
- “Very little economic opportunity.”
- “Economic deprivation in their [the victims] home countries.”
- “The root cause of people being so vulnerable that they are tricked into doing this work and are by themselves in these situations is deep, deep disparity and poverty.”

The underlying cause of ‘Opportunists in a Murky Environment’ was characterized by comments regarding the belief that there will always be people looking to take advantage of loopholes, especially in an environment where enforcement is lacking:

- “Proper organized criminal network, and it [forced labor] has nothing to do with poverty but just opportunists that are taken advantage of a loophole in the system.”
- “Being able to get away with it.”
- “There will always be people willing to try to screw the rules.”
- “They're risk takers. They don't care. They see it as, and also egotistically believe, ‘I'll never get caught.’ So, it's always those people in any demographic that are simply in one end of the distribution curve that will never change it, and they will influence other people, and that often happens.”

- “There's so many [legal and operational] loopholes for actors that want to circumvent regulations.”

### **3.2.3 Racism and Available Labor Acceptance because of a “this is my life” perception**

The next tier of moderately recognized causes includes ‘Racism’ and ‘Available Labor Acceptance because of a “this is my life” perception’. ‘Racism’ included sentiments regarding the objectification of certain humans being morally acceptable:

- “General sense that migrants are less than human.”
- “Not valuing and respecting, you know, a person's dignity.”
- “So, I mean racism essentially... And it's funny, you know. None of the fishers ever mentioned race, like they never said the word racism, but they described it in a million ways.”

The underlying cause, ‘Available Labor Acceptance because of a “this is my life” perception’ was described by KI sentiments such as:

- “A willing, albeit probably undereducated, desperate workforce that is easily taken advantage of.”
- “For instance, they aren’t really aware about what is ‘forced labor’ and what is the ‘trafficking’. Even most of the victims don't really realize that they are being exploited.”
- “Like it is self-identification you know, ‘I’m poor, I'm stupid, I didn't go to school’, and a sort of, ‘I don't deserve anything better. This is just how it is. I just have to put up with it.’”

These two underlying causes could be linked when thinking of racism, colonialism, and the implications of market-based capitalism, which comes back to the most mentioned underlying cause of ‘Profit Margin Increase’.

### **3.2.4 Ecosystem Collapse**

Finally, also in this tier of moderately recognized causes, is ‘Ecosystem Collapse’. Notably, this was only offered by those practitioners with a lens focused on issues central to fisheries, marine conservation, or forced labor specifically in fisheries. Perhaps more notably are those who did not mention this cause – security, accountability journalist, and capacity builders. This underlying cause can also be linked to ‘Profit Margin Increase’, as one KI eloquently offered:

- “If you are so stupid as to overfish the resource that then the fisheries begin to lose money, then you have to reduce cost. And one way to reduce cost is to enslave people.”

### **3.2.5 Underlying Causes Discussion**

The many underlying causes identified by this diverse field of practitioners demonstrates the complexity and interconnectedness of the ecosystem being studied. What is clear is that any attempt to effectively solve these potentially interrelated issues needs to recognize that these causes do not operate in isolation. It must also be acknowledged that opinions expressed by experts outside their purview of expertise can be tropes. To address these causes in this shared ecosystem will require good governance<sup>8</sup> practices and sharing information between fields.

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<sup>8</sup> Governance is defined by the United Nations (UN) Economic and Social Commission for Asia and the Pacific (ESCAP) as “the process of decision-making and the process by which decisions are implemented (or not implemented),” [56, para. 4]. Good governance is further defined as governance having “eight major characteristics: participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law,” [56, para. 8].

### 3.3 Observed Themes

Observed themes in the data revealed three distinct lines of effort to combat the underlying causes of the problem successfully – Better Governance, Better Problem Characterization, and Awareness Raising and Capacity Building. A fourth thematic category also emerged revealing potential problematic missteps to be aware of while applying the three lines of effort.

#### 3.3.1 Better Governance

- **Need to increase political permission:** This idea asserts that governance leaders need not only the will but also the political permission from their constituency groups to allocate the resources necessary for creating, implementing, and enforcing regulations in this space. One key informant recalled the following quote:

“I agree with you, I want to do it, now make me do it.”

– President Franklin D. Roosevelt [57]

- **Deterring bad actors is critical:** “Disrupt the environment in which slavery thrives,” was a direct quote of one KI, however many KIs uttered similar sentiments around two distinct branches of how to deter bad actors: (1) increase enforcement presence offshore and (2) increase white collar crime investigations and arrests on land. Increasing law enforcement presence offshore and on land with a goal of increasing justice and accountability through criminal prosecutions, and not just administrative fines, will create a greater sense of risk for vessel owners beyond fines that can be added into the cost of business. Offered by another KI, “It might take four, five, ten, twenty, thirty, forty arrests before they're like. ‘Oh, an example has been made.’ Some people are like one is enough,

but you can't dictate what it will take in order for people to learn from it what you want. What we need to do is at least start enforcing the law and holding people accountable.”

- **Motivate business model reform:** Many KIs focused on business model reform and the fact that as long as the benefits to bad behavior outweigh the risks, businesses will continue to operate at status quo. “CEOs have two main fiduciary responsibilities, to bring the company profitability and to keep the company safe,” explained one KI. Another KI reported a conversation with a Thai Captain on a fishing boat, “the Thai fishing Captain said, ‘It's not worth taking the risk of having your boat confiscated, so don't do it.’” Therefore, business reform can be motivated in two ways, either threaten its license to operate or threaten its profitability. You can do both leveraging international free trade agreements and applying diplomatic pressure.

This is where financial crime investigators become superheroes. If we use a Marvel Comic Series analogy, then these financial crime investigators are Thor, and the international anti-money laundering (AML) framework is their hammer. However, Thor is stronger with Captain America by his side. In this analogy, Captain America represents import officials, like the US Customs and Border Patrol (CBP), charged with keeping illicit products<sup>9</sup> from entering the market. If import officials are Captain America, then Withhold Release Orders (WRO) are their shield. Once a WRO is issued, the product is detained and an investigation is launched [58]. If a business passes the investigation

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<sup>9</sup> “CBP implements Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) through issuance of Withhold Release Orders (WRO) and findings to prevent merchandise produced in whole or in part in a foreign country using forced labor from being imported into the United States,” [58, para. 2].

process the product may be allowed to enter the market. However, if the business does not pass the investigation and forced labor is found in the supply chain, then the product is seized and the business operators as the beneficiaries may be fined and/or could be charged with a criminal offense facing up to 20 years imprisonment under 18 U.S.C. §1589 [59].

Outside of the US, the US CBP WROs still have a powerful effect according to information shared by KIs. Because the US is seen as a global leader, once the WRO is issued all other countries take notice and customarily block the same product. There are anecdotes where the companies have been highlighted as risky, or removed from various national securities commissions all together, while the WRO is in effect. As shared by one KI:

“First, CBP issued the ban...it showed that a US Law enforcement agency has deemed that there is forced labor, or a risk of forced labor. They issued a Withhold Release Order, or let's say they hadn't yet issued the order but there was an open investigation... Now, if the investigation had been held by the Portuguese authorities, investors probably wouldn't have given a damn, because truthfully the Portuguese market for potential is zero. So what? But it wasn't [the Portuguese Authorities], it was the US and that's a huge market for future potential. So, the day that Withholder Release Order came out we took the Withhold Release Order to the SC, which is the Securities Commission in Malaysia, where they're listed. And we said, ‘Excuse me, we don't get it. In their last sustainability report they said, “There's no problems with labor. It's good. Everyone's having a good time. It's great. They're doing all these things”, and yet this morning the US Customs and Border Patrol, part of the Department of Homeland Security stopped their products coming in because they believe there is forced labor. So how do we make these two things add up? Because one thing says everyone is having a sunny day and the other thing says it was forced labor.’ And the Securities Commission found it extremely difficult to obviously reconcile... I was expecting [the SC] to be somewhat slow to go with it. They're pretty quick off the mark... they did cause [the company in question] to have a lot of problems, and they did publish that they were

investigating them...In the end it forced them to change the way they run their business.”

Business leaders therefore have a prime interest in ensuring their products never attract the attention of a WRO because the issuance of said WRO alone can affect their profitability greatly.

Maintaining a license to operate in the case of offshore fishing on the high seas is dependent on the Flag State issuing the license. If the product is still getting into the market through the Flag State or Port State channels, then diplomatic economic pressure can be applied through international sanctions to the State in question.

To ensure profitability and maintain a license to operate, businesses must consider the risks involved with relying on forced labor. Though, it would be prudent to mention the “Ascent of the dragon” [60, para. 1] and its expanding position in global economic affairs with regards to Flag State accountability, diplomatic pressures, international sanctions, and free trade agreements. That dragon is the People’s Republic of China (PRC) [60]. Many KIs believed that the PRC has a large enough domestic market that these diplomatic and economic levers are not strong enough to alter the behavior of PRC fishing vessels.

- **EU’s ‘Red Card’ threat to Thailand changed policies but has unknown impact on fisher’s lives:** An example of diplomatic economic pressure, the EU threatened Thailand with its famed ‘Red Card’<sup>10</sup> if Thailand did not reform its fisheries management [62] in

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<sup>10</sup> Issuance of a ‘Red Card’ would block imports from Thailand to the EU [61].

2015. It is largely agreed that Thailand systematically reformed by creating its Fisheries Law 2015 [39] and was approved to meet EU standards as seen by the EU's removal of the economic threat, the 'Red Card', in 2019 [61]. However, there is no evidence as to the positive or negative impacts these changes had on the actual lives of the fishers, although potential challenges have been discussed [18,22].

### 3.3.2 Better Problem Characterization

"The two go hand in hand. They don't operate in isolation, and good policy supports good enforcement, good enforcement advises what policy is needed, or whether it's working, or whether it needs to be refined. So, you've got to have that feedback loop in there."

– Mr. Gary Orr, Director of Compliance at the Ministry for Primary Industries, New Zealand. Interview date: October 24, 2022.

- **Data needed:** Meaningful data is difficult to gather in an environment so far from shore. Half of the KIs spoke of the need to increase data for either better policy creation and/or targeted enforcement operations. Meaningful data would include: (1) past policy performance data, (2) monitoring, control, and surveillance (MCS) data of fish stocks harvested, gear usage, vessel identification/tracking, and crew manifests, as well as (3) species import data to help import officers distinguish between marine species. Lastly, (4) a two-pronged expansion of FOA's Global Record Pilot Project [63] to establish a global register of fishing vessels is needed. First the register needs to be expanded to include the flag status of every vessel operating offshore. Secondly, a desire was expressed for the register to contain declarations from each Flag State as to whether or not they issue

licenses on the high seas as this would help enforcement operations allocation of time and resources. One KI neatly confirmed this need for data, “Essentially, the one, two, three of the approach is that we need to identify the problem, show the extent of it with data, build benchmarks, and then test new policies to see if we're seeing those benchmarks making improvement.”

- **Holistic approach is crucial:** “There's no magic wand for this. That's why you have to talk to so many different people and hit it [the problem] from so many sides. Hit it from on the ground, hit it from the banks, hit it from, you know, talking about laws, hit it from every angle,” described one KI. This was the largest theme represented passionately by the KIs regarding the need to hit this problem ‘from every side’. Another KI expressed, “So people around a port, whatever capacity they're in – social services, prosecutor, fisheries department, labor department –they all need to have exactly the same idea of what fishing conditions look like on vessels and what's okay and what's not.”

From the perspective of individual professional responsibilities, individual efforts have produced positive results like increased conversations regarding the problem within institutions, new policies created (without implementation in some cases), or increased identification of security threats. However, these positive results within the professional responsibility context are insufficient to end forced labor on their own as it is believed the number of victims continue to grow. Additionally, considering the limitation already presented regarding the limits of expertise, practitioners’ efforts to combat forced labor could be augmented by sharing knowledge across institutions and applying efforts to the

problem collectively. A KI shared anecdotally, “What I’ve seen work very well, which is rare, but I have seen it work well, is having multidisciplinary teams that are carrying out inspections...That’s what you need with something as complex as these kinds of supply chains that, you know, where our [society’s] price is both environmental and labor abuses.” Further discussion of what this would look like is contained below in the discussion.

- **Those who exploit humans will also be exploiting fish stocks:** “Anyone or any operator that would abuse human rights is almost always likely to engage in illegal fishing or other illicit activity.” This sentiment was expressed in different ways by 15 KIs. And whereas it seems a logical conclusion and evidence suggests many ties between the two issues [64,65], it is important to note evidence of the contrary also exists. There are case studies where legal fishing efforts engage in forced labor practices in Scotland, Ireland, and even New Zealand fisheries prior to their 2016 reformation [18]. The opposite also exists where IUU Fishing occurs void of forced labor, although this is usually in small-scale fishing operations and not offshore on the high seas [66]. Although this type of forced labor and IUU Fishing have similar drivers [64] (including profit motive increase), they do not equate. Practitioners must be careful to not always link these two criminal activities as many KIs expressed they already do. One KI demonstrated this by saying, “This is one of those things that is probably just accepted as a bit of a given ...that the two [forced labor in offshore commercial fishing and IUU Fishing] overlap significantly.”

- Application of IUU Fishing framing should be nuanced:** IUU Fishing is a catchall term that holds different details in its meaning to different practitioners. When considering if placing “forced labor” squarely under the “I” of IUU would be helpful or a hindrance to combating the problem, 20 out of 40 KIs said doing so would be helpful, 14 said doing so would hinder the fight against forced labor, and six could only say that the conversation as to whether or not placing ‘forced labor’ squarely under the ‘I’ of the IUU definition was nuanced and depended on the audience. Two remarked on how explicitly including ‘forced labor’ in the definition of IUU would help bring emotional momentum to the fight against IUU, but not forced labor. As the two issues – forced labor and IUU – are often tied together, and as these are both important issues for the seafood sector’s discussion regarding the strategy of how-to best combat forced labor, Table 5 summarizes the reasons given supporting each argument.

Table 5: Reasons supporting either the "helpful" or "hinder" arguments as to whether or not including forced labor as part of the "I" in IUU would be helpful, or a hindrance, to the fight against this problem.

<b>Helpful</b>	<b>Hinder</b>
<ul style="list-style-type: none"> <li>▪ The phrase “IUU” has governance momentum which the problem of forced labor can harness.</li> <li>▪ If focus on fish stocks shine a light on human rights violations, then why not use that?</li> <li>▪ Utilizing IUU would bring more public awareness to the problem.</li> <li>▪ IUU and forced labor are two sides to the same coin of bad actor operations. Therefore, they should be linked together in policy and regulation because they are linked</li> </ul>	<ul style="list-style-type: none"> <li>▪ Placing forced labor into the legal definition of what IUU encompasses, conceives the problem of forced labor as purely environmental because IUU is an environmental term.</li> <li>▪ When speaking about fisheries issues, we need to know we are speaking about specific issues with regards to just fishing so we can target the specifics of a problem.</li> <li>▪ Equating IUU and forced labor might cause more problems when it comes to strategizing how to</li> </ul>

<p>through operations and economic motivations.</p> <ul style="list-style-type: none"> <li>▪ IUU and forced labor cannot be resolved isolated from each other. Trying to do so might cause more problems.</li> <li>▪ Forced labor is illegal, therefore it should be considered as part of the ‘illegal’ in IUU.</li> <li>▪ If you harvest your fish using banned fishing gear, then your fish are not legal. So too it should follow if you harvest your fish utilizing other banned practices, including with regards to human labor rights, your fish should not be considered legal fish.</li> <li>▪ The challenging space that the high seas present means there are less opportunities for audits and investigations. Therefore, using any mechanism, including IUU, to help undermine the use of forced labor would be helpful.</li> </ul> <p><b>“Frankly, what is not illegal, unregulated and unreported about enslaving your labor force?”</b></p> <p>–Ame Sagiv, Director of Forced Labor and Human Trafficking at Humanity United. Interview date: October 7, 2022.</p>	<p>fight either as they are complimentary, but separate issues</p> <ul style="list-style-type: none"> <li>▪ IUU is enshrined in so many international and national policies, that by changing the definition now, some countries may wish to pull out of treaties and agreements they have already ratified.</li> <li>▪ IUU is a poorly understood term and adding to it would create more confusion, not help combat forced labor.</li> <li>▪ Human labor rights violations exist in legal fisheries as well as illegal. To nest forced labor under IUU could leave a blind spot toward legal fishing vessels.</li> <li>▪ Labor abuse issues are specific in nature, grouping them with IUU could distract the individual focus offshore labor abuse needs in legal and regulatory frameworks.</li> <li>▪ Making forced labor a part of IUU downgrades the problem. Forced labor is an internationally illegal, criminal matter. Whereas IUU on the high seas is an administrative offense with penalties determined from the flag state.</li> </ul> <p><b>"You get fined for illegally fishing, you get arrested for modern-day slavery."</b></p> <p>–Greg Poling, Director of the Southeast Asia Program and Asia Maritime Transparency Initiative at the Center for Strategic and International Studies. Interview date: October 10, 2022.</p>
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### 3.3.3 Awareness Raising and Capacity Building

“The change makers [people making social change in the world] are variable and making sure you know that there are multiple targets [change makers] that can be accessed, then collectively you can get that boulder rolling.”

– Mr. Ian Urbina, Investigative Journalist and Founder and Director of the Outlaw Ocean Project. Interview date: September 13, 2022.

- **Create a big, global movement:** “We need it [change] on a global level in the sense that when changes can be made, it's through the pressure of international society.”

– Ms. Patima Tungpuchayakul, Founder of Labour Protection Network.

Interview date: October 4, 2022.

It is largely felt that to end forced labor in the offshore commercial fishing industry, the problem needs to become an issue with global attention so big that it cannot, and will not, be ignored. This concept was often paired with a statement similar to, “That's how slavery ended in the eighteen hundreds. We had people that were adamant abolitionists about it [ending slavery],” referring to the anti-slavery global movement in the mid-19<sup>th</sup> century.

- **Sustainability certifications are problematic:** “Pointing out to people that your supply chain can't possibly be sustainable if you're not looking at the social cost in addition [to environmental cost]... I again go back to intellectually dishonest because that's what that is,” proclaimed a KI. Another shared, “I think it is giving businesses their washing covers

[like ‘greenwashing’<sup>11</sup>], so they don't actually have to do something meaningful... You absolutely can't certify anything right now. It's such an absurdity to try to be certified and certifying labor conditions on a moving workplace out on the high seas, outside of any jurisdiction with workers that are completely vulnerable, who are trapped in this ship and isolated, isolated by language and culture, and even geography. It is an absurdity, and to me it is just a fundamental enabling environment.”

Average consumers have a lot on their minds and find comfort in so-called sustainability certifications listed on their food labels. However, these certifications often do not take into account, or wrongly take into account, social sustainability metrics [68] and are misleading. The problems this present are two-fold. First, the general public can be misled to believe they are ‘voting with their wallet’, unwittingly supporting harvesting processes not aligned with their moral values. Secondly, and arguably more important, the majority of fish consumption is not within communities who check for sustainability certifications on their food labels [68] – i.e. this is a ‘1<sup>st</sup> world solution’ to a developing world problem. Misleading certifications hide the need to combat forced labor in the seafood supply chain from the general public.

- **Identify intervention points that disrupt the system:** “What are the various steps along the way? And where could you know policies and procedures basically intervene?” asked one KI.

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<sup>11</sup> Investopedia defines greenwashing “involves making an unsubstantiated claim to deceive consumers into believing that a company’s products are environmentally friendly or have a greater positive environmental impact than they actually do,” [67, para. 1].

From the time an unsuspecting worker hears about an employment opportunity until their last day on the job, there were multiple possible intervention points identified by KIs that could be strategically put into practice.

- **Implement policies we already have!:** There is some thought that we have all of the policies we need, we just need to raise awareness and build capacity in order to start implementing them. One KI discussed using legal frameworks around the US Dollar – “We always look for the presence of the US Dollar, because then we could leverage US Treasury regulations, sanctions, et cetera. Basically, that gives US jurisdiction, and US Laws or regulations or things like.” Another KI spoke of the UN Guiding Principles for Business and Human Rights, “It's all there already. We just don't do it [apply the UN Guiding Principles for Business and Human Rights]. You just need to inform and implement! People need to implement and enforce UN [Guiding Principles for] Business and Human Rights. Pillar one, pillar two, pillar three. They are extremely helpful and clear.”

There is other shared wisdom of many KIs that points out creating new policies is pointless if we cannot implement the policies we already have.

- **Labor investigators need specific skillset development:** “The creation of a tool or tools [is needed] to identify forced labor risk in fishing. And then to identify individual cases and protocols to go with those tools because it's, you know, not easy. Not everybody

knows how to do it. It's not standard. It's not part of standard training for a labor inspector or fisheries or police. Nobody gets this [specific training] really.”

Assessing potential labor rights violations in fishing is not simplistic due to many factors, least of which is the victim’s fear of retaliation. Therefore, investigators require training and tools specific to identifying potential labor rights violations in the fishing industry. Although enforcement officers receive basic law enforcement training to assess human trafficking, it was expressed having more specific skillsets would aid in making the difficult determinations that are unique to the high sea’s environment. Further, many questions remain as to what to do with the victim in terms of both logistics and treatment once they have been rescued at sea. Working with labor and human trafficking support experts more closely could help design appropriate measures.

- **Social media and other technology tools are underutilized:** Technology enhances prevention, targeted investigations, and data collection, yet are often underutilized. For example, social media can be used preventatively in this fight to educate vulnerable communities, or as a tracking tool to track crew movement, as well as an outreach tool to help spread global awareness. As one KI described different ways of raising awareness, “And that's stage three, converting the journalism into art and getting it on other platforms and other people's heads and hearts and other ways.”

Other technologies like the vessel automatic identification system (AIS), optical imaging, and acoustic profiling remain underutilized by enforcement regimes. Regarding non-

uniform use of AIS data and tracking technologies one frustrated KI said, “I think there's big opportunities for enforcement groups to use this sort of information.” Other digital apps also exist that could help labor auditors with language barriers or import officers with species identification to confirm the species are legitimate. These digital apps are not widely known about.

- **Trust Networks are of utmost importance:** Those who have had success either rescuing victims or holding perpetrators accountable all reported having a trust network with on-the-ground, frontline non-governmental organizations (NGOs) was imperative to the success of their mission. One KI shares the following story, “We built this network of trust with NGOs that were on the ground working with victims, and who are also able to start getting this very granular information about a number of people, because they [the NGO] were there with them [the victims] and knew who the immediate on the ground operators were. But also, they knew then who they [the vessel operators] were reporting to, or who the actual parent company was... So, we worked with these NGOs, and then combined it with good old-fashioned research looking at annual reports for companies that were publicly traded.”
- **Normalized behavior within the sector’s culture is problematic:** “At a certain point where this [forced labor in offshore commercial fishing] has gone on for a while... then people just think, ‘this is the way that we do things,’” reported a KI.

This behavior of exploiting human rights is so normalized within the sector that it often does not raise alarm, sometimes not even to the victims. One KI pointed out that, “Even

most of the victims actually don't really realize that they are being exploited.” This adds to the many reasons why investigators need a specially honed set of skills to identify instances of labor abuse aboard fishing vessels.

### **3.3.4 Potential Problematic Missteps**

- **Concerning unintended consequences:** With all policies, unintended consequences can be expected. Good policy usually requires an iterative process to tweak the mistakes of previous policies. The stakes are high when it comes to forced labor, and as such unintended consequences could be disastrous to human lives. For example, tightening international laws and regulations may backfire, resulting in less countries ratifying the treaties in question. Or paying higher wages could lead to more fish stock depletion through increased IUU Fishing to save on other costs. It is imperative for the community concerned with the problem to consider all unintended consequences while moving policy forward.
- **Limitations in perspective and context exist amongst practitioners:** Practitioners spoke about certain challenges or limits in combating forced labor in the offshore commercial fishing industry that other practitioners would note as straightforward and uncomplicated processes. This is not surprising given the breadth of expertise represented in the data set. It is important to note that all expertise has limits. This fact bolsters the argument for a holistic approach where information can be shared across diverse professional responsibilities.

### **3.4 Summary and Analysis of Findings**

Forced labor in the offshore commercial fishing industry will end if there is business reform. It is already recognized internationally through many treaties that businesses are in fact the duty bearers [8]. To motivate a business to reform, we must make it unprofitable to operate in any way that undermines social and environmental wellbeing. International legal and compliance regulations mapped to national legislations around the world already have the structure to make businesses unprofitable through leveraging international AML frameworks, trade relationships, and utilizing import control mechanisms. However, this is not done at a large enough scale to have meaningful impact that demands business reform. More resource allocation and focused enforcement, on the water and on land, is needed to propagate the effects legal and compliance regulations are capable of having. In a world of competing priorities, national governments and international governmental regimes need the political permission from a global constituency to allocate the resources necessary to enforce policy and hold bad actors accountable, all while maintaining a productive seafood supply chain. Therefore, solving this forced labor problem depends on a big, global movement in the public domain so that governing world leaders will allocate resources to legal and compliance agencies. These agencies can then hold bad actors accountable, increasing business risk of those who behave under the minimum threshold of legal labor requirements. Then the businesses as they operate now will become unprofitable, which will motivate business model reform (Figure 2). However, today's challenge is that forced labor in the offshore commercial fishing industry remains rather cryptic when compared to land-based slavery in the 19<sup>th</sup> century. The "out of sight, out of mind," existence of forced labor offshore perpetuates indifference from the general public.

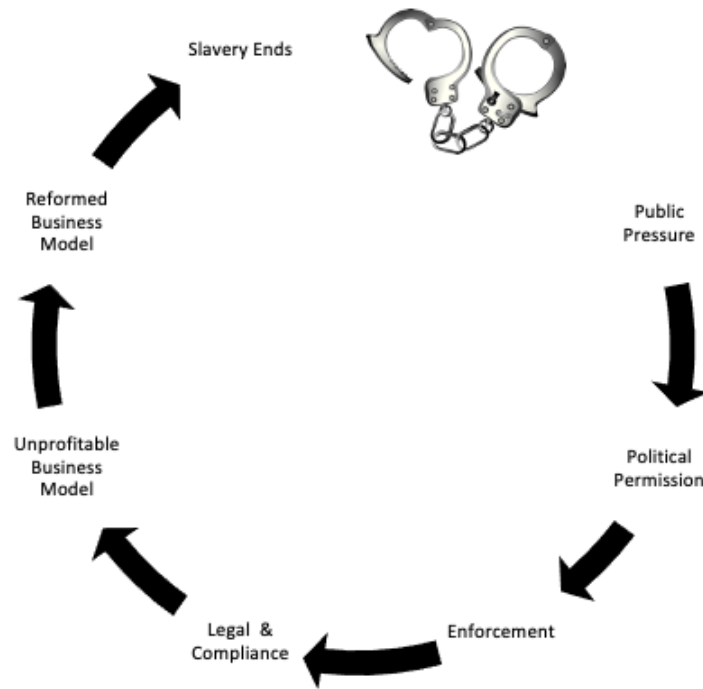


Figure 2: A pathway for combating forced labor in the offshore commercial fishing industry.

As figure 2 shows there are many elements important to combating forced labor in the offshore commercial fishing sector. This study has also indicated that experts need to share information between institutions with varying professional responsibilities in order to get at each of these elements effectively. Therefore, a task force<sup>12</sup> containing a variety of honed skillsets specific to their expertise would advance the fight against forced labor in the offshore commercial fishing industry. Working in concert to integrate their applied efforts, this transdisciplinary<sup>13</sup> task force would coordinate their efforts to raise awareness, build capacity, better characterize the problem,

<sup>12</sup> A task force is “a group or committee, usually of experts or specialists, formed for analyzing, investigating, or solving a specific problem,” as defined by Dictionary.com [69, para. 2].

<sup>13</sup> Transdisciplinary differs from multidisciplinary and interdisciplinary in that it “integrates the natural, social and health sciences in a humanities context, and transcends their traditional boundaries.” Whereas, “Multidisciplinary draws on knowledge from different disciplines but stays within their boundaries,” and, “Interdisciplinarity analyzes, synthesizes and harmonizes links between disciplines into a coordinated and coherent whole,” [70, para. 3].

and create the good governance structures needed to be successful at combating forced labor in offshore commercial fishing (Figure 3).

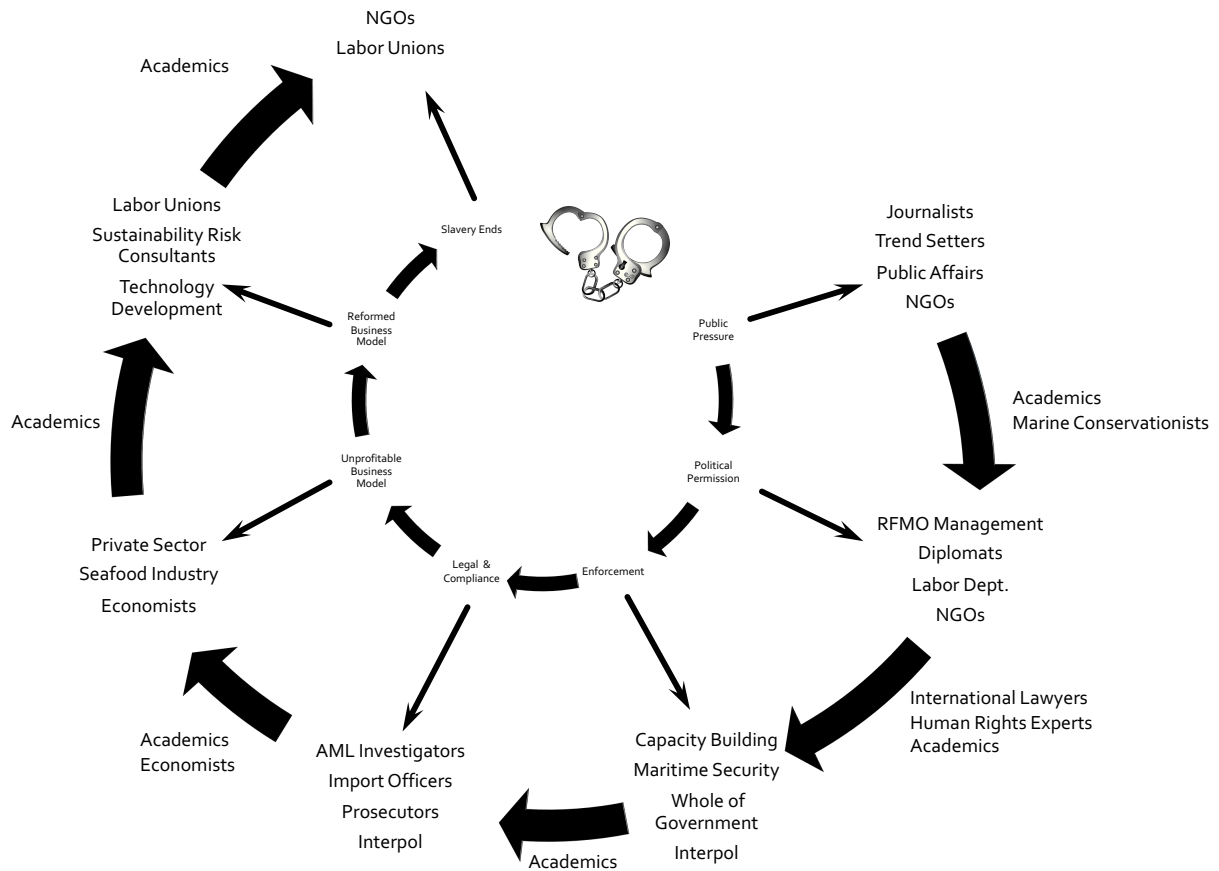


Figure 3: An expansion of Figure 2 to include professional responsibilities and organization types that can address, and apply effort, to each part of the outlined pathway. Please note: a) those listed next to the outer arrows, instead of between arrows, are placed there as their role is to help with the transition between stages in the presented pathway and b) ‘Academics’ provide useful research at every stage and include researchers at think tanks, consultancies, and research firms, in addition to universities.

### 3.5 Discussion

A strategic, holistic applied effort is necessary to effectively fight the many underlying causes and complexities that allow forced labor in the offshore commercial fishing industry to proliferate. Information sharing and a harmonized effort integrating the work of many siloed

efforts will conceptualize a more effective blueprint to combat the problem compared to the current state of affairs in this space. Whereas failing to harmonize efforts presents potential for missteps and ineffective contributions by well-meaning practitioners. Notably, this happened in 2012 in a US federal case looking at an incident of forced labor in the agriculture sector and the result was that criminal charges against the perpetrators were dropped<sup>14</sup>. Understanding the successes and failures of past efforts to combat forced labor in other sectors, like agriculture, mining, and retail, is vital. By understanding these successes and failures, practitioners can capitalize on successful practices that may be worth applying to the unique environment that fishing offshore presents as well as aim to avoid detrimental failures. As information changes and regulations evolve, practitioners need to be constantly updated by each other. Executing a cross-sector, coordinated blueprint for combating this forced labor is paramount to see a decrease in the number of incidents of forced labor in the offshore commercial fishing industry.

## 4 Recommendations

“I see labor as a very big ship to steer, and you probably need a lot of tugboats pushing at different spots to get it to go in the right direction.”

– Dr. Elizabeth Selig, Deputy Director at Stanford’s Center for Ocean Solutions.

Interview date: October 18, 2022.

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<sup>14</sup> A federal judge had to dismiss criminal charges against the executives of Global Horizons Inc. for using forced labor in the agriculture sector because of the prosecutor’s lack of awareness regarding evidence and a recent change in the US Federal Law [71]. However, this same case was successfully represented through two civil proceedings when the US Equal Employment Opportunity Commission (EEOC) filed lawsuits [72]. In 2014 a federal judge ruled that the company must pay USD 12.3 million in damages to the victims and in 2016 another ruling stated Global Horizons Inc. must payout USD 7.65 million to laborers who suffered forced labor indicators such as discrimination, harassment and mistreatment [72].

## 4.1 An Integrated Way to Apply Effort

There is reason for hope despite the challenges of this opaque offshore environment. This research argues siloed efforts from various practitioners are not enough and a strategic, holistic plan of action, designed and implemented by a cohesive transdisciplinary team is needed. In this strategic team each practitioner's carefully honed set of tools and expertise can be applied in an integrated fashion to a fisheries governance framework larger than any individual field's professional responsibility. Borrowing from Marvel Comics, a bespoke Avengers Team built intentionally to leverage core competencies – specific superpowers – is needed to combat forced labor more effectively in the offshore fishing industry.

Interdisciplinary practitioners across many fields have offered their perspectives on underlying causes and the actions toward better policy and enforcement that serve to address these said causes. With cross-sector cooperation and awareness raising, regulating labor along with the fish stocks can lead to a more sustainable seafood industry that provides for global society's needs. This research demonstrates two big take aways: (1) the need to recognize that bad actors must be deterred by threatening their business profits, and (2) that the point of threatening business profits is to motivate sustained business reform. However, it is not a private-sector matter to solve on its own, nor can it be solved simply through the public sphere. It will take a 'whole of society' call to action, which alone is not a novel concept<sup>15</sup> as a recent presidential memorandum

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<sup>15</sup> The US Government has required the establishment of an Interagency Working Group to combat IUU Fishing and counter forced labor in the Maritime Security and Fisheries Enforcement (SAFE) Act [73]. In June 2022 the Biden Administration issued a presidential memorandum [74] giving the political permission necessary for all federal departments and agencies to coordinate across civil society and the private sector as they see fit, bringing all the power of the federal government to bare.

from The White House agrees [74]. Referencing the quote above, through this research we gain insight as to what spots the tugboats need to push – better governance, better problem characterization, and raising awareness and capacity building while being careful to not misstep in unintended consequences through limited perceptions.

In a world where various interdisciplinary fields are making strides on the same problem with regards to their professional responsibilities, yet we do not see a decrease in forced labor incidents in offshore commercial fishing, an integrated application of efforts from a transdisciplinary task force would have advantages. Instead of individual applied efforts, a transdisciplinary task force – worthy of being called superheroes – could design and implement a cohesive strategy, a blueprint for decreasing forced labor in the offshore commercial fishing industry. Then, individual practitioners can excel at their own work and bring their expertise – their superpowers – to bear in an efficient manner contributing to the larger, strategic blueprint. By forming a transdisciplinary task force comprised of certain core competencies (Table 6) to create and supervise such a blueprint, we would gain a shared insight to the opportunities, limitations, and understand realistic maneuverability options regarding actionable research and effective policy structures.

Table 6: Recommended core competencies, also known as superpowers, to be included on transdisciplinary task forces. It should be noted that this list is not exhaustive, nor meant to be comprehensive and will need customizing depending on the governance level and objectives of each task force.

Core Competency a.k.a. Superpower	Contributing Line(s) of Effort <ul style="list-style-type: none"> <li>▪ Awareness Raising</li> <li>▪ Capacity Building</li> <li>▪ Better Governance</li> <li>▪ Better Problem Characterizing</li> </ul>
Regional Fishery Management Organization (RFMO) Representative	All 4

Whole of Government <sup>16</sup>	All 4
Story Tellers <sup>17</sup>	Awareness Raising
Trend Setters	Awareness Raising
NGOs – Environmental Focus	Awareness Raising Better Governance Better Problem Characterization
NGOs –Human Labor Rights Focus	Awareness Raising Better Governance Better Problem Characterization
Investigative Journalists	Awareness Raising Better Problem Characterization
Technology Developer	Awareness Raising Capacity Building Better Problem Characterization
International AML Framework expert	Better Governance
International Finance Lawyer	Better Governance
International Labor Rights Lawyer	Better Governance
Fishing Labor Union	Better Governance Better Problem Characterization
International Human Trafficking and Forced Labor Expert	Better Governance Better Problem Characterization
Academic Researcher	Better Governance Better Problem Characterization
Think Tanks	Better Governance Better Problem Characterization
Fisheries Economist	Better Governance Better Problem Characterization
Fisheries Management	Better Governance Better Problem Characterization
Marine Conservation	Better Governance Better Problem Characterization
Sustainability Risk Consultant	Better Governance Better Problem Characterization
NGOs – Victim Rescue and Support	Better Governance Better Problem Characterization
Private Sector – Procurement Specialist	Better Governance Better Problem Characterization Capacity Building
Financial Crime Investigator	Better Governance Better Problem Characterization Capacity Building

<sup>16</sup> Whole of government means every agency a government has similar to the agencies compiled in the US on the US Interagency Working Group on IUU Fishing [73].

<sup>17</sup> Authors, artists, and anyone else who can convey the story of forced labor in offshore commercial fishing to the public.

Law Enforcement	Better Governance Better Problem Characterization Capacity Building
Capacity Building Professional	Better Governance Better Problem Characterization Capacity Building
Interpol	Better Governance Better Problem Characterization Capacity Building

**4.2 Evidence of Integrated Efforts Working**

Anecdotal evidence exists justifying this applied effort on both large and small scales. One KI shared an experience of an integrated applied effort working on a small-scale in Indonesia. This experience (yet to be published) credits the harbormaster at Manado Port in North Sulawesi for inviting the district labor inspectors to have a desk at the harbor in order to audit labor conditions of vessels as they go in and out of the port. Here, the Ministry of Maritime Affairs and Fisheries coordinated efforts with the Ministry of Manpower to formally require joint inspections. This is a manifestation of this study’s observed theme that labor specific skillsets are required to have effective enforcement.

On a large, national scale we see an integrated, transdisciplinary effort extending beyond the public sphere to incorporate civil society and the private sector validated by the US Government’s recent presidential memorandum [74]. This memorandum declares in section 5, “These heads of [government] agencies shall adjust the mix of United States Government messaging and promotion of non-governmental voices to achieve the greatest effect and shall develop themes and narratives that resonate with target audiences including foreign governments, the private sector, and global and U.S. consumers.” In compliance with this

memorandum the Collaborative Accelerator for Lawful Maritime Conditions in Seafood (CALM-CS) initiative begun, but it is still in its infancy state [75].

The SAFE Seas project<sup>18</sup>, implemented in Indonesia and the Philippines by the US Department of Labor’s Bureau of International Labor Affairs in conjunction with local government agencies works to safeguard fishers from exploitation at sea [76]. Their applied effort demonstrates that a top-down coordination with bottom-up information sharing congealing efforts between local and national levels of governance is already having a positive impact on fisher communities [77].

### **4.3 Creating a Network of Transdisciplinary Task Forces**

Transdisciplinary task forces comprised of practitioners from both the private and public sector at varying governance levels, from local to international, each have their place as this pervasive problem exploits localized, unique complexities [78] and international border fluidity [19].

Strategizing a network of transdisciplinary task forces that can coordinate internationally from the top-down while operationalizing and sharing information from the bottom-up will support new and existing<sup>19</sup> governance efforts to better combat the problem of forced labor in the offshore commercial fishing industries.

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<sup>18</sup> “Working with government ministries and agencies, including labor, maritime/agriculture, anti-trafficking police and coast guard/defense, SAFE Seas helps to improve coordination and raise the profile of labor issues within government interagency structures. It also encourages the use of multi-disciplinary inspection models that integrate checks for forced labor, human trafficking and other exploitative practices into searches for illegal activity on fishing vessels. By engaging fishers themselves, the project ensures reporting and remedy mechanisms are relevant, accessible and responsive to their unique circumstances and needs,” [76, para. 4].

<sup>19</sup> The examples of the US Federal Government and a local province in Indonesia above in section 4.2 demonstrate the growing interest from governing entities, at various governance levels, to collaborate and integrate applied efforts across professional responsibilities (and disciplines) in order to better combat the problem of forced labor in the offshore commercial fishing industries.

A suggested construction for the recommended transdisciplinary task force network would build task forces at four governance levels: international, regional, national, and local. In keeping with the Avengers Team analogy, this would be akin respectively to the Original Avengers, the Secret Avengers, the US Avengers, and the West Coast Avengers who all support each other [79].

At the most birds-eye level the international task force would strategize transnational goals and choreograph the efforts of the more granular teams to work complementarily towards the same objectives. Regional task forces would maintain focus of regional geographies and issues, and synthesize regional feedback to the international task force while providing support to national task forces. The national task forces would monitor national laws and provide a bridge between the local task forces and the regional effort. The local task forces are arguably the most important as they are most familiar with how the problem proliferates locally. These local task forces will be imperative for implementation at granular, local levels and in sharing useful feedback to the task force network to catalyze cohesive effort.

The ideal situation presented above is a massive undertaking and will be constrained by resources and limited national interests. However, as governments have a responsibility to operate in line with international agreements and laws that they have ratified, resource allocation and interest from varying nations do exist. A baseline process needs to be established for sharing information across professional responsibilities, private and public sectors, governance levels, and interested nations. It is feasible to start by looking at initiatives already underway that are similar to the proposed task force network as a way to beta test models and set precedence. The US's national CALM-CS initiative could serve as a national task force model while the SAFE

Seas project could serve as a network model for strategizing and sharing information from local to global. If these initiatives provide effective proof-of-concepts, then these models can be replicated elsewhere.

#### **4.4 A Research Agenda for the Transdisciplinary Task Force Network**

Throughout this research process, it became clear that certain information would be helpful in strategizing cohesive efforts of a transdisciplinary task force. This desirable information was either mentioned specifically by KIs as ‘it would be nice to know XYZ in order to more effectively ABC’ commentary, or inductively reasoned by the researcher. Therefore, the following recommended research agenda below provides a road map to aid the transdisciplinary task forces in designing a cohesive strategic pathway forward. It should be noted that the following research questions are a beginning and are not meant to establish a comprehensive, nor exhaustive, list.

1. What can we learn from other industries, like conflict minerals, regarding best practices, failures, and unintended consequences to successfully combat labor abuse in the offshore commercial fishing sector?
2. What are the actual costs of production for a seafood business if paying the labor in the supply chain livable wages? What should the seafood purchasing price be in order to support business operational reforms that would fund the labor force of the sector?
3. What were the impacts on fishers’ lives when the EU threatened Thailand with the ‘Red Card’?
4. Is it possible to create a template for rescuing victims based on successful examples of freeing people from the worst labor abuses in offshore commercial fishing? What would

be the most important components of the template and how can it be customized to context?

5. To what degree do IUU Fishing and forced labor occur together? What advantages and disadvantages, both legally and operationally, are there to including forced labor as part of the “I” in the IUU Fishing definition as NOAA recently did [80]?

## **5 Conclusion**

The problem of forced labor in offshore commercial fisheries continues to proliferate despite the multiple efforts put into combating this type of labor abuse. Anecdotal stories of awareness being raised and capacity built prevail, yet we have not seen success at critical mass levels. Combating forced labor in the offshore commercial fishing industry will require a transdisciplinary, integrated application of effort where team members coordinate their core competencies in designing and implementing a strategic action plan across all governance levels. Every member, a superhero. Every core competency, a superpower. ‘Sea slavery’ needs a bespoke Avengers Team.

## **6 Appendices**

### **6.1 Appendix 1: Thematic frame of questions for key informants**

1. Demographic Question – name, organization, title, geography of work application, and discipline used to approach your work.
2. Defining Extreme Labor Abuse for the purposes of your work. What does it mean to you?
3. Introduction – Why do you do this work and how does it inform governance? Walk me through your applied effort and explain how your work intersects with the problem.
4. Understanding your chain of logic and rationale – What is your theory of change? Is there any evidence that this approach is working?
5. Understanding your chosen toolset – What does this look like through your field's lens?
6. Explore underlying causes – What are the root or enabling causes of this problem to you?
7. Explore action-orientated steps – What action-orientated steps do you think would be helpful to combat the root cause? Any obstacles? Any intervention points?
8. Understanding your thoughts on using the IUU Fishing framing to target the issue of extreme labor abuses – Would it be helpful or a hindrance to nest forced labor in the “I” of IUU to better combat the problem?
9. Does your gender influence your work? If so, how?

## 6.2 Appendix 2: Interview Guide

### Before pressing record:

1. Greet the key informant (KI) and thank them for participating in this important research.
2. Review with KI:
  - a. Once we begin, this interview should last between 30-45 min.
  - b. Before we begin and I hit the record button to record your verbal consent, do you have any questions about the purpose of this research or the consent?
  - c. Press RECORD, read the below privacy statement, and then ask them to confirm their oral consent again on the recording.

#### **Privacy statement:**

All shared information will be confidential and kept private. Access to the interview transcript will be limited to myself and academic colleagues with whom I might collaborate as part of the research process. The recording will be destroyed after the completion of my university thesis production with possible publication in a peer-reviewed journal.

No personal identifiers, such as name or organization, will be used in the research output. This interview will be used to create data points as needed to satisfy the research mission: to inform policymakers on efficient ways to conduct action-orientated research to combat extreme labor abuse in fisheries on the high seas. You always have the option to initiate an ‘off-the-record’ comment, stop the interview, or withdraw from this research at any time.

Do I have your consent to continue with this interview?

### During the interview:

1. Inquire as to what the KI feels the definition of ‘Extreme labor abuse’ to center the topic of labor rights on forced labor and modern-day slavery versus other types of labor rights violations. After hearing the informants answer clarify the subject for the rest of this interview will be forced labor and modern-day slavery in commercial fishing offshore.
2. Continue to bring the informant back to the narrow topic of inquiry if they begin speaking about other types of labor violations or other locations besides international waters.
3. Employ the cues in Table

Table 1: Elements of an Interview Guide [48]

<i>Element</i>	<i>Definition</i>
I Informed Consent Statement	A verbal or written statement about a study that identifies: its purpose, the risks and benefits of participating, steps taken to protect participants' confidentiality, and the voluntary nature of participation.
II Grand-Tour Questions	Broad questions that ask an interviewee to provide an overview of major themes of interest to a researcher.
Probes	Specific follow-up questions used to flesh out details of a theme covered in a grand-tour question.
III Demographic Questions	Questions asked to collect data on demographic characteristics of an interviewee and relevant dimensions of a research setting.
Closing Questions	A question that asks an interviewee whether there are any other issues he or she would like to discuss or elaborate upon.

4. Begin with background questions
  - a. What is your name?
  - b. What organization do you work for?
  - c. What is your role at this organization?
  - d. What discipline or field is your training in?
5. Continue with subject interview questions in Appendix 1.
6. Finish by thanking the KI once again for their insight and time.
7. Ask if they would like any particular follow-up from me.

### **6.3 Appendix 3: One-page research fact sheet used for dissemination to potential KIs**

**Title:**

Informing practical pathways to combat extreme labor abuses on the high seas: a comparison of the rationale and tools used by different research and advocacy actors.

**Researcher Background:**

Anny Barlow is a graduate student at the University of Washington working towards both a Master of Marine Affairs (MMA) at the School of Marine and Environmental Affairs (SMEA) and a Master of Arts in International Studies (MAIS) at the Jackson School of International Studies (JSIS). Drawing from diverse experiences as a seasoned professional in commercial fishing, marine science, and mitigating corporate risk, she works to contribute to knowledge production at the intersection of human and environmental rights.

**Research Mission:**

This research aims to inform policymakers on efficient ways to conduct action-orientated research to combat extreme labor abuse in fisheries on the high seas. To do so, Anny will analyze the tools used by various practitioners in their work concerning this issue. This research includes three major components:

- Delineating applied efforts to combating labor abuses, as seen through various practitioner lenses
- Classifying the efficacy of each applied effort
- Identifying any creative collaboration opportunities between disciplines, or gaps, if present

**Are you willing to share your unique experience and perspective on this important issue?**

This research description has reached your desk because you are a subject matter expert. Sharing your insight could positively affect human lives. An interview with Anny will:

- Last about 30 minutes
- Occur over Zoom
- Be recorded and transcribed for analysis of your insights

**Privacy statement:**

All shared information will be confidential and kept private. Access to the interview transcript will be limited to Anny Barlow and academic colleagues with whom she might collaborate as part of the research process. The recording will be destroyed after the completion of a university thesis, with possible publication in a peer-reviewed journal.

No personal identifiers, such as name or organization, will be used in the research output. Your interview will be used to create data points as needed to satisfy the research mission described above. The interviewee will always have the option to initiate an ‘off-the-record’ comment, stop the interview, or withdraw from the research at any time.

**Contact Information:**

For questions, concerns, or to set up a convenient time for your interview, contact Anny at:  
+1 (808) 387 8522 or [abarlow1@uw.edu](mailto:abarlow1@uw.edu).

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