Illegal fishing and human rights abuses in the Taiwanese fishing fleet

These photos show a selection of charasmatic species caught on board the five vessels described in this briefing.

The Environmental Justice Foundation (EJF) is a UK-based environmental organisation working internationally to combat illegal, unreported and unregulated (IUU) fishing and promote sustainable management of fisheries. EJF uses remote monitoring technology and conducts interviews with former crew from fishing vessels to document instances of IUU fishing, as well as related crimes such as human trafficking and forced labour.

Vessel names, identification numbers, and ties to coastal States have been redacted due to an ongoing investigation into these five vessels by the Taiwanese authorities. All interviews with crewmembers from the vessels and all photographs enclosed in this briefing were carried out and/or obtained with the informed consent of the individuals involved.

Introduction

Taiwan operates one of the world's largest distant water fishing fleets (DWFs) with over 1,142 vessels flying the Taiwanese flag[1] and more than 250 Taiwanese owned vessels flying other flags – often referred to as Flags of Convenience (FOCs).

A vessel using a FOC is one that flies the flag of a country other than the country of ownership. The flag State used usually has weaker regulations and looser enforcement of fisheries and labour rules, lowering costs[2]. In February 2018 Taiwan reported that there were 283 such vessels with investment or ownership ties to Taiwanese citizens. EJF believes that this list in unlikely to be comprehensive and that there are further vessels where the true beneficial ownership is Taiwanese.

Taiwan continues to hold a formal warning or 'yellow card' from the European Union for not sufficiently addressing illegal fishing across its fishing fleet.[3] If adequate steps are not taken, it could lead to the issuing of a 'red card' and import bans of seafood to the EU as well as wider reputational damage to the sector. Although Taiwan has taken important steps towards improving its fisheries laws this has not yet been mirrored by sufficient reforms to labour laws, or migrant worker recruitment policies that would provide workers adequate protections on board fishing vessels. In addition, through EJF's own investigations over the course of 2017 and 2018, there remain significant gaps in the enforcement of Taiwanese regulations.

Taiwan's distant water fleet mainly operates across the Pacific, Indian and Atlantic oceans. Over 90% of the fleet fishes primarily for tuna or tuna-like species which can include swordfish and marlins with much of this caught using longline fishing gears.

Sharks, turtles, dolphins, whales and seabirds are often caught incidentally in longline fisheries as they are attracted to the bait laden lines that can stretch for tens or hundreds of kilometres from the catching vessel.[4] Often these tuna targeting vessels will bait the lines with mackerel, sardines or pacific saury. In the case of one vessel discussed in greater detail below, the longlines were baited predominantly with chunks of dolphin meat and juvenile sharks.

EJF's most recent briefing in August 2018 focused on one particular Taiwanese longliner – the Fuh Sheng No.11. This vessel became infamous in July 2018 for being the first vessel to be impounded under the ILO's C188 'Work in Fishing' Convention in Cape Town.[5] EJF subsequently interviewed five crewmembers from this vessel who reported persistent human rights abuses, atrocious living and working conditions and illegal fishing practices on board.[6] Taiwan's Fisheries Agency initially failed to take action against the vessel, allowing it to leave Cape Town unpunished. Following the release of an EJF briefing and film[7] concerning this vessel in September 2018, an investigation was launched by the Fisheries Agency to determine if any illegalities occurred on board. The investigation resulted in significant sanctions being imposed for human rights abuses, however the vessel was not charged for shark finning despite the testimony of crew and photographic evidence.

Fuh Sheng No. 11 at port in Kaohsiung. © EJF

IUU fishing practices continue

This briefing summarises findings gathered from testimony of crewmembers who worked aboard three Taiwanese-flagged vessels, a Taiwanese owned vessel flagged to Panama, and a vessel with potential links to Taiwan flagged to the Seychelles. Interviews were carried out with crew members from these vessels in November 2018. It sets out detailed allegations of IUU activities, with accompanying photographs, as well as potential human rights abuses.

Alleged IUU practices include finning sharks and disposing of their bodies whilst at-sea, landing or trading shark fins weighing in excess of five per cent of the total retained shark carcasses (hereafter referred to as the five per cent ratio), catching of prohibited shark species including Bigeye Thresher and Smooth Hammerhead Sharks – both listed as globally vulnerable on the IUCN's red list of threatened species[8]/[9], and the intentional hunting and capture of protected wildlife species including dolphins.

The capture of turtles and dolphins – whether incidentally or on purpose - was reported on four vessels with the majority of crews reporting that these would be returned to the sea upon discovery. Crewmembers stated that they would cut the lines to release the animals but would not remove the hook that was lodged inside the animal's mouth or stomach. This practice likely results in serious and long-lasting injury or death to the animal[10].

Summary of potential infractions

Name	Flag	Potential IUU Offence	Human rights abuse
Vessel 1		• Catching and killing dolphins • Finning sharks and disposing of the bodies • Not notifying the authorities to conduct an inspection • Falsifying and not declaring catch	Threats to deduct pay or send crew back to Indonesia without pay.
Vessel 2	 (registered as Taiwanese owned vessel)	• Shark finning in prohibited areas • Catching, landing, and decapitation of a False Killer Whale (protected species)	Threats to deduct pay or withhold food. Crew also reported being kicked, hit and slapped by a senior Taiwanese crewmember.
Vessel 3		• Finning sharks and disposing of the bodies, trans-shipping fins to [redacted] flagged vessels in [redacted] waters–catch and retention of forbidden shark species including thresher and hammerhead sharks • Catching dolphins and Olive Ridley Turtles – protected species under Taiwanese law • Unauthorised trans-shipments	None reported.
Vessel 4	 (Evidence of link to Taiwanese owner)	• Finning sharks and disposing of bodies • Potentially a flag of convenience vessel that has failed to register with Taiwanese authorities	Potential debt bondage and/or forced labour involving a crewmember who was forced to work for eight months without pay.
Vessel 5		• Finning sharks and disposing of bodies • Unauthorised trans-shipments	Physical abuse by the captain reported.

Several of the countries listed above already implement full or partial bans on shark finning in their waters including; Seychelles (no removal of fins on board vessel unless granted authorisation)[11] and Panama (no finning by Panamanian flagged vessels in international waters)[12].

In addition, Taiwan is party to several regional fisheries management organisations (RFMOs) that would encompass the operating jurisdictions of these vessels including the Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC), and Western and Central Pacific Fisheries Commission (WCPFC). These four RFMOs stipulate similar shark retention policies stating that all parts of the shark except the head, guts, and skin must be retained.[13]/[14]/[15]/[16] In addition all four RFMOs state that fins must not exceed the five per cent ratio.

Potential human rights abuses include verbal threats, physical abuse, long working hours in violation of Taiwanese law and salary deductions creating conditions of bonded labour. In several cases interviewees reported only being shown their contract on the day that they were expected to travel to join their fishing vessel. Often they would be asked to sign it in the broker's office before going straight to the airport. Such tactics could be construed as pressuring potential employees into signing their employment contracts whilst not allowing them adequate time to read their potential contract thoroughly.

"I never read my contract…I signed the contract in Jakarta in the morning and then flew to the vessel in the afternoon."

Crewmember

Fishing vessels at Kaohsiung port. © EJF

Vessel 1

ID number	Call sign	Flag	Operating area*	Landing site
[redacted]	[redacted]	Taiwan	Pacific Ocean	[redacted]

* According to interviewee(s)

Interviewees reported dates on board vessel

First interviewee – February 2018 until September 2018.
Second interviewee – October 2017 until March 2018.

Overview of fishing practices: catch of dolphins for use as bait and shark finning

The crew reported catching between 50-600 sharks a day. The captain actively targeted sharks using meat from intentionally-caught dolphins as bait. Crew report that the vessel would throw the majority of the shark bodies into the sea, retaining only the fins. They described four freezers on board, one full of fins, one full of fish, and two half fish/half fins.

> *"We throw away the body because there is not enough room in the freezer. If we just keep the fins then we can bring back a lot more fins."*

Crewmember

Crew report that they were made to catch dolphins as they surfed the bow waves of the vessel, using a harpoon with a rope attached. The crew would harpoon dolphins one-by-one, and then drag them by the side of the boat while they waited for the dolphin to tire. After about 10 minutes, the dolphin would be exhausted and they would be able to haul them onto the boat. If they were still alive they would use a car battery to electrocute and stun the dolphin. Crew also reported using juvenile sharks that they caught as bait rather than returning them to the sea. The use of dolphin meat as bait in shark fisheries is widely reported around the world. A recent study found for example that this practice has been observed in at least 33 countries, across six continents, since 1970[17] whilst in Peru similar harpooning practices as described by the crew of Vessel 1 were observed on board fishing vessels targeting sharks[18].

> *"Dolphins have a lot of blood and the smell is strong. This attracts the sharks very easily."*

Crewmember

This testimony is corroborated by reports from other shark fisheries where fishers reported that the "high blood and fat content makes dolphin meat an efficient attractant, while its hardy nature allows it to remain attached to hooks after extended periods of soaking (unlike other baits, fishes in particular)"[19]. They could catch six to nine dolphins a day and estimated that on their most recent trip they caught approximately 300 dolphins (each trip is approximately three months). The most they caught and killed in one day was 18 dolphins. Sometimes they would give dolphin meat and juvenile sharks to other vessels to use as bait.

> *"It is easy to catch them (dolphins). We could kill maybe six to nine per day. But if we had 10 dolphins already on deck and there were still more at the bow, we would hunt them until they were all caught."*
>
> Crewmember

They would unload their catch at [redacted] port in Taiwan, unloading the fins at 3am and the rest of the fish at 6am. The captain would often tell them to hurry. There were often three or four other boats from the same company unloading at the same time.

The above photos are screenshots from video obtained from crewmember on board Vessel 1 that show numerous finned Blue Sharks as well as baskets of Blue Shark fins. Blue Sharks are listed as globally near threatened on the IUCN's red list of threatened species[20]. In the same video clip there is also footage showing a crewmember disposing of an already finned shark body into the sea (filmed between July and August 2018, available on request).

"We would unload in the middle of the night at 3am, pull the fins out and sell them. Captain would often order us to hurry when we were unloading the fins."

Crewmember

One Fisherman (working on the boat from October 2017 to March 2018) reported that they would hide the fins at the bottom of the freezers so that when they unloaded the fish, the fins would be hidden from view. He reported that they would be inspected by the authorities on arrival into port, with officials opening the freezers to see what was inside, however inspectors would not inspect the entire catch and therefore fail to find the shark fins, which were then unloaded in the early morning hours.

"We were ordered to store the fins at the bottom, the very bottom, and then to put many fish above them until full. When there was an inspection at port they would open the hatch and check the tuna on top. If it looks fine then they close the lid, that's all."

Crewmember

The crew reported that each day they could catch the equivalent of eight to 10 sacks worth of fins, the lowest being five sacks in one day. For a whole trip they could return into port with between 250-300 sacks of shark fins, with sacks weighing up to 70kg equating to a total landed weight of shark fin ranging from 12 to 21 tonnes from just three months at sea.

Crew conditions

Both crewmembers reported that living and working conditions on board were difficult. Food and water quality was poor, living quarters were squalid and dirty, and the working hours were "exhausting". One crewmember mentioned that they would only receive 3-4 hours of sleep per day. Although both crewmembers never reported being physically abused or witnessing physical abuse whilst on board the vessel, they both stated that the captain had previously been much more violent.

"It was awful on this vessel. The captain was always rude to us...He used to hit the crew but he was warned about doing this again. When the captain got angry, he wouldn't hit us but would exploit us in other ways"

Crewmember

Both crewmembers reported that their monthly salary was $450 per month (a standard salary for distant water fisheries). However, both also experienced monthly deductions of $100 to pay for medical checkups, flight tickets, administration fees, and their guarantee – a portion of their salary kept by the broker until the end of the contract as a deterrent to crewmembers fleeing the vessel early. This meant that their monthly take-home salary was reduced to $350. Both spoke about how the captain would threaten to deduct a portion of their salary guarantee or even be sent home to Indonesia without pay if they disobeyed orders or did not work at a desired speed.

Potential IUU offences:

1. Catching and killing dolphins:

Dolphins and the cetacean species family in general, are classified as 'protected wildlife' under Taiwan's Wildlife Conservation Act, Article 4. It is therefore prohibited for them to be 'disturbed, abused, hunted, killed, traded…' (Article 16).[21] Hunting or killing of protected wildlife species is punishable by imprisonment of up to five years and fines between 200,000 NTD and one million NTD.

2. Shark fishing practices: violated several aspects of Taiwan's "Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation"[22]:

a. Reported catching of juvenile shark:

According to Article 57 section 1, sharks under 100cm should be returned to the sea alive or dead and recorded on the e-logbook. Footage obtained from the vessel shows two finned sharks bodies estimated under 100 cm. Crew reported that juvenile sharks were used as bait.

b. The shark finning practices described by crew violated the following measures:

- If the vessel is a seasonal shark-targeting vessel, according to Article 58 section 5 of the above regulation, the vessel is only permitted to catch Blue Sharks and the shark fins and carcasses of Blue Sharks shall be landed concurrently in the same shipment, and the weight of fins shall not exceed the five per cent ratio.
- According to Article 58 section 3, if the vessel is not a seasonal shark-targeted vessel, the fins shall be naturally attached or alternatively the dorsal fins and pectoral fins shall be tied to the corresponding carcass, while the caudal fins may be stored separately. The caudal fins and carcasses shall be trans-shipped or landed concurrently in the same shipment, and the number of caudal fins shall be consistent with that of carcasses.
- The punishment for violating these regulations can include fines between two million NTD and 10 million NTD as well as confiscation of the vessel's fishing license for up to two years or full revocation.
- Under the Western Central Pacific Fisheries Commission's (WCFPC) Conservation and Management Measure for Sharks 'all parts of sharks excepting head, guts, and skins' must be retained until landing[23]. According to crew reports as well as AIS data for the vessel's last trip, Vessel 1 operated within the jurisdiction of the WCPFC.
- Crew reported catching several species of sharks. If those species are prohibited in the catching area, the punishment can be fines of between two million NTD and 10 million NTD as well as suspension of fishing license up to two years or full revocation.

3. Unloading was not in line with the "Regulations for Tuna Longline or Purse Seine Fishing Vessels Proceeding to the Pacific Ocean for Fishing Operation"

a. Vessel reportedly unloaded fins at 3 am not in the presence of inspectors. This is in violation of Article 78 Section 2 and could result in fines between 500,000 NTD to 2.5 million NTD and confiscation of fishing license up to 2 years or revocation.

b. The vessel is unlikely to record any of the illegally caught catch on its e-logbook and/or report it in the catching certificate. Therefore, it is likely that the vessel engaged in the falsification of the e-logbook and catch certificate which can result in fines between two million NTD to 10 million NTD and confiscation of fishing license up to two years or revocation.

Vessel 2

IMO	Flag	Operating area*	Landing site	Vessel history
[redacted]	Panama, but registered with Taiwan as a Taiwanese-owned, foreign-flagged vessel.	Eastern Pacific*	[redacted]	[redacted]

* According to interviewee

Interviewee reported dates on board vessel

12th January 2017 to April 2018.

Fishing practices

Crew were instructed to fin sharks, throw heads and organs into the sea and then fold the fins and put them together with the body. For certain species they would fin the sharks and then throw the body back into the sea. In high season they could catch 30-40 sharks a day, in low season around five to 10 a day.

A Smooth Hammerhead Shark caught by the vessel in August 2017. Smooth Hammerheads are globally classified as vulnerable by the IUCN (V)[24].

The crew reported that they caught a False Killer Whale. They brought it on deck where a senior Taiwanese crewmember then ordered the crew to decapitate the whale and remove its teeth to make necklaces (see photo on next page). False Killer Whales are classified as near-threatened by the IUCN and listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which means that the "trade of these animals must be controlled in order to avoid utilisation incompatible with their survival"[25/26].

"We caught the whale using a gaff, then electrocuted it. The captain was asleep but the supervisor wanted the whale's teeth... We cut its head because its teeth are a rare souvenir."

Crewmember

The crew also reported catching turtles, dolphins and other whales. They would mostly return these to the sea but sometimes the captain would order them to cut the turtle tails off for him to keep, whilst they would throw the turtle back into the sea. Olive Ridley Turtles (as shown below) are globally classified as vulnerable by the IUCN (V)[27] and listed on Appendix I of CITES which strictly prohibits the trade of listed species[28].

"We would catch turtles but mostly release them. Sometimes the captain would ask for the turtle's tail. If so we would kill it and give him the tail. It is believed it can be used for medicine to make you strong."

Crewmember

After the crew caught the False Killer Whale they proceeded to decapitate it and remove its teeth to be made into necklaces.

Crewmembers pose with an Oceanic Sunfish (left)[29] and an Olive Ridley Turtle. Both species are globally classified as vulnerable by the IUCN (V).

Silky Shark caught in December 2017. Silky Sharks are globally classified as vulnerable by the IUCN[30] and are listed on Appendix II of CITES[31].

Crew conditions

Crew reported that living conditions on board were unsanitary and that they would sometimes be forced to wait several days without adequate food before they were resupplied by supply ships.

Senior crew would threaten them with reductions to their salary and withholding food. Crew would be kicked, hit and slapped by the senior crew.

One incident occurred when a crew member tried to pull a shark in but the shark cut the line. The senior crew came down and shouted and slapped the crew member. Mostly junior crewmembers were hit whilst on board. Crewmembers reported that abuse was 'too often and not acceptable'. The crew member felt he 'had no choice and could not do anything about it' because if he did, he would be sent back to Indonesia with no pay.

"When I tried to haul a shark in, the shark cut the line with its teeth and it swam away. The Taiwanese foreman saw this and he came down the steps shouting at me. When he got to me he slapped me on the back of the head for my mistake."

Crewmember

Potential IUU and human rights offences:

1. Finning:

Shark finning and body disposal is prohibited within the IATTC fishing area[32]. Sharks must be landed with fins 'naturally attached to the whole body or to a portion of the shark body'[33]. In this case, the disposal of shark bodies is in violation of both RFMO and local regulations.

According to the Taiwanese Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels Article 8, Taiwanese citizens operating/investing a foreign-flagged vessel are not allowed to fish for, retain, trans-ship, land or sell species prohibited by the international fisheries organizations. The punishment for the owner/operator of vessel of its size is between four million NTD to 20 million NTD[34]. In addition, according to the Act of Distant Water Fisheries Article 22[35], foreign-flagged vessels engaging in IUU activities are not allowed to enter the ports of Taiwan.

2. Turtles and dolphin captures:

The vessel operated in countries that have ratified the 'Interamerican Convention on sea turtle protection and conservation' which seeks to protect sea turtle species and specifically prohibits the consumption of 'turtle products and sub-products'. Reported turtle tail retentions would therefore be in contravention of this regulation. Resolution 04-05 (Rev 2) of the IATTC – RFMO of the vessel's operating area - also states that sea turtles be promptly released unharmed.[36]

According to the Taiwanese Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels Article 6, Taiwanese citizens operating/investing a foreign-flagged vessel shall comply with the regulations prescribed by the competent authority, taking into account the conservation measures adopted by international fisheries organizations, and relevant regulations on fishing prescribed by the flag or coastal State. The punishment for owner/operator of vessel of its size is between 4 million NTD to 20 million NTD[37].

3. Physical abuse:

The foreman could be charged for causing bodily harm and potentially for human trafficking due to issuing threats to crew to cut their salary or not feed them[38].

Vessel 3

Call sign	Flag	Operating area*	Landing site
[redacted]	Taiwan	[redacted]	[redacted]

* According to interviewee

Interviewee reported dates on board vessel:

December 2016 to October 2018.

Fishing practices

Crew would catch sharks but only retain the fins. They would often electrocute the shark to subdue it, cut the fins off, and then throw the body back into the sea. Crew also reported and showed photographic evidence of the capture of dolphins, turtles and threatened species of sharks including hammerhead and thresher sharks.

> *"When we caught sharks, if they were resisting we would electrocute them…Then we would cut the fins and throw the body and head into the sea. We only took the fins."*
>
> Crewmember

Short-beaked Common Dolphin with gaff puncture wound to head. Photo taken in July 2017.

Photos show crewmembers posing with a Bigeye Thresher Shark caught in March 2018 and an Olive Ridley Turtle (V) caught in May 2017. Bigeye Threshers are globally classified as vulnerable by the IUCN.[39]

Smooth Hammerhead Shark (V) caught in June 2018.

Photos show a Blue Shark (NT) (left) and a Shortfin Mako Shark (right). Both were caught in March 2018. Shortfin Mako Sharks are globally classified as vulnerable by the IUCN[40].

Potential IUU offences:

1. Sharks and finning:

a. The practice of disposing of shark bodies as described by the crew is prohibited under both local and ICCAT regulations.[41]
b. If unloaded at ports of Taiwan or trans-shipped at sea in the Atlantic Ocean, Vessel 3 may be in violation of Taiwan's Regulations for Tuna Longline Fishing Vessels Proceeding to the Atlantic Ocean for Fishing Operation (Article 48 and 49)[42]: "shark fins shall not be fully cut off and shall be naturally attached to the carcasses" and "In case of at-sea trans-shipment of shark catches, shark carcasses and fins shall be trans-shipped or landed concurrently in the same shipment." Violations of these regulations can result in fines between four million NTD and 20 million NTD as well as suspension of fishing license up to two years or revocation.
c. Bigeye Thresher and Smooth Hammerhead sharks are both forbidden catching species within the jurisdiction of the ICCAT[43]. Their catch and retention also violates Article 42[44] in Taiwan's Regulation for Tuna Longline Fishing Vessels Proceeding to the Atlantic Ocean for Fishing Operation[45] and can result in fines between four million NTD and 20 million NTD and suspension of fishing license up to two years or its revocation.

2. Dolphins and turtles:

a. The 'disturbing, abusing, hunting, killing, trading…' of turtles, dolphins, and whales – listed as 'protected wildlife species' – is in violation of Taiwan's Wildlife Conservation Act and is punishable by imprisonment of up to five years and fines between NT$200,000 and one million NTD[46].
b. ICCAT Recommendations 03-11, 05-08 and 10-09 also state that sea turtles should be released as soon as possible after catching.[47]

3. The vessel reported trans-shipping whilst at sea. The Taiwanese Act for Distant Water Fisheries requires all trans-shipments be pre-authorized or it could result in fines between four million NTD and 20 million NTD[48].

Vessel 4

Call sign	Flag	Operating area*	Landings
[redacted]	Seychelles but a potential Taiwan FoC vessel	[redacted]	[redacted]

* According to crew interview

Interviewee reported dates on board vessel:

2016 to 28th September 2018.

Fishing practices

The interviewed crew member reported that when they would catch sharks they would fin them on deck and throw some shark species' bodies back into the sea, whilst keeping others – for example, they kept Blue Shark bodies but threw other species bodies' back into the sea.

The crew member reported that the vessel would sometimes catch dolphins and turtles but they would release these, sometimes dead and sometimes alive. They would simply cut the line leaving the hook still lodged inside the animal. This practice likely results in serious and longlasting injury to the animal[49].

Crewmembers pose with a Olive Ridley Turtle (V). Photo taken in June 2018.

Photo shows crewmembers posing with a Blue Shark (photo taken in September 2017) listed as near-threatened (NT) on the IUCN's red list of threatened species[50].

Photos show several juvenile Blue Sharks (NT) (left) and an Oceanic Whitetip Shark (photo taken in September 2017) (right). Oceanic Whitetips are globally classified as vulnerable by the IUCN[51] and are listed on Appendix II of CITES[52].

Crew conditions

The crewmember reported that living conditions on board the vessel were uncomfortable and that they would only be given six hours of rest per day. He also stated that the captain was often rude and would try to intimidate and threaten the crew into fearing him.

> *"If we made a mistake the captain would shout at us and threaten us to cut our salary or not give us any money at all."*
>
> Crewmember

In one described example of abuse, the captain reportedly refused to send a Filipino crewmember home for eight months, forcing him to work without pay during this time. Eventually, the Filipino challenged the captain about this. The captain provoked him into a fight on board the vessel.

The crew member reported that his salary was US $300 after deductions. He would receive $50 on board and $250 was sent to his family by the agency.

Potential IUU and human rights offences: (assuming vessel is Taiwanese-owned)

1. **Flag of Convenience registration:**

   The name of the vessel is not on the list EJF obtained from the Fisheries Agency of foreign-flagged vessels registered with Taiwan. However, evidence shows that it potentially has Taiwanese investment.

   If it is confirmed that the vessel is a Taiwanese-owned vessel using another flag, it has violated Taiwanese regulations which requires investors to obtain pre-authorised permission to operate a vessel under another flag. Investors who fail to do so can be fined up to two million NTD[53].

2. **Finning:**

   Article 6 in the regulations governing Taiwanese-owned foreign vessels [54] state that Taiwanese citizens should follow the regulations set by relevant RFMOs, flag states and coastal states. Finning practices on Vessel 4 may have violated local and regional management regulations set by the Indian Ocean Tuna Commission (IOTC)[55]. In addition, the capture of Oceanic Whitetip Sharks (V) is prohibited under IOTC regulations[56].

3. **Sea turtles:**

   Under local coastal State regulations and the Seychelles Wild Animal and Birds Protection Act (2012) it is prohibited to catch, land, possess, and/or sell marine turtles, marine turtle eggs, or any marine mammals.[57]

4. **Human Trafficking:**

   If the captain is Taiwanese, he could be charged for human trafficking[58] under the Criminal Code of the Republic of Taiwan Chapter 3 Offense against Freedom[59] for making threats against crewmembers.

Vessel 5

Call sign	Flag	Operating area*	Landings
[redacted]	Taiwan	[redacted]	[redacted]

* As reported by interviewee

Interviewee reported dates on board vessel:

2017 to October 2018.

Fishing practices

Sharks under 10kg would be released back to the sea however sharks over that weight would be kept and finned. If they had already caught sufficient albacore tuna during their trip, they would throw the shark bodies overboard in order to save space in the freezers. They would fin the sharks and wrap the fins in plastic before storage.

"When we catch big sharks we will cut the fins and keep both but if we have a lot of tuna fish already we will throw the bodies overboard."

Crewmember

Crew conditions

One fisherman interviewed was pushed by the captain, who would be especially angry when they didn't have a good catch. Working hours on board the vessel were reported to be 22 hours with two hours of rest per day.

"If we didn't survive and stay awake the captain would threaten us with sending us back to Indonesia and with cutting our salary."

Crewmember

The two crew members that EJF spoke to had monthly salaries of $400 and $450 respectively. Both reported deductions of approximately $100 a month for guarantees and other fees. Both reported being shown their contract the day that they flew to meet the vessel meaning that they did not have time to read it. This tactic is often employed by exploitative brokers as a way of pressuring potential employees into signing.

Potential IUU offences:

1. Finning:

a. The IOTC's regulation states that all parts of the shark except the head, guts, and skin must be retained and that fins should not exceed the five per cent ratio[60]. This could result in Vessel 5 operating in violation of these regulations.

b. If unloaded at port in Taiwan or trans-shipped at sea, reported finning practices violate the Regulations for Tuna Longline Fishing Vessels Proceeding to the Indian Ocean for Fishing Operation Article 46[61]: "Fins shall be naturally attached or alternatively the dorsal fins and pectoral fins shall be tied to the corresponding carcass, while the caudal fins may be stored separately." The caudal fins and carcasses shall be trans-shipped or landed concurrently in the same shipment, and the number of caudal fins shall be consistent with that of carcasses. The punishment for violating this regulation can include fines between two million NTD and 10 million NTD and suspension of fishing license up to two years or revocation.

2. The vessel reported trans-shipping whilst at sea. The Taiwanese Act for Distant Water Fisheries requires all trans-shipments be pre-authorized or it could result in fines between four million NTD and 20 million NTD[62].

A Taiwanese trawler approaches Kaohsiung port. © EJF

Conclusion:

Crew reports and photographic evidence obtained from these five vessels in October and November 2018 demonstrate that potential illegal practices continue to occur on an alarmingly frequent basis across a range of different vessels either flagged or with significant ties to Taiwan. Across the five vessels explored in this briefing, there are several reports of the disposal of shark bodies, catching and retention of vulnerable or near-threatened shark species, as well as the catching of protected wildlife species.

Photographic evidence has also allowed EJF investigators to identify six different species of vulnerable and one species of near-threatened shark being caught and retained across these vessels. Four species are also listed on CITES Appendix II meaning that their trade is strictly controlled[63] whilst Olive Ridley Turtles are listed on Appendix I which strictly prohibits the trade of listed species[64]. Although these vessels are primarily targeting tuna, the unselective nature of longline fishing gear means that the incidental capture of these species as bycatch is extremely likely.

Technologies are increasingly available now that would limit bycatch of non-target species including sharks, dolphins and turtles. These include innovative hook designs and line setting restrictions to limit non-target species catches[65] and shark deterrent technologies that can deter sharks from venturing near longline gears in the first place[66].

These measures can only prove successful if there is sufficient monitoring of high risk fishing vessels. Although Taiwanese fishing vessels are monitored using a global satellite based vessel monitoring system (VMS) and some broadcast signals using a publicly available the automatic identification system (AIS), specific vessel activities can still be shrouded in mystery. Shark body disposals and undeclared catches of protected species are also unlikely to be logged in vessels' logbooks, meaning that vessel catches are opaque and largely unreported.

Electronic monitoring and reporting systems in the form of cameras and remote sensors would help shed light on such practices, allowing relevant authorities to ensure that vessels are not engaging in IUU fishing and that anything they do catch is recorded correctly. Such technologies have already been widely deployed across the S. Korean distant water fishing fleet and Thai flagged refrigerated cargo vessels.

The fact that such an extensive range of offences were recorded over a relatively small sample size of just five vessels raises serious concerns about the fishing practices that take place on Taiwanese longliners. These five Taiwanese flagged or Taiwanese registered vessels are operating in direct breach of not only Taiwanese fisheries and wildlife conservation laws but also international, coastal, and flag State regulations. While Taiwan has taken significant steps to determine where vessels operate and whether or not they have licenses, the testimony of these crew members indicates that further measures need to be taken to determine what actually takes place onboard.

Lack of transparency in fisheries is a critical enabling factor in IUU fishing, facilitating the laundering, smuggling, and trade of illicitly caught seafood.[67] The practices described of these vessels suggest that vessel operators are actively taking advantage of opaque fisheries management regulations to conceal illegal practices. Unauthorized trans-shipment at-sea for example is a commonly employed method of hiding illegally caught seafood amongst legitimate catches. The practice of flying flags of convenience is often used to conceal true ownership of vessels or allow vessel operators to circumvent stricter regulations in their home countries.[68]

It is important to note that although the crewmember interviews and photographs included in this briefing might suggest that the catching and landing of protected shark species and protected wildlife species were the decisions of the individuals involved this is most likely not the case. Many of the crewmembers when asked why they carried out actions on board their respective vessels responded saying that they had no choice in the matter. If they complained, objected, or asked questions to the captain they could face salary deductions, be sent home without any pay or be subject to intimidating behaviour and physical abuse.

"When I was often hit by the captain I felt angry but I didn't have a choice. I could not do anything..."

Crewmember

EJF heard reports of vessels using deceptive techniques to avoid inspection by the Taiwanese authorities. Vessel 1 for example landed its shark fins into port in the early hours of the morning along with several sister ships also from the same company demonstrating a coordinated strategy to circumvent catch declaration regulations and avoid scrutiny by the Fisheries Agency.

A port in southern Taiwan. © EJF

"When we unloaded into port there were three other boats also unloading, all of them were catching sharks, all from the same company."

Crewmember

The descriptions of portside inspections for Vessel 1 highlight the need to significantly upgrade inspections in port and surveillance of what takes place on vessels using remote electronic monitoring. It is also critical to take serious account of the crew's experiences using professional interviews. Comprehensive and high-quality crew interviews would also increase the chances of detecting human rights abuses occurring on board vessels, as well as provide an opportunity for crewmembers to receive advice or ask questions about their contract or working conditions on board their vessel.

It is imperative that the Taiwanese Government acts swiftly to address these serious contraventions of domestic and international fisheries regulations through thorough and substantial investigation of these vessels' operations. It is evident that substantive reforms are also necessary to address many of the capacity gaps addressed in this briefing, especially those concerning the transparency of Taiwanese vessel ownership and lack of high-quality, in-depth portside vessel catch and labour inspections.

Recommendations to the Government of Taiwan

- Investigate and, where appropriate, prosecute vessel owners and operators of aforementioned vessels for fisheries infractions including disposal of shark bodies whilst at-sea, landed fin weight exceeding the five per cent ratio, hunting of protected wildlife species and using prohibited electrocution devices to hunt protected wildlife species.

- Investigate and, where appropriate, prosecute vessel owners, captains, foremen for potential human rights, human trafficking, and forced labour abuses on board Taiwanese flagged and Taiwanese owned vessels.

- Investigate the current and past activities of the vessels owned by the same owners of the above cases and regard all the other vessels as high-risk vessels and inspect them regularly and thoroughly in Taiwan and overseas.

- Pledge to fully commit to EJF's Charter on Transparency to address critical gaps that facilitate IUU fishing through opaque regulations and lack of sufficient monitoring and control mechanisms. This commitment should include strict time-bound steps with specific implementing actions.

- Publish a statement from the Office of the President of Taiwan declaring full support and direction to act to solve identified capacity gaps and transparency issues.

- Increase the resources and training of Taiwanese Coast Guard officials and Fisheries Agency inspectors in Taiwanese ports to ensure illegal catch, in particular fins, can be identified. This will prevent the concealment of shark fins on board vessels as well as deter fishing vessels from disposing of shark bodies.

- Conduct comprehensive, sample-based crewmember interviews during portside or at-sea vessel inspections that: 1) take place away from the main vessel inspection, 2) take place away from the vessel senior crew, 3) use an accredited translator, 4) adopt a victim-centred approach[1], 5) use appropriate screening tools or questionnaires.

- Establish a coordinating body that can work with the Fisheries Agency and Marine Bureau to facilitate robust labour inspections, worker interviews, and thorough, victim-centred investigations of alleged human trafficking or forced labour incidents.

- Increase collaboration efforts with foreign authorities to enhance fisheries and labour inspection of Taiwanese vessels at overseas ports.

- Enhance transparency by publishing a single, online and easily updated list of Taiwanese fishing vessels detailing the ownership, license, authorised operation area, and crew list. This should include vessels owned by Taiwanese citizen but flagged to other countries.

- Implement mandatory electronic reporting and monitoring systems (ERS and EM) on Taiwanese fishing vessels in addition to any RFMO human observer schemes. This should include vessels owned by Taiwanese citizen but flagged to other countries.

- Introduce a science-based management plan for the capture of sharks by Taiwanese vessels, regardless of whether or not finning is employed.

- Conduct research into and introduce longline bycatch mitigation technologies and methodologies to prevent the incidental capture of sharks and protected wildlife species.

1 A victim-centred approach is one that acknowledges that victims of trafficking or abuse are extremely vulnerable and likely to be fearful of speaking out for fear of retaliation. Inspecting officers should attempt to make victims feel as safe, secure, and comfortable as feasibly possible. For more information, please consult the EJF guidelines on conducting interviews with migrant workers. This guide and other EJF resources are available upon request.

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