

EJF policy briefing prepared for the Ministry of Oceans and Fisheries

June 2022

This overview presents recommendations for the Ministry of Oceans and Fisheries (MOF) that will help the Republic of Korea to devise and implement policies ensuring transparency, traceability, and protection of crews' human rights in the fisheries industry. These measures, adopted and implemented coherently and swiftly, will enable Korea to be a regional leader of ethical and sustainable seafood production and trade. The overview is a concise version of the Human Right briefing, PSMA briefing and EJF's Charter for Transparency that were shared with the Ministry previously.

1. Ratification of the International Labour Organization Convention 188 (ILO C188)

EJF is encouraged to learn of the commitment from the MOF to fully ratify ILO C188 into the Seafarers' Act by 2024. However, we firmly believe that such an announcement should be accompanied with a time-bound and detailed plan of the ratification. This can also serve as a significant gesture to the global community including international seafood buyers. In Asia, Thailand ratified C188 in 2019 as the pioneer in the region; other major fishing states such as Indonesia and Taiwan are also progressing. This progress should include wider government involvement and participation from civil society.

2. Reform national legislation in line with ILO C29, C87, C98 and C188

EJF remains concerned that the "Implementation Plan for Migrant Fishers on Distant Water Fishing Vessels" launched in January 2021 has done little in improving the deeply rooted human rights violations and discriminative working conditions for migrant fishers in practice. EJF and our partners such as Advocates for Public Interest Law (APIL)'s investigations have repeatedly shown considerable discrepancies between our NGOs findings and the government/industry-led survey reports. Physical and sexual abuses, consistent manning agents' nefarious exploitation, extreme long working times up to 72 hours and staying at sea for more than 18 months without any contact with their family are still common even after 2021.

EJF urges the Ministry to expedite adding all the fundamental labour conditions including forced labour definitions, migrant crews' minimum wage, right to organise and collective bargaining, recruitment procedure, rest hours, time at sea, and labour inspection to be encoded in the Seafarers' Act in conformity with ILO C29, C87, C98 in addition to C188.

3. Immediate adoption of victim-centered approach for labour inspections

A victim-centered approach to interviewing crewmembers is an immediate necessity to fully understand forced labour indicators, working conditions and fisheries practice onboard Korean fishing vessels. A victim-centered 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 or losing their jobs. Inspectors should attempt to make victims feel as safe, secure, and comfortable as feasibly possible.



Protecting People and Planet

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4. Entrenchment of EJF's Charter for Transparency into Korea fisheries policies

Korea has taken crucial steps for almost a decade since 2013 to increase transparency with the amendments of the Distant-Water Fisheries Development Act. These include requirement of IMO number in licence renewal application, Vessel Monitoring System (VMS), transshipment at sea strictly monitored, and sanctions on nationals involved in IUU fishing, and ratification of Port State Measures Agreement (PSMA).

Transparency is a low cost, highly effective and immediately available way to tackle the opaque environment that closely linked problems of IUU fishing and related labour abuses in the fisheries industry. Remote nature of fishing, the opacity and complexity of operations in the industry make it difficult to identify the actors involved, including the fishing vessels, the route of their product to market and their owners. Implementation of EJF's ten simple measures will support Korea's continued endeavours to detect and stop them. With Korea's excellency in digital and open government system¹, EJF recommends that the Korean government utilise its advantage of digital technology to drive further reform with a focus on expanding transparency measures highlighted below:

- **Publish the list of fishing licences and authorisation as well as the sanction list on individuals and companies.** Making these lists available online enables all stakeholders such as coastal states, flag states, market states and international seafood buyers to cross-check the validity of fishing licences and criminal records to ascertain the legality of vessels and their operators
- **Increase investment in electronic monitoring (EM) and commit to set out comprehensive, mandatory coverage on Korean distant water fishing vessels once the technology is ready.** The technology should be rolled out starting with high-risk vessels and vessels that have engaged in IUU and/or human rights abuses. The Ministry's strong will for transparency in fisheries governance enables it to foster the analysis technology.
- **Analyse IUU high-risk vessels and institutionalise training courses for port inspectors to enhance their ability to identify potential IUU fishing infractions and human rights abuses.** Based on the Ministry's own high risk vessel list that includes, but not limited to, Regional Fisheries Management Organizations (RFMOs)' IUU list, inspectors at domestic and overseas ports should receive professional training to equip them with knowledge and skills according to the Port State Measures Agreement (PSMA) and ILO C188.
- **Publish information on beneficial ownerships.** A cross-agency task force with input from civil society should be formed to conduct investigations into the beneficial ownership of Korean-flagged and Korean-owned fishing vessels operating overseas, in particular in West and East Africa. EJF's ongoing investigations find that Korean nationals-owned vessels flying Guinea and Somalia flags are believed to continue operating off the coast illegally and are exporting catches into the Korean market at a cheap price. Publication of **information** on beneficial ownerships provide all stakeholders with access to scrutinise suspicious vessels with its ownership and history, preventing the owners using a different name or flag for the vessels to conduct the same illegal practices.

¹ The Korean digital open government ranked 1st on the E-Participation Index (EPI) and 2nd on the E-Government Development Index (EGDI) of the 2020 United Nations (UN) E-Government Survey <https://www.mois.go.kr/eng/sub/a03/EGovernment/screen.do>



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5. Increase traceability to ensure seafood imported to Korea is free from IUU, slavery and contamination

EJF's latest report "The Ever-Widening Net" revealed the scale of IUU and human rights abuses in the Chinese fleet. As the Chinese fleet and its export to Korea continue to grow as well as its repeated intrusion of Korean waters, it is essential for the Korean government to strengthen traceability of imported seafood. Only through a comprehensive import traceability system can Korea avoid seafood fraud and stop illegal seafood entering in the supply chain through using Korea ports as a "port of convenience".

Furthermore, as Japan's decision to release the contaminated water from the destroyed Fukushima nuclear power plant has raised serious concerns in Korea, it is critical for the Korean government to rapidly increase transparency and traceability so consumers can be informed and assess the risk of seafood contamination.

6. Introducing a one-stop digital platform to empower Korean and global seafood consumers

Korea already has legal frameworks and different digital platforms recording the supply chain of some species. EJF recommends establishing a one-stop digital platform to show full supply chain links encompassing a Catch Certificate scheme for croakers and saury, imported seafood traceability system and domestic seafood traceability system. The one-stop digital tool will be more cost effective when:

- Expanding Catch Certificate to exporters to Korea to species that are prone to unsafety and unsustainability.
- Requiring additional key data elements in the imported Seafood Traceability System 'from bait to plate.' Key data elements will indicate information about 'who, what, when, where, and how' of fishing operations.
- Making the full traceability information public online for domestic and international consumers.

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