

**MARK P. LAGON'S OPENING REMARKS FOR  
HOUSE COMMITTEE ON NATURAL RESOURCES-DEMOCRATS FORUM  
"FISHING FOR JUSTICE: SLAVERY AND HUMAN RIGHTS ABUSES AT SEA"  
DECEMBER 6TH, 2016**

- Thanks very much to the House Natural Resources Committee Minority, and its Ranking Member, Mr. Raúl Grijalva, for asking me to join this commendable lineup of knowledgeable voices to speak to a serious issue.
- Thanks to Paul Greenberg for moderating.

### **The revelations from Hawaii**

- Revelations about human trafficking in the Hawaiian fishing fleet are an object lesson in the importance and power of well-resourced, independent, investigative journalism to uncover injustice. Martha Mendoza and Associated Press have, among others, done a stunningly comprehensive job documenting slavery in fisheries globally.
- We know:
  - There's a fleet of some 140 ships based in Hawaii which dock in Honolulu and on the West Coast, such as Fisherman's Wharf in San Francisco.
  - They employ some 700 foreign workers...
    - Most often recruited from Indonesia, the Philippines, Vietnam, and the island of Kiribati [KIR-IH-BASS],
    - They catch seafood valued at \$110 million a year,
    - But they don't have the basic labor rights of an American citizen *or even* of a documented guest worker who can live *in* the U.S.
  - The pay for crews is so low that it is typically less of a cost than the ice and bait for fishing boat owners.
  - They are trapped on the boats. They cannot come onto shore. They cannot fly into Honolulu, and are only given a special transit visa to fly home.

### **Some similarities in this Hawaii fisheries matter to human trafficking in general**

- It happens:
  - where there is ungoverned or unmonitored zones,
  - where there is lacking or faulty rule of law,
  - where law enforcement and government officials are apathetic (and in *some* countries directly complicit),
  - where certain groups of people (women, minorities, disadvantaged castes, migrants) are treated as less than human...without access to justice
- It often involves:
  - migrant workers seeking a better life for themselves and their families.
  - brokers moving those workers to unexpected conditions -- paid large recruiting and travel fees, often unjustly by the workers.
  - the brokers and day-to-day exploiters set up schemes of fees pulled out of their low pay
  - forms of debt bondage. From the fees, the exploited workers have debt hanging over their heads, so if work conditions are cruel, they are dissuaded from leaving.
  - the migrant workers' passports being withheld by their exploiters.
    - That is illegal under U.S. law, to combat human trafficking.
    - Yet U.S. Customs and Border Patrol in fact requires the boat captains in the Hawaiian fishing fleet to withhold their passports.

- I've been interested in trafficking in the seafood industry since 2007, when I became Ambassador At Large.
  - I met girls in a shelter on the outskirts of Bangkok who were survivors of dehumanizing beatings in a seafood *processing* camp in Samut Sakhon designed to prevent escapes

### **Some similarities this Hawaii fisheries matter to patterns seen elsewhere in trafficking in fishing**

- The exploitation is propelled by a *shortage of local fishing labor*—like that in Thailand and elsewhere in Southeast Asia creating human trafficking in the seafood sector
  - That shortage is the justification for a loophole in law normally requiring 75 percent of the crew on commercial fishing vessels be U.S. citizens. And that loophole is facilitating trafficking.
- In the case of Hawaii, the victims have brutal hours and little rest – but not even mitigated by time off the vessels
- This contributes to poor health. And they lack basic medical care.
- Some die, are killed, and are lost overboard.
  - They suffer invisible, gruesome fates.

### **All the more appalling in this case**

- It is not just that slavery-tainted fish is entering supply chains, and touching Americans lives in stores like Costco, Walmart, and even the high-minded Whole Foods.
- Most appalling:
  - It is not just entering our stores. It is *happening* on our shores.
    - Not only at sea; the exploitation is happening right on the shore of at least 2 of our 50 States—in Hawaii and California.
  - The exploitation is in part due to a perverse consequence of security measures after 9-11. Because they do not receive visas to come onto our shores -- such as for respite or medical care -- they are trapped on the boats, contributing to their exploitation's invisibility.
  - This is in a Hawaii fishing industry subject to firm regulations to promote sustainability and prevent overfishing.
    - How about as much attention to the human beings' dignity??
    - It is just wrong that people be somehow less important than fish, the seas, and the environment.

### **In the Q&A period, I will be happy to address some broader considerations on:**

- How Illegal, Unreported, and Unregulated (IUU) fishing has been identified one of the drivers of slavery and human rights abuses at sea.
- important Legal Frameworks on IUU pertinent to combatting human trafficking and forced labor
  - For examples, Port State Measures Agreement which came into force on June 5, 2016. The EU and 37 nations (including the U.S.) have ratified the measure,
    - Parties to the Agreement commit to designate specific ports that will receive fishing vessels flagged to another state and ensure that there is sufficient capacity to conduct appropriate inspections;
  - Use of unique vessel identifier (UVI) and shipboard transponders so that a vessel's identity, location, history and movements can be tracked and verified.
  - Multi-stakeholder initiatives to improve fishers' safety and working conditions
    - The increasing accessibility of technology has reduced the cost and increased the feasibility for responsible actors in the marketplace to monitor the 'down chain' suppliers traditionally unseen, and tackle these issues

## In conclusion:

- For the problem found in Hawaii, we need tailored solutions involving all the key agencies and congressional committees of jurisdiction
  - It reminds us that slavery is not some abstraction, but something that touches our lives, enters our stores, goes in our mouths.
  - It happens due to ungoverned or unmonitored realms, avarice, and a willingness to shred the dignity of fellow human beings, treating them as Kevin Bales called it in his book of the same title, “disposable people.”
  - The United States goes to great lengths to assess, call to account, advise, and assist *all* other nations to fight human trafficking.
    - In order to promote global justice the U.S. must be a credible exemplar.
    - People trapped on ships and mistreated right on our shore due to our own laws doesn't meet that prerequisite for global leadership.
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## Observation at the end:

I want to commend to you as resources:

- the State Department TIP Office as a resource (at [www.state.gov/j/tip](http://www.state.gov/j/tip))
- a forthcoming interactive resource on global slavery from the Council on Foreign Relations at [cfr.org](http://cfr.org), for whom I used to work.
- the Pew Charitable Trusts as a great source of insight and a catalyst for these multistakeholder efforts