

A Briefing on Longxing 629: A case of illegal, unreported and unregulated (IUU) fishing activities and related human rights abuses on a tuna longliner

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1. Introduction

Illegal, Unreported, and Unregulated (IUU) fishing activities have been one of the most critical threats to marine ecosystems. The Food and Agriculture Organization (FAO) recognized the threat and announced the International Plan of Action to Prevent, Deter, and Eliminate IUU Fishing (IPOA-IUU) in 2001.¹ However, we are still witnessing serious IUU fishing activities nearly 20 years after the announcement.

Longxing 629 is a Chinese tuna longliner which operated in the convention area of the Western and Central Pacific Fisheries Commission (WCPFC) for 13 months, from March 2019 to April 2020. Recently, a Korean non-governmental and non-profit organization, Advocates for Public Interest Law (APIL) revealed the vessel's IUU fishing activities (see the appendix for details).

IUU fishing by Chinese distant water fisheries (DWF) vessels is an urgent issue to be tackled by the international community. IUU fishing activities by Chinese DWF vessels have been continuously detected.² This is of particular concern as China accounts for almost 40% of the global fishing effort by DWF fleets.³ Moreover, the main target species caught by the Chinese fleets – tuna, squid, mackerel, saury, and Antarctic krill – are extensively consumed worldwide. Therefore, every member of the international community should take action against IUU fishing. This means not only China and countries directly involved, but also fish importers, Regional Fisheries Management Organizations (RFMOs), other related countries, and non-governmental bodies.

RFMOs have made efforts to deter IUU fishing in DWF fleets. RFMOs were established for conservation and sustainable management of fish stocks and the marine environment in their convention areas. WCPFC, one of the leading RFMOs, focuses on conservation and management of Highly Migratory Species⁴ including tunas within the convention area. WCPFC annually identifies IUU fishing vessels to place them onto the IUU Vessel List based on its Conservation and Management Measures (CMM 2019-07). Once a vessel is listed on IUU lists, it is no longer possible to engage in fishing activities. In addition, the lists of RFMOs are to be automatically reflected on the IUU vessel list of the European Union (EU).⁵

The EU and the USA, as major fish importers, have led international efforts to combat IUU fishing. The EU issues formal warnings (yellow cards) to non-EU countries that they identify as having inadequate measures in place to prevent and deter IUU fishing. If non-EU countries fail to improve these measures, their fish products can be banned from the EU market (red card).⁶ The EU is the

1 FAO (2001). International plan of action to prevent, deter and eliminate IUU fishing. Rome, FAO.

2 Shen, Huihui, and Shuolin Huang. "China's Policies and Practice on Combatting IUU in Distant Water Fisheries." *Aquaculture and Fisheries*, no. January 2019, Elsevier, 2020, pp. 0–1, doi:10.1016/j.aaf.2020.03.002.

3 Figure 2, 2016–2017 Amanda Shaver and Sally Yozell, 2019, "Shining a Light: The Need for Transparency across Distant Water Fishing", Resource and Climate Report, Environmental Security Program, Stimson

4 Annex 1 Highly Migratory Species, United Nations Convention on the Law of the Sea, 1982

5 COUNCIL REGULATION (EC) No 1005/2008 of 29 September 2008, establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

6 Environmental Justice Foundation (EJF), OCEANA, the Pew Charitable Trusts & World Wildlife Fund (WWF), 2016, Issue brief – April 2016, The EU

largest fish importer worldwide, and its imports reached EUR 26.53 billion in 2018. Of this, its annual imports from China are EUR 1.8 billion.⁷ Any trade measures imposed by the EU on China would therefore have a significant impact. The US also recognizes the importance of active US involvement in international cooperation to combat IUU fishing. Every two years the National Oceanic and Atmospheric Administration (NOAA) publishes a report to the US Congress identifying nations engaged in illegal, unreported and unregulated (IUU) fishing.⁸ The most recent report, in 2019, highlighted areas of concern involving China.⁹

Anti-IUU measures operated by the EU and the US have already shown significant impacts on the domestic legal frameworks of some countries associated with IUU fishing activities. For instance, in 2013, both the EU and the US placed the Republic of Korea on a preliminary list of IUU fishing countries. As a result, the Korean government improved measures on DWF, amended domestic laws, reformed the monitoring system on DWF vessels, and joined the International Monitoring, Control, and Surveillance (MCS) Network for Fisheries-related Activities. With all of these efforts, Korea was able to get its listings removed.⁶ A further listing by the USA in 2019 resulted in further reforms to prevent IUU fishing.¹⁰

The Longxing 629 case has led to international public calls for strong actions to end IUU fishing activities. As a first step, WCPFC should consider including the vessel in the IUU list. If other cases are identified, WCPFC should also consider taking measures which aim at improving China's flag state measures to tackle IUU fishing. Through the Thirteenth Five-Year Plan for Economic and Social Development of the People's Republic of China (2016–2020), China announced that its national policies would aim at making the fisheries sector more sustainable via the eradication of IUU fishing.¹¹ The Longxing 629 case suggests that challenges remain in achieving those goals.

This briefing summarizes and analyzes the Longxing 629 case. The summary below is based on APIL's Note on Longxing 629 Case provided in the appendix. APIL interviewed seven Indonesian fishers who formerly worked on Longxing 629 and wrote the note with the interview as the source of evidence. The briefing then reviews WCPFC Conservation Management Measures (CMMs) and Resolutions, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and WHO-ILO-IMO International Medical Guide for Ships (IMGS) articles relevant to the Longxing 629 case. Finally, it concludes with recommendations designed to prevent the recurrence of such cases.

IUU Regulation carding process: A review of European Commission carding decisions

7 The EU fish market 2019 edition.

8 Implementation of Title IV of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, Report to Congress Pursuant to Section 403 (a) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, January 2009

9 <https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-releases-report-congress-identifying-three-nations-reported-iuu-fishing> (accessed on 2020.06.29)

10 <https://www.fisheries.noaa.gov/feature-story/noaa-fisheries-releases-report-congress-identifying-three-nations-reported-iuu-fishing> (accessed on 2020.06.29)

11 FAO, 2018, The State of World Fisheries and Aquaculture, Part 4, Box 31

2. Summary of the case

As mentioned above, all evidences and claims made on this document is based on information provided by the interviewed Indonesian crew (see the appendix for details). For this chapter, all statement regarding the occurrence onboard Longxing 629 will be written as actuality.

2.1. Illegal shark fishing

Longxing 629 intentionally caught a large number of sharks. The use of specialized gears including shark lines enabled daily catch of over 20 sharks. The photos taken onboard clearly depict the crew using rods to haul sharks aboard. Sharks were finned and the rest of the bodies were thrown back into the sea. Crew members' daily work included shark finning, drying, packaging, and fridge storing the removed fins (Fig. 9, Fig. 10).

At the time of the crew leaving Longxing 629 in April 2020, at least 720 kg of fins were retained onboard. From the photos and videos taken onboard, shark species can be identified as Shortfin Mako Shark (*Isurus oxyrinchus*, Fig. 5), Scalloped Hammerhead Shark (*Sphyrna lewini*, Fig. 6), and White Shark (*Carcharodon carcharias*, Fig. 7). Mako Sharks and Hammerhead Sharks are 'Key Shark Species' whose bycatch is subject to WCPFC's special attention¹². All three are endangered species protected by CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) Appendix 2.

2.2. Bycatch of protected whale species

There was also marine mammal bycatch by Longxing 629. A whale in one of the photos appears to be identified as False Killer Whale (*Pseudorca crassidens*, Fig. 8), which is also listed in CITES Appendix 2. Some crew kept the extracted teeth as souvenirs and even consumed whale brain and genitals.

2.3. Transshipment of illegal catch

Packaged shark fins were moved from Longxing 629 to its sister vessels¹³ owned by Dalian Ocean Fishing Co., Ltd. Longxing 629 also allegedly engaged in transshipment activities at least four times with different carrier vessels. Lady Tuna and Sei Yu were carrier vessels named by the crew. There is a need to verify whether required transshipment declarations were completed and reported to the relevant governmental authorities and WCPFC secretariat.

Upon an official request by an NGO, the South Korean government confirmed that Longxing 629 and Sei Yu transshipped fish products on one occasion (25 Nov 2019) between Jan 2019 to May 2020. However, shark and shark fin products were not listed in the declaration document for the

¹² CMM 2010-07 paragraph 4: The key shark species are blue shark, silky shark, oceanic whitetip shark, mako sharks, and thresher sharks, porbeagle shark (south of 20S, until biological data shows this or another geographic limit to be appropriate) and hammerhead sharks (winghead, scalloped, great, and smooth).

¹³ More than 11 vessels including Long Xing 806, Long Xing 805, Long Xing 630, Long Xing 802, Long Xing 605, and Tian Yu 8

transshipment, which is contrary to allegations made by interviewed crew.

2.4. Human rights abuse

The deaths of four Indonesian crew members from Longxing 629 sparked international outrage and grief. Three died on Longxing 629 and its sister vessels while one died after the ship arrived in Korea. Three dead crew members were buried at sea, so their bodies could not be returned home.

There were numerous allegations of human right abuse. On Longxing 629, crew had to work on average 18 hours per day. The average wage for 13 months paid to the fourteen Indonesian crews was 500 USD, 11.4 % of the amount that was initially promised. Five of them were paid 120 USD, or only 3.1% of the promised wage. They had to drink salty water that was not treated properly, while Chinese crew members drank bottled water. Additionally, they were physically assaulted by some of the Chinese crew. Moreover, the crew stayed onboard for 13 months, never disembarking at a port. Multiple transshipments at sea allowed the continued operation of the ship for a prolonged period.

It should be noted that contracts had discrepancies between the original Chinese versions and the Indonesian translations provided to the crew. For example, the specified amount of life insurance fee in one version of a contract was three times what was stated in the other.

3. Analyses - IUU Fishing and Human rights abuse by Longxing 629

IUU fishing activities reportedly committed by Longxing 629 in the WCPFC Convention Area appear to have violated numerous legally binding WCPFC CMMs, to which China as the Flag State is a Party. These violations severely undermine WCPFC's fundamental objectives and principles. Below, we set out specifically which CMMs and voluntary Resolutions the reported violations breach.

3.1. WCPFC Conservation and Management Measure for Sharks 2010-07 (CMM 2010-07)

CMM 2010-07 obliges CCMs to take necessary measures for shark conservation and management. Widespread evidence concerning Longxing 629's breach of CMM 2010-07 raises doubts over China's compliance and implementation. First, it appears that Longxing 629 acted in contravention of CMM 2010-07 paragraph 10, which states that a tuna longliner whose target species do not include sharks shall release incidentally caught live sharks and not use them for food or other purposes.¹⁴ In case of the dead bycatch, fishers should fully utilize them in respect of paragraph 6: yet, Longxing 629 intentionally removed fins from sharks and retained them separately onboard.¹⁵ Also, the act of retaining 16 boxes of fins (approximately 720 kg in total) clearly violates paragraph 7 which forbids retaining fins that total more than 5% of the weight of sharks on board up to the first point of landing

14 CMM 2010-07 paragraph 10: In fisheries for tunas and tuna-like species that are not directed at sharks, Commission Members, Cooperating Non-Members, and participating Territories (hereinafter CCMs) shall take measures to encourage the release of live sharks that are caught incidentally and are not used for food or other purposes.

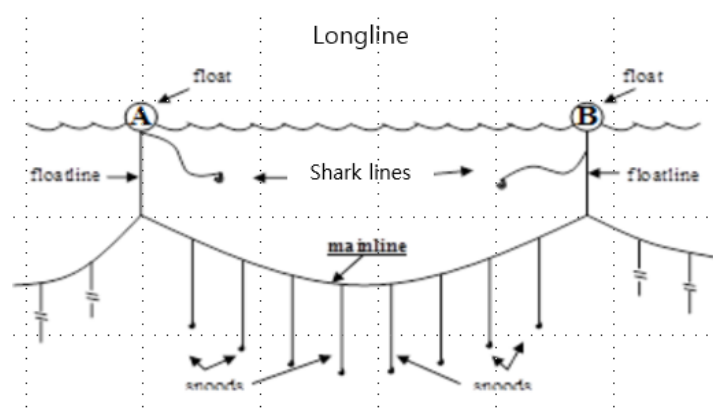
15 CMM 2010-07 paragraph 6: CCMs shall take measures necessary to require that their fishers fully utilize any retained catches of sharks. Full utilization is defined as retention by the fishing vessel of all parts of the shark excepting head, guts, and skins, to the point of first landing or transshipment.

and requires landing the fins and carcass together.¹⁶ Moreover, Longxing 629 transshipped, landed, and presumably traded fins harvested in contravention of the CMM 2010-07 paragraph 9.¹⁷

3.2. WCPFC Conservation and Management Measure for Sharks 2014-05 - Measures for longline fisheries targeting tuna and billfish (CMM 2014-05)

Longxing 629 made use of specialized fishing rods and lines to intentionally catch a large number of sharks. According to the crew's statement, Longxing 629 used shark lines, which are distinct from tuna fishing gears in terms of length and thickness (Fig. 1). According to CMM 2014-05 tuna longliners shall not use either shark lines or wire traces.¹⁸

Fig. 1: Schematic diagram of a shark line prohibited by CMM 2014-05



3.3. WCPFC Conservation and Management Measure on the Regulation of Transshipment 2009-06 (CMM 2009-06)

During 13 months of fishing operation, Longxing 629 engaged in transshipment activities several times with different carrier vessels including Lady Tuna and Sei Yu. It appears that Longxing 629 offloaded shark fins taken in the Convention Area without fulfilling the reporting requirements outlined in CMM 2009-06.

It should be confirmed by Chinese government and WCPFC that Longxing 629 and its sister vessels reported their transshipment from March 2019 to April 2020. Specifically, they should meticulously examine whether Longxing 629 acted in conformity with the requirements in CMM 2009-06. Notably, paragraph 10 states that, for each transshipment, both the offloading and receiving vessels shall

16 CMM 2010-07 paragraph 7: CCMs shall require their vessels to have on board fins that total no more than 5% of the weight of sharks on board up to the first point of landing. CCMs that currently do not require fins and carcasses to be offloaded together at the point of first landing shall take the necessary measures to ensure compliance with the 5% ratio through certification, monitoring by an observer, or other appropriate measures. CCMs may alternatively require that their vessels land sharks with fins attached to the carcass or that fins not be landed without the corresponding carcass.

17 CMM 2010-07 paragraph 9: CCMs shall take measures necessary to prohibit their fishing vessels from retaining on board, transshipping, landing, or trading any fins harvested in contravention of this CMM.

18 CMM 2014-05: 1. CCMs shall ensure that their vessels comply with at least one of the following options: a. do not use or carry wire trace as branch lines or leaders; or b. do not use branch lines running directly off the longline floats or drop lines, known as shark lines.

report relevant information.¹⁹ For the contents of Transshipment Declaration, 11 items listed in Annex 1 (CMM 2009-06) should be included. If it is determined that Longxing 629 failed to comply with the reporting obligations outlined above, this would have implications of both the vessel's and the flag state's compliance with the CMM.²⁰ If the transshipment data reported by Longxing 629 did not include sharks, the vessel appears to committed unreported transshipment, which implies China failed to oblige a vessel flying its flag avoid the unreported activity.

Furthermore, If Longxing 629 carried out transshipment activities on the high seas in disregard of appropriate procedures, it constitutes a violation of paragraph 34. Paragraph 34 stipulates that there shall be no transshipment of longliners on the high seas except where a CCM has determined that it is impracticable for certain vessels that it is responsible for to operate without being able to transship on the high seas, and has advised the Commission of such.

3.4. Resolution on Labour Standards for Crew on Fishing Vessels (Resolution 2018-01)

WCPFC resolutions are of legally non-binding nature, yet carry significant political weight. CCMs hence need to demonstrate effort and intention to comply with them. Longxing 629 severely violated Resolution 2018-01. Particularly, Longxing 629 completely disregarded the fair working conditions for crew enumerated in paragraph 2, which anticipates compliance with international standards.²¹ Since Longxing 629 committed a plain violation of the resolution, it is critical that China, as the flag state, takes action to ensure respect for labor rights, as stipulated in paragraph 4 of the resolution.²²

3.5. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Longxing 629 appears to have caught endangered species protected by CITES Appendix 2; White Shark (*Carcharodon carcharias*), Shortfin Mako Shark (*Isurus oxyrinchus*), Scalloped Hammerhead Shark (*Sphyrna lewini*), and False Killer Whale (*Pseudorca crassidens*). Shark species were finned and their bodies were discarded. The crew extracted and consumed the whale's body parts onboard. China as a Party to the legally binding CITES, adopted and implemented corresponding national laws, thus necessitating the prior issuance of certificate in order to introduce or export endangered species.²³

19 CMM 2009-06 paragraph 10: A WCPFC Transshipment Declaration, including the information set out in Annex I shall be completed by both the offloading and receiving vessel for each transshipment in the Convention Area, and each transshipment of catch taken in the Convention Area. Where required in this Measure the Transshipment Declaration shall be sent to the Executive Director.

20 CMM 2009-06 paragraph 6: Nothing in this Measure shall derogate the obligations on flag states to ensure compliance by vessels flying their flag while operating on the high seas. Each CCM shall take necessary measures to ensure that vessels flying its flag comply with this Measure.

21 Resolution 2018-01 paragraph 2: a) A safe and secure working environment with minimum risk to health and wellbeing; b) Fair terms of employment, that are enshrined in a written contract or in equivalent measures, which are made available to the employee, in a form and language that facilitates the employee's understanding of the terms and is agreed by the employee; c) Decent working and living conditions on board vessels, including access to sufficient fresh water and food, operational safety protection and medical care, and that facilitate acceptable standards of sanitary hygiene; d) Decent and regular remuneration as well as appropriate insurance for the crew; and e) Providing crew members with the opportunity to disembark, and seek repatriation if so entitled.

22 Resolution 2018-01 paragraph 4: CCMs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce requirements regarding labour conditions on board fishing vessels.

23 Regulations of the People's Republic of China on the Administration of the Import and Export of Endangered Wild Animals and Plants Article 4: The state administrative organs in charge of the import and export of endangered species shall perform the Convention on behalf of the Chinese Government, and shall, according to the provisions of the present Regulations, issue upon verification Import/Export Permission Certificates for the

If Longxing 629 caught endangered species on the high seas and brought these to a Chinese port without a prior approval by the state's management authority, the act would constitute a breach of CITES Article 4 paragraph 6²⁴ and CITES Resolution 14.6 (Resolution Conf. 14.6 on Introduction from the Sea) paragraph a²⁵. Resolution 14.6 paragraph b states that, to transport the endangered species taken in the high seas into a third state, a prior grant and presentation of an export permit is required.²⁶ It appears that Longxing 629 has caught endangered species without following the procedures of certification duly required by CITES, whose non-compliance ought to be responded by appropriate sanctions.

3.6. WHO-ILO-IMO International Medical Guide for Ships (IMGS)

The International Medical Guide for Ships is Jointly published by the World Health Organization (WHO), International Labour Organization (ILO), and International Maritime Organization (IMO), which is internationally recognized standard reference for medical care for ships

The captain of Longxing 629 carried out burials at sea in breach of IMGS guidelines, which require that the body be preserved for post-mortem examination if the circumstances of death were unusual, sudden, or unknown. If a risk of infection exists, the body could be buried at sea after seeking medical advice to confirm such a risk and recording the latter in the log, along with a thorough examination of the body.²⁷ Such due process appears to have been disregarded on Longxing 629.

4. Conclusion and recommendations

The illegal activities that Longxing 629 appears to have committed pose direct threats to fundamental values shared by the international community in sustainability of fisheries resources and respect for workers' rights. Longxing 629 appears to have caught, transported, and presumably traded species in danger of extinction and abused the rights of crews, depriving them of dignity and basic needs. These acts are in violation of a number of legally binding international agreements and jeopardize their core underlying values. Especially, questions are raised on the willingness of China to fulfill the Flag State responsibilities. It is precisely such lack of implementation that undermines the ability to achieve

wild animals and plants as well as the products thereof under the special protection of the state, whose export has been approved by the competent departments of endangered animals and plants under the State Council, as well as the endangered wild animals and plants and the products thereof, whose import or export has been restricted by the Convention yet approved by the competent departments of endangered animals and plants under the State Council.

24 CITES Article 4 paragraph 6: The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction.

25 CITES Resolution 14.6 paragraph a: whenever any specimen of a species included in Appendix I or II is taken in the marine environment not under the jurisdiction of any State by a vessel registered in one State and is transported into that same State, the provisions of Article III, paragraph 5, or Article IV, paragraphs 6 and 7, respectively, should be applied; with that State being the State of introduction

26 CITES Resolution 14.6 paragraph b: whenever any specimen of a species included in Appendix I or II is taken in the marine environment not under the jurisdiction of any State by a vessel registered in one State and is transported into a different State, the provisions of Article III, paragraphs 2 and 3, or Article IV, paragraphs 2*, 3 and 4, respectively, should be applied, with the State in which the vessel that took the specimen is registered being the State of export and the State into which the specimen is transported being the State of import

*CITES Article 4 paragraph 2: The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit.

27 World Health Organization (2007). International Medical Guide for Ships. p. 334

sustainable fisheries.

Actions must be taken on the part of various actors including the Chinese government—which has pledged to take efforts to end IUU fishing; WCPFC and CITES, whose major agreements have been plainly breached; and all national governments and NGOs who share commitments for sustainable fishery and worker’s rights. If Longxing 629’s activities are not fully investigated and, as appropriate, sanctioned, the international community as whole will miss an opportunity to tackle practices that risk the future of our oceans and the people who depend on them. As responsible global citizens, we must not turn a blind eye to this case.

Given that the evidence points to Longxing 629’s infringement of CMM 2019-07 paragraph 3 items c, f, and i²⁸, we urge WCPFC to consider including Longxing 629 on the IUU vessel list. China and other relevant parties shall also consider including the ship on their respective IUU vessel lists. We also propose that Resolution 2018-01 be fully integrated into a legally binding Conservation and Management Measure, for more effective human rights protection in the Convention Area. Finally, we invite all relevant Flag States to consider the implications of this case for their measures to monitor and control the activities and working conditions on fishing vessels and fish carriers that fly their flag.

Appendix: APIL’s Note on Long Xing 629 Case

(Updated 13 May 2020)

Jong Chul Kim

After 26 April 2020, interviews were conducted with Indonesian crew members, who had worked onboard Longxing 629 owned by Dalian Ocean Fishing Co., Ltd. This note is a living document based on oral and written communications with the crew members. The interviewed crew members returned to Indonesia on 8 May 2020 after having been in quarantine for 14-days at Ramada Hotel near Busan Railway Station starting from 23 April 2020, when they had been allowed to enter.²⁹

On 14th February 2019, 22 Indonesian crew members including the interviewees came to Busan, Korea, boarded Longxing 629, a tuna longliner, and sailed on board the vessel to Samoa waters for catching tunas.³⁰ After starting to work on Longxing 629, they experienced the deaths of four colleague fishers, were subjected to human rights violations constituting human trafficking, and were exploited to commit IUU fishing including shark finning.

28 CMM 2019-07 paragraph 3: c. Do not record or report their catches made in the Convention Area consistent with WCPFC measures, or make false reports. f. Use prohibited fishing gear in a way that undermines WCPFC conservation measures. i. Engage in any other fishing activities that undermine the provisions of the WCPFC Convention or any other WCPFC conservation measures.

29 Tian Yu 8 and Long Xing 605 carrying the Indonesian crews including the interviewees had come to waters near Busan in 14 April 2020, but the crew of long Xing 629 were allowed to enter Korea 10 days later.

30 Two Indonesian crews returned to Indonesia in March 2019 after being transferred to Long Xing 630.

Three deaths

While they were operating in waters near Samoa, three Indonesian crew members (Sepri, Alfatah and Ari) died of unknown illness after showing the same symptoms, some of which were swelling, chest pain, and breathing difficulties. The symptoms for Sepri and Alfatah persisted for more than 45 days, and in the case of Ari for about 17 days. The captain just fed them a large amount of unknown medicines ignoring requests by the crew members to take them to a hospital in Samoa. Sepri died onboard Longxing 629 and the other two, Alfatah and Ari died on its sister vessels, respectively Longxing 802³¹ and Tian Yu 8³² to which they have been transferred. Even though there were persistent requests by the crew to preserve the dead bodies in refrigeration based on their contract, the captains abandoned them at sea.³³ The following are the dates and vessels relating to their deaths and abandonment (Table 1).

Table 1: Personal information and date of abandonment of deceased crew members

Names	Sepri	M Muh Alfatah	Ari
Date of Death	2019. 12. 21.	2019. 12. 27.	2020. 3. 30.
Place of Death (vessel)	Longxing 629	Longxing 802	Tian Yu 8
Date of Abandonment	2019. 12. 21.	2019. 12. 27.	2020. 3. 30.

Human Trafficking

Besides the threat of death from unknown diseases, the Indonesian crew members were also subjected to human rights/labor rights violations constituting human trafficking as follows.

*Working hours: They had to work 18 hours a day, sometimes for two days in a row without rest.

*Remaining at sea for 13 months: They did not have a port call while operating. The crew members stated that Longxing 629 was provided food and fuel/oil approximately 5 times by 4 different tanker vessels one of which is Angel No.1 (IMO 9434709, Fig. 2) owned by Winson Group³⁴. And as for the fish transport, there were at least 4 transshipments by 4 different carrier vessels two of which were Lady Tuna (Panama flag IMO: 9453418, Fig. 3) and Sei Yu (S. Korea flag)³⁵.

31 The other two Indonesian crews in Long Xing 629 were transferred to the Long Xing 802 in 27 December 2019 along with Alfatah and returned to Indonesia.

32 The other two Indonesian crews in Long Xing 629 were transferred to the Long Xing 802 in 27 December 2019 along with Alfatah and returned to Indonesia.

33 https://www.youtube.com/watch?time_continue=2&v=dfchK20WNuE&feature=emb_logo (accessed on 2020.06.29)

34 http://www.winsonoil.com/vessels_2.asp (accessed on 2020.06.29)

35 One of the crews remembered Sei Yu as the name of fish carrier vessel when he read the list of vessels in https://www.wcpfc.int/record-fishing-vessel-database?flag=Korea+%28Republic+of%29&field_vessel_submitted_by_ccm_value=All&type=FISH+CARRIER&name=&ircs=&win=&vid=&imo=&auth_tranship_hs=All&fishing_methods=All (accessed on 2020.06.29)



Fig. 2: Angel No.1 (IMO 9434709)



Fig. 3: Lady Tuna, call sign 3EQEX (IMO 9453418)

*Drinking salty water: They drank salty water converted from sea water while their Chinese counterparts drank bottled water. The crew members claimed that drinking the salty water made their colleagues sick leading to death.

*Food: Their main food was rice and fish which was also used as bait or lures. Chicken was served for every dinner only during the period of tuna operation from February to September. Frozen vegetables were provided twice a month (Fig. 4).



Fig. 4: Food the Indonesian crews were provided in Longxing 629

*Verbal and physical abuses: Verbal abuse was everyday experience to the crews. At least 5 crew members were subjected to physical violence by the vice-captain³⁶ and a Chinese senior crew. Crew members were struck on either the back or the head for the reason that they could not understand what they were saying.

*Passport confiscation: The captain of Longxing 629 confiscated all passports of crew members immediately after they got on board. Even after they landed in Busan on 23 May 2020, a Korean manning agency kept their passports while they were in quarantine.

*Wage withholding, deductions, and non-payment: Crew members' monthly wages were between USD 300 and USD 450, of which half was deducted as a recruitment fee³⁷ and withheld as a security deposit. Most of the other half was rarely paid (refer to Table 2).

*Toilet and bathroom: There are 2 toilets and 2 bathrooms in Longxing 629. Since one toilet and one bathroom were dedicated only to the captain, 22 Indonesian crew members and about 6 Chinese crew members had to share one toilet. Because the Indonesian crew members were not allowed to use bathroom, they took shower on the deck with seawater and distilled but still dirty water.

³⁶ The vice-captain went to China being transferred to Tian Yu 8 in December 2019.

³⁷ These are 4 recruitment agencies in Indonesia which recruited the crews: 1. Pt. Lakemba Perkasa Bahari (5 crews including the late Pasaribu Efendi), 2. Pt. Alfira (8 crew including the late Alfirah), 3. Pt. Sinar Muara Gemilang (6 crew), 4. Pt. PT Karunia Bahari Samudera (3 crew including the late Sepri and the late Ari). And reportedly the last three recruitment agencies placed the crews to Long Xing 629 through a Chinese manning agency in Fiji, Orient Commercial and Trade Co., Ltd.

Table 2: Information on wage withholding, deduction, and non-payment of wages

Crew member	Date of birth	Recruitment agency	Monthly wage	Service fee deducted out of wage	Security deposit out of wages ³⁸	Insurance fee to be deducted out of wage	Wages paid for 13 months	Paid rate ³⁹
#1	1992 Nov. 11	PT. LAKEMBA PERKASA BAHARI	\$400	\$500	\$800		\$2,150	41.3%
#2	1999 Jan. 10	PT. LAKEMBA PERKASA BAHARI	\$300	\$850	\$800		\$800	20.5%
#3	2000 Nov. 04	PT. LAKEMBA PERKASA BAHARI	\$300	\$300	\$800		\$800	20.5%
#4	1999 Aug. 02	PT. LAKEMBA PERKASA BAHARI	\$300	\$850	\$800		\$800	20.5%
#5	2000 Mar. 29	PT. Alfira Perdana Jaya	\$300	\$1,145	\$1,000	\$140	\$120	3.1%
#6	1999 Sept. 17	PT. Alfira Perdana Jaya	\$300	\$1,145	\$1,000	\$140	\$120	3.1%
#7	1999 Nov. 27	PT. Alfira Perdana Jaya	\$300	\$1,145	\$1,000	\$140	\$120	3.1%
#8	1998 Jan. 25	PT. Alfira Perdana Jaya	\$300	\$1,145	\$1,000	\$140	\$120	3.1%
#9	2000 Aug. 06	PT. Alfira Perdana Jaya	\$300	\$1,145	\$1,000	\$140	\$120	3.1%
#10	1999 Mar. 02	PT. Sinar Muara Gemilang	\$300	\$750	\$900		\$300	7.7%
#11	1995 Sept. 09	PT. Sinar Muara Gemilang	\$450	\$600	\$900		\$650	11.1%
#12	1999 Aug. 23	PT. Sinar Muara Gemilang	\$300	\$750	\$900		\$300	7.7%
#13	1985 July 31	PT. Sinar Muara Gemilang	\$300	\$750	\$900		\$300	7.7%
#14	1998 Dec. 02	PT. Sinar Muara Gemilang	\$300	\$750	\$900		\$300	7.7%

³⁸ As long as crew completes the term of a contract, security deposit is to be paid upon returning to Indonesia from recruitment agency.

³⁹ Paid rate = [Wages paid for 13 months / (Monthly wage * 13)] * 100 (%)

IUU including shark finning

Shark finning has been prevalent not only in Longxing 629, but also in other at least 11 sister vessels including Longxing 806, Longxing 805, Longxing 630, Longxing 802, Longxing 605, Longxing 607, Longxing 608 and Tian Yu 8, all of which are owned by Dalian Ocean Fishing Co., Ltd. Interviewees stated that they have specific fishing rods (gears) for catching sharks with which they were catching more than 20 sharks a day. From September to February, they were only catching sharks rather than tuna. The crews were ordered to move shark fins from one vessel to another by small boats when the vessel was supposed to go to port.

Processing the sharks, which includes finning, drying, packaging and fridge storing is their everyday task. Interviewees estimated that when they left Longxing, they found at least 16 boxes (each box containing 45 kg) full of shark fins. One of the interviewees reported having experience in moving shark fins from one vessel to another using small boats whenever sister vessels were scheduled to go to port.

And they also caught what seems to be endangered species. Crew members reported that when a whale was caught, Chinese crew members killed it to extract brain and genitals. Below are photos of sea animals taken by the crew members.



Fig. 5: Shortfin Mako Shark caught by Longxing 629



Fig. 6: Scalloped Hammerhead Shark caught by Longxing 629



Fig. 7: White Shark caught by Longxing 629



Fig. 8: False Killer Whale caught by Longxing 629



Fig. 9: Shark's fins on Longxing 629



Fig. 10: Shark's fins being dried on Longxing 629

Another death in Busan

Along with other crew members, Tian Yu 8 and Longxing 605 carrying 9 and 6 Indonesian crew members respectively who previously worked on Longxing 629 arrived in Busan, Korea on 14 April 2020. But even though they entered Korean territorial seas, they could not enter Busan port for 10 days as Korean Immigration authorities did not allow them to disembark. While many of crew members should have stayed in those two vessels, 27 Indonesian fishers were allowed to enter Korea on 23 April 2020⁴⁰, out of which 11 crew members flew back to Indonesia and the remainder, 15 crew members, who had previously worked on Longxing 629 were sent to the Ramada Hotel for a 14-day quarantine with facilitation by a Korean manning agency, Fisco Marine⁴¹ (see the next page, Table 3).

While the crew members were in quarantine at the hotel, Pasaribu Efendi died on 27 April 2020. Even though he showed the same symptoms as those of the late Ari, Alfatah and Sepri from February 2020 on board Tian Yu 8 en route to Busan, he was not transferred to a hospital even after he entered Korea on 23 April 2020. Pasaribu Efendi was sent to an emergency room of Busan medical Center⁴² at 17:30 on 26 April 2020, but he died at 06:00 the next day.

The crew members returned to Indonesia on 8 May 2020 and the late Pasaribu Efendi was buried on 12 May 2020 without an autopsy which should have been conducted to identify the cause of death⁴³.

⁴⁰ While Long Xing 605 is sailing within Korean territorial sea as of 29 April 2020, Tina Yu 8 already returned to China in 24 April 2020.

⁴¹ +82-51-253-8899

⁴² The hospital did not find any virus from the dead body and decided not to do an autopsy on the corpse.

⁴³ <https://www.youtube.com/watch?v=G5tiukEAlHk&feature=youtu.be> (accessed on 2020.06.29)

Table 3: Movements of the crew in Longxing 629, Longxing 604, Longxing 605, Tian Yu 8, Tian Xiang 8, Tian Xiang 16, and Tian Xiang 606

Crews/vessels		Tian Yu 8	Longxing 605	Note
Chinese Crews		12	9	They stayed in the vessels as of 24 April 2020.
Indonesian Crews	Employed for Tian Yu 8 and Longxing 604 from the beginning	3	10	They entered Korean in 24 April 2020 and flew back to Indonesia but two of them onboard Longxing 605 whose passport were expired stayed in the vessel then.
	Transferred from sister vessels, Tian Xiang 8	7	1	They stayed in the vessels as of 24 April 2020.
	Transferred from sister vessels, Tian Xiang 16	0	1	
	Transferred from sister vessels, Tian Xiang 606	1	8	
	Transferred from sister vessels, Longxing 629	9	6	They entered Korea 24 April 2020 and are in quarantine at a hotel. One member died 27 April 2020.
Total		32	35	