

SOUTH KOREA PROFILE

Main seafood products and exports

South Korea's total fish production was 3,142,000 tonnes in 2013, a decrease of 1.3% from the previous year¹. Just over half was from capture fisheries, the remainder from aquaculture. Distant water fishing (DWF) has accounted for approximately one fifth of all fisheries production. Total fisheries exports were valued in 2011 at US\$ 2.3 billion, an increase of over 28% from the previous year. Major export markets in terms of value included China, Japan, Thailand and the U.S.

For coastal and offshore fisheries, the main species have been mackerel, hairtail, anchovy, squid, croaker, blue crab and clams. For DWF, the main species are tuna, saury, Alaska Pollack, squid and krill. Tuna, squid and pollack jointly account for more than 70% of DWF fisheries production.

The main aquaculture species are flounder, rockfish, oysters, laver, kelp and abalone. Aquaculture has shown a steady increase over the past decade, owed largely to increased seaweed production. Major seaweed aquaculture items are brown seaweed, laver and kelp. Shellfish (including oysters, mussels and manila clams) made up 26% of total aquaculture production.

Seafood exports to the UK

In 2014, the UK imported a total of 112,580 kg. of seafood products from South Korea, valued at UK£ 299,206. The bulk of this was tuna (UK£ 125,739) and cod (UK£ 137,185), followed by crab (UK£ 32,570) and smaller amounts of warm water shrimps and prawns and mackerel.

Employment in seafood

In a 2014 publication, the International Labour Organisation (ILO) has given a figure of 192,833 fishers in South Korea, of whom just over 4,000 were migrant fishers (2,043 from Indonesia, 961 from Vietnam, 721 from China, and 281 "others"). In early 2010, official figures were that 69,000 households were engaged in commercial fishing, approximately half of the number 30 years previously. Over one third of the 171,000 fishers were aged 60 or more, and only 18,750 new recruits entered the fishing industry between 1980 and 2010. Projections were that the number of fishers would fall to some 130,000 by 2020, and the proportion aged 60 or more would rise to 60%. A result was that many local fishing boat owners were compelled to recruit migrant fishers from other Asian countries, particularly for deep water fishing (DWF).

Aquaculture was officially estimated in 2013 to employ 5,760 people directly, with many others engaged in subsidiary sectors including research and development.

¹ Data taken from: Hyenho You and others, *Korean Aquaculture at a Glance*, World Aquaculture, March 2015. http://www.academia.edu/14356898/Korean_Aquaculture_at_a_Glance

Human trafficking and forced labour indicators, rankings and reports

South Korea is ranked Tier 1 in the 2015 U.S. Trafficking in Persons² (TIP) report. It is identified as a source, transit and destination country for men, women and children subjected to sex trafficking and forced labour. The report states that migrant workers who travel to South Korea (especially those from China, Indonesia and Vietnam) can incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. Approximately 500,000 low-skilled migrant workers (many of them employed under the government's Employment Permit System) work in the fishing, agriculture, livestock and manufacturing sectors. The report notes specifically that South Korea is a transit point for Southeast Asian fishermen subjected to forced labour on fishing ships bound for Fiji and other ports in the Pacific. As regards prosecution, a 2012 case of labour abuse on South Korean-flagged fishing vessels remained pending at the end of the reporting period. As regards prevention, the Ministry of Oceans and Fisheries (MOF) continued to operate a hotline for foreign crew members. MOF trained 961 marine and ship staff on human rights protections and labour rights of foreign sailors.

South Korea is placed at 128 (a favourable ranking) in Australia-based Walk Free Foundation 2014 *Global Slavery Index*³ with an estimated 93,700 persons in modern slavery. This is the sixth best ranking in the Asia and Pacific region.

There has been critical reporting by journalists, human rights or environmental NGOs and academics, concerning severe labour abuse on Korean or Korean-flagged vessels. In 2012, *Bloomberg Business* published a long article on abuses aboard a South Korea-flagged ship trawling in the waters off New Zealand⁴. The articles focused on physical and sexual abuse endured by Indonesian fishers on South Korean vessels, as well as on their conditions of debt bondage after taking out substantial loans. A six-month investigation detected conditions of debt bondage on at least ten South Korean vessels operating in New Zealand waters.

Labour abuses against Indonesian migrants workers, on Korean-flagged charter vessels operating in New Zealand waters, have been rigorously documented by a group of scholars at the Auckland University Business School. Their several reports, issued between 2011 and 2015, have played an important role in persuading the New Zealand legislature to amend its fisheries policies, now requiring all foreign charter vessels and their crew to be employed under a New Zealand employment agreement.

Poor conditions experienced by migrant workers on offshore fishing vessels have been documented in a report by the National Human Rights Commission of Korea, (NHRCK), published in 2012⁵. According to this report, migrant fishers work for an average of 13.9 hours per day, and only 53% are paid their full wages on time. The report also notes that 94 per cent of migrant fishers experienced verbal assaults, 43

² United States Trafficking in Persons Report 2015 <http://www.state.gov/j/tip/rls/tiprpt/>

³ Global Slavery Index 2014 http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf

⁴ E. Benjamin Skinner, "The Fishing Industry's Cruellest Catch", *Bloomberg Business*, 23 February 2012. <http://www.bloomberg.com/bw/articles/2012-02-23/the-fishing-industrys-cruellest-catch>

⁵ "Human rights conditions of migrant workers in the fishing industry", National Human Rights Commission of Korea, 2012.

per cent experienced physical assaults, and 10 per cent experienced confinement. Furthermore, 80% of migrant fishers had their passport and alien registration card confiscated.

A more recent NGO assessment documents further instances of abuse against migrant fishers. It recommends that the Government should amend relevant laws to strongly punish the perpetrators of human rights violations; increase the wages of migrant deep-sea fishers; eliminate systematic discrimination against offshore migrant fishers; exclude private agencies from the employment and management of migrant fishers; and strengthen its supervision and inspection of the conditions of migrant fishers⁶

Ratification of international human rights and labour agreements

United Nations treaties and procedures

South Korea has ratified the main UN international human rights instruments, including:

- International Convention on the Elimination of All Forms of Racial Discrimination (1978)
- Convention on the Elimination of All Forms of Discrimination against Women (1984)
- International Covenant on Civil and Political Rights (1990)
- International Covenant on Economic, Social and Cultural Rights (1990)
- Convention on the Rights of the Child (1991)
- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1995).

South Korea has also accepted several country visits under its special procedures, on subjects including the rights of migrant workers. One Special Rapporteur, in a visit to South Korea conducted in 2014⁷, gave considerable attention to the subject of “foreign seafarers on the high seas”. The Special Rapporteur was informed that the number of migrant workers on fishing vessels registered in South Korea had been rapidly increasing, and that the country’s fishing industry was now much more dependent on migrant workers than any other industry. According to government statistics, as of December 2013, about 70% of seafarers in deep-fishing vessels and 28% of seafarers in off-shore fishing vessels were foreign workers. This Special Rapporteur made a number of recommendations with regard to foreign seafarers, namely that:

- The Government sanction the discriminatory application of minimum wages between seafarers from the Republic of Korea and foreign seafarers on such vessels on the high seas
- Enable foreign seafarers to also benefit from a share of the catch

⁶ Lee, Hansuk, “Discrimination against Migrant Fishermen on Korean Fishing Vessels”, in Civil Society Working Groups on the Human Rights of Migrants in Korea, paper presented at the 2014 Conference on the Status of Racial Discrimination in Korean Society, Seoul, South Korea.

⁷ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance, Mutuma Ruteere, on his visit to the Republic of Korea (29 September – 6 October 2014). UN Doc. A/HRC/29/46/Add.1.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15140&LangID=E>

- Eradicate the practice of employers deliberately retaining identification documents and bankbooks of foreign seafarers
- Train employers and fishermen of the Republic of Korea on practical measures to eradicate verbal and physical abuse towards foreign fishermen
- Ensure proper inspection by officials of the Ministry of Fisheries and Oceans of vessels on which foreign seafarers are employed
- Establish a reporting mechanism for foreign seafarers to register violations and abuse by their employer and co-workers from the Republic of Korea accessible in their language; and take rapid action, including appropriate sanctions when such violations are found.

International Labour Organization (ILO) Conventions⁸

South Korea has been a member state of the ILO since 1991, and has so far ratified 28 ILO Conventions. These include four of the eight core human rights Conventions. It has yet to ratify the two fundamental Conventions on freedom from forced labour, and on freedom of association and collective bargaining.

Fisheries policy and administration

The *Fisheries Act* of 1953 provides the basic legal framework for South Korea's fisheries, with provisions on the management, control and regulation of fisheries, including licences, enforcement and penalties. A Ministry of Oceans and Fisheries has responsibility for fisheries policy and management.

An important feature of fisheries management has been the Total Allowable Catch (TAC) system, first introduced in 1999 to ensure that management and control of the harvest from the country's exclusive economic zone (EEZ) is consistent with the United Nations Convention on the Law of the Sea (UNCLOS). By 2011 the TAC covered eleven species (including mackerel, jack mackerel, squid, red snow crab and blue crab) with a total TAC of 425,000 tonnes. Individual vessel quotas are allocated by fishers' cooperatives.

Fisheries agreements have been signed with countries including China and Japan, after the proclamation of the EEZ in 1996. The terms and conditions for mutual fishing access arrangements with these countries (eg. the number of vessels, species and catch limits) are determined through bilateral negotiations every year.

It was reported in 2013 that, to meet long term targets of a sustainable fisheries industry, government policy was to reduce the number of fishing boats in operation while encouraging further growth in aquaculture. Some 47,520 fishing vessels were in operation in 2011, after over 16,000 vessels had been taken out of service and scrapped, between 1994-2010, through a boat reduction scheme. The eventual target was to scrap more than 7,500 additional vessels, and to reduce the number of vessels using gear such as trawl nets identified as a cause of over fishing⁹.

⁸ The International Labour Organization's Fundamental Conventions
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095895.pdf

⁹ "Challenging times for South Korea", World Fishing and Aquaculture, 9 May 2013.
<http://www.worldfishing.net/news101/regional-focus/challenging-times-for-south-korea>

As of 2011, 359 Korean vessels were authorized to fish outside the country's EEZ. South Korea is a member all five tuna Regional Fisheries Management Organisations (RFMO). It has also signed bilateral fishing access agreements with a number of countries, including Papua New Guinea, Russia, the Solomon Islands and Tuvalu.

Monitoring and enforcement

The Korea Coast Guard and local governments have joint responsibility with the Ministry of Oceans and Fisheries for enforcement. The Ministry coordinates enforcement against illegal fishing in the EEZ, while the Korea Coast Guard deals mainly with fishing activities by non-nationals in the EEZ. As of 2011, there were 34 national surveillance vessels, 70 local surveillance vessels, 292 Korea Coast Guard patrol vessels, 17 patrol helicopters and four patrol planes to monitor, control and patrol against illegal fishing activities.

Measures to protect migrant fishers

The ILO has documented a number of recent measures to safeguard the rights of migrant fishers from other Asian countries¹⁰.

In September 2012, the Government announced a plan to improve the employment and working conditions of migrant fishers, involving it more directly in managing recruitment and employment. The Government stated furthermore that it would amend existing rules and regulations to clarify that the service fees for labour providers in sender countries should be paid by the fishing vessel owners and not the migrant fishers. The Government would also negotiate with the representatives of labour and management for an increase in the minimum wage of migrant fishers, on a par with that of local fishers. Other pending changes to the legal framework include imposing concurrent penalties on both the direct perpetrator of human rights abuses against migrant fishers and the fishing vessel owners; harsher penalties for violence against migrant fishers; and additional provisions which allow the Government to suspend or revoke the overseas fishing permit of companies that violate the human rights of migrant fishers.

The new system also changes the method of choosing sender countries, requiring sender governments to sign a Memorandum of Understanding (MOU) with South Korea prior to the introduction of their migrant fishers into the national fishing sector. These MOUs mandate regular inspections of service and labour providers in both sending and receiving countries, as well as the sharing of information between the relevant government agencies.

Furthermore, call centres for migrant fishers, located within the existing Foreign Seafarer Welfare Centres, began to operate in early 2013. They provide a range of support services including free consultations, grievance settlement, counselling and education services.

¹⁰ *Work in Fishing in the ASEAN Region: Protecting the Rights of Migrant Fishers*, ILO, Regional Office for Asia and the Pacific, 2014. http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_306645.pdf

Measures against IUU fishing

South Korea appears to have taken significant recent steps to control illegal, unregulated and unreported (IUU) fishing. Over the past several years a number of NGOs have highlighted South Korean involvement in IUU fishing, sometimes linking this to patterns of serious labour abuse on the vessels involved. Between 2010 and 2014, for example, the Environmental Justice Foundation (EJF) documented a large number of Korean-flagged vessels operating in West Africa, particularly in Sierra Leone. EJF evidence contributed to an EU decision in 2013 to issue South Korea with a “yellow card”, warning that the country faced trade sanctions if it did not improve its fisheries management.

In April 2015 the European Commission lifted the threat of trade sanctions. An EJF communiqué has highlighted some of the policy measures and improvements that led to this decision¹¹. South Korea’s Distant Water Fisheries Development Act has been amended to increase consistency with international laws and regulations. Major elements include:

- Stronger control over IUU vessels, including confiscation of illegal fish, and fishing authorization restrictions in waters of a country without proper fisheries management and control systems
- Stronger control over Korean nationals, including a provision that allows the government to exercise control over its nationals engaging in IUU fishing in waters outside South Korea’s jurisdiction
- Stronger monitoring, control and surveillance, including VMS installation on fish carriers, and requirements for prior authorization of any transshipment
- Stronger sanctions, including terms of imprisonment for serious infringements.

Fishing activities of Korean-flagged vessels will also be restricted in a number of circumstances. Moreover, a large part of the South Korean fleet that has been operating in West Africa will be bought by the government and scrapped. Furthermore, the Government of South Korea will not allow private licensing in some West African countries, where fishing licences will instead be negotiated in the framework of bilateral agreements.

Overall risk assessment

On land, South Korea should be considered low risk. There has been a clear improvement in fisheries management, as well as the implementation of social standards. The country’s Tier 1 ranking in the US TIP report, as well as the measures described above, suggest that the government is taking firm measures to improve employment practices.

In distant water fishing, despite the recent measures and regulations, the risk remains at least medium. While recent government efforts have focused to some extent on West Africa, there is a question mark regarding recruitment methods and employment conditions in practice on the high seas elsewhere. Serious labour abuses, against mainly Indonesian migrants on Korean-flagged vessels, have still

¹¹ “EU removes South Korea from list of those failing to combat pirate fishing”, EJF, 21 April 2015. <http://ejfoundation.org/news/eu-removes-south-korea-list-those-failing-combat-pirate-fishing>

been documented over the past year in New Zealand waters. Various sources have also documented labour abuse and discrimination in offshore as well as distant water fishing in South Korean waters.

At least one UK company has developed a template for auditing Korean supplier vessels, with specific questions about labour standards, recruitment and employment conditions. A key concern is how these issues can henceforth be monitored on a regular basis, in close cooperation with government authorities.

For further information

- **United States Trafficking in Persons Report 2015**
<http://www.state.gov/j/tip/rls/tiprpt/>
The Department places each country in this Report onto one of four tiers, as mandated by the Trafficking Victims Prevention Act (TVPA). This placement is based more on the extent of government action to combat trafficking than on the size of the country's problem. The analyses are based on the extent of governments' efforts to reach compliance with the TVPA's minimum standards. Tier one is the best ranking and Tier 3 the worst.
- **Global Slavery Index 2014**
http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf
The Global Slavery Index estimates the prevalence of modern slavery country by country, the absolute number by population, how governments are tackling modern slavery, and what factors explain or predict the prevalence of modern slavery. Rankings range from 1 to 167 - with 1 the worst and 167 the best, in terms of the prevalence of the population in modern slavery. This is based on three factors: estimated prevalence of modern slavery by population, levels of child marriage and levels of human trafficking into and out of the country. This gives a 'weighted measure'.
- **The International Labour Organization's Fundamental Conventions**
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_095895.pdf
Ratifications of fundamental Conventions and Protocols by country
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:10011:0::NO::P10011_DISPLAY_BY,P10011_CONVENTION_TYPE_CODE:1,F

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