

Racialized Migration: Indonesian Fishers on Taiwanese Fishing Vessels

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Illegality and criminal wrongdoing in Taiwan's fishing industry are well documented and accepted by many parties as isolated incidents. The reality is Taiwan's fishing industry appears to be strongly linked with some of the most serious crimes, including violence, appalling labor abuses, human trafficking, illegal, unreported, and unregulated (IUU) fishing, serious environmental impacts, and human rights abuses at sea. Exclusively so-called the "legal guarantee crew ship" (often called as LG fishers) that recruited legally (permitted and regulated by the state), however, their entry to the state borders unregistered. Taiwanese-flagged vessels are home and source of livelihood for thousands of Indonesian LG crew working on Taiwan's distant water fishing vessels. Lack of decent jobs and salaries in Indonesia forced them to go work aboard foreign fishing companies hoping to change their family's lives. Weak regulations allow recruitment agencies to trick LG foreign workers, withhold travel documents, deduct heavy service fees from their pay, often under the terms of an employer or recruitment agency's written contract, or trade them as property (human trafficking) and enslaved aboard. The essay focuses on the question of LG and the risks the LG fishers voluntarily face when they sign the contracts. In doing so, it will illustrate; 1) background of Indonesian LG fishers; 2) ruthless recruiters and overlapping regulations on fishery migrant workers; 3) racialization of fishermen in Taiwan fishing vessels, and 4) everyday experiences of risk and uncertainty of LG work aboard. From this case study, the essay exposes Indonesia and Taiwan's overlapping regulations on LG crew ship, as well as the agenda of Taiwan's fishing industry—that is, to profit by employing LG and neglecting human rights abuses that seem endemic to its fisheries.

Keywords: cheap labor, Indonesian migrant workers, fishermen, Taiwan fishing vessels, distant water fishing vessels

Taiwan's fishing industry drew public attention in 2016 after a series of investigations from *The Reporter*, an independent journalists group, that exposed the truth of Supriyanto's death. *The Reporter* revealed that Supriyanto, an Indonesian migrant fisher, was beaten up to death by his employer, distinct from employer's explanation that Supriyanto was pronounced dead due to illness. *Tempo*, a renowned news magazine from Indonesia, also investigated Supriyanto's death as part of the collaboration with *The Reporter*. *Tempo* issued a special edition in Bahasa and English entitled "Slavery at Sea." They highlighted human enslavement that happens onboard foreign fishing vessels

and the ruthless recruiters in Indonesia. It also addressed the fact that the existence and experience of Indonesian migrant fishers abroad are not receiving enough attention, as Ariel Heryanto (2018) argued that “the study of Indonesia has been narrowly focused on its political and economic institutions and elite(s)”.

Redressing the dearth of information on Taiwan fishing industries’ employment practices, this short article investigates the complex configuration of cheap labor importation that has racialized foreign workers by rendering easier entry requirements and cheaper recruitment fees for the fishing industry in Taiwan.



[Migrant fisherman unload fish "000008300007"](#) by [hcchien](#) is licensed under [CC BY-NC-ND 2.0](#)

Taiwan deployed two different forms of employment for migrant fishers in the fisheries industry. For most of the Indonesian migrant workers in Taiwan, these two groups were well-known as “ABK Legal” (legal crew) and “ABK LG (illegal crew).” “ABK LG” or Legal Guarantee of Crew Ship is a term that derives from the “Work Contract Letter Head” that company given to the fishers. There are several perspectives on the use of LG among Indonesian fishers in Taiwan. First, recruitment companies utilize this term to hide the real status of fishers using this contract that aimed to attract more people to join. Second is to distinguish them from the other group of migrant fishers under the contract of “foreign workers”. Lastly, many parties just called them as “ABK Illegal” (illegal crew) because they don’t have legal documentation to enter and stay in Taiwan. Sometimes, the LG fisher is also called an international fisherman merely to imply a neutral meaning—hence less prone to discrimination. Meanwhile, ABK Legal is a fisherman under the scheme of “foreign worker employment.” They are often referred to as *wailao* who are regulated and protected by the 1992 Employment Service Act. Foreign fishers under this contract are employed in offshore fishing.

There are two major types of job performed by foreign fishers in Taiwan, namely, Distant Water Fishing (DWF) where the vessels operate in international seas or areas outside the 200-mile Exclusive Economic Zone (EEZ) of the country; and coastal and offshore fisheries where fishing activities conducted in Taiwan’s internal waters, territorial sea, and EEZ. While both worked on Taiwanese or Taiwan flagged vessels, migrant fishers were subjected to different laws and regulations. LG fishers employed only in DWF and ABK legal (legal crew) are protected by labor law. To cross the border, agencies company provide the LG fishers a temporary visitor visa or tourist visa to enter Taiwan, while the legal crew entering the island with resident visa are provided with Alien Resident Card (ARC) once they arrive and register to the local Manpower Department. There were also LG fishers who were smuggled to Taiwan via ship or container box from nearby ports that grant

Indonesians free tourist visas, such as Hong Kong, Macao, and Southeast Asian Countries. Once they arrive onboard, the employers and agency stamps their Seaman Book and hands them a Letter of Guarantee from their recruiting company as a proof of employment in Taiwanese vessels. This gives them protection from law enforcement or police.

Distant Water Fishing

Distant Water Fishing (DWF) was introduced to Taiwan in the 1950s after a significant decline of offshore and coastal fisheries production (Chang, et al., 2010; Haward & Bergin, 2000; Kuo & Booth, 2011). In 1961, the government directed the national fisheries development programs to the development of DWF (Chang et al, 2010). National fisheries development programs resulted in many fishermen changing their vessels into larger-sized vessels. Shieh (1981) noted that Taiwan's DWF is not only to supply fish to its populations but also the main source of state income while the manufacturing industry was not as rapid as the late 20th century. Since then, Taiwan is well known as one of the leading players in DWF industries where it has become the Taiwan economic identity in worldwide (Chang et al., 2010), with over 1,800 vessels conduct fishing outside the exclusive economic zones (EEZ) or in internal waters and produce US\$ 2 billion export value annually.[2]

Something that raises doubt on Taiwan practice of migrant fisher employment is its inability to obtain and provide an actual number of foreign fishers in its DWF vessels. The Ministry of Labor noted that in April 2018, only 12,167 out of 683,387 foreign workers work in Taiwan as crewmen,[3] including crewmen in agriculture, forestry, animal husbandry, and fishing. National Immigration Agency reported in September 2016 that 15,988 fishermen employed in DWF have worked under the authority of the Fishery Agency and 9,898 fishermen that worked on offshore fishing under the authority of the Ministry of Labor.[4] However, the *Trafficking in Persons Report* issued by the U.S. Department of State on June 27, 2017, estimated that there are up to 160,000 foreign workers onboard Taiwanese fishing vessels worldwide.[5] Those numbers are likely incoherent due to a lack of legal requirements for vessel owners to report the crews to authorities.

Inhumane Working Conditions

Mistreatment and abuse onboard Taiwanese fishing vessels has been well documented in the past few years. Supriyanto's co-workers took videos and photos of him before his death in 2015. Despite all the evidence that proves the abuse and neglect experienced by Supriyanto while working while rendering work on Fu Tzu Chun fishing vessels, the police investigation failed to establish the veracity of the said abuse. Even worse, Fu Tzu Chun was allowed to continue with its business operations and there was no prosecution.

During my fieldwork[6] in 2017 I found out that to work over 18 hours per day is common for fishers in DWF vessels. In some circumstances, the captain continued sailing for months (or even more than a year) without anchoring. It adversely affects the mental health of the crews and triggers violent behavior. As we could see in Supriyanto's case, which his crewmates beat and bullied him severely.

Many of my informants said that some captains or employers are too stingy and they overburden the crews with operation costs. Oftentimes, the captain cut out the salary of the crews if they take days off due to illness. The leader of FKPIIT [7], Fajar, 32, said that some employers only provided chicken

and pork meat which are cheaper than beef and mutton. However, most Indonesian fishers are Muslim and to them, eating pork is impermissible.

Low-cost Business Model

Due to illegal border crossing to Taiwan, LG fishers are not registered or listed in Taiwan Ministry of Labor, and they are also not listed under the Indonesian Economic and Trade Office (IETO) in Taipei, which is the Indonesian government representative in Taiwan. These contribute to IETO’s inability to improve the precarious conditions of the LG fishers. On the other hand, Taiwan’s Ministry of Labor does not have a list of the total number of LG fishers employed in its DW fisheries. This makes the LG fishers vulnerable to human trafficking since they cross the border without proper documents. Further, these transactions often involve fourth and fifth parties for their transship, which makes their tracking extra challenging. Fisheries Agency who are in charge of DWF management are only responsible for the technical and structural system, such as feasibility test, safety standard inspection, and vessel collection.

The 1992 Employment Service Act is the basic law protecting the migrant workers in Taiwan. This act covers the protection of legal crew. It mandates employers to provide employees access to National Health Insurance (NHI) and Employment Insurance. It also regulates the employee's work hours, basic salary in Taiwan dollars (22,500 or equivalent to about US\$ 768/month), and ensures that they could enjoy weekly or monthly holidays, monthly agency fees, among others. Comparatively, LG fishers are unprotected in the labor law. Therefore, most of them are not registered for any insurance, and are following the international fisherman salary standard (US\$ 350/month). They also do not enjoy holiday benefits, and they stay longer in the seas, anchoring every three months or more, anywhere.

Table 1. Law and Regulation Differences for Migrant Fisher in Taiwan Fishery Industry

Foreign Fishers (Legal Crew)	International Fishers (LG Crew)
Work on Taiwanese or Taiwan flagged vessels	Work on Taiwanese or Taiwan flagged vessels
Sail in Taiwan waters and EEZ area	Sail in international waters
Officially listed as the foreign worker and employed as the fisherman in Taiwan	Only holding Seaman Book and a Letter of Guarantee from their recruiting company

Protected by National Health Insurance (NHI) and Employment Insurance	No Health insurance
Listed in Taiwan Ministry of Labor, Indonesia Economic and Trade Office (IETO) in Taipei, and BNP2TKI in Jakarta	Only listed in the recruitment company
Salary follows Taiwan foreign workers' basic salary (TWD 22,500 or equivalent to about US\$ 768/month)	Having basic salary for international fisherman, about US\$ 350-400/month
Required to anchor in Taiwan fishing port	Free to anchor everywhere

Source: Excerpted from the interview, and Yasra, S., and Philipus P. (2017, January)

From the table above, we can see the differences of the employment system for legal crew and LG crew. While both are working on Taiwanese vessels, they are subject to different policies and regulations. Since the LG crews are fishing in the Taiwan water and EEZ area and the LG crews are fishing in the international waters, it subjects the latter to unfavorable conditions for they are neither recognized or listed as migrant workers in Taiwan. In effect, the State are relieved from its responsibilities of fulfilling LG crew their rights to access proper health care, receive standard salary, and enjoy a good working environment. It can also be observed that the employers and recruitment companies are at the forefront of accountability for their crew, while the State is only involved in the event of criminal acts implicating its citizens and the vessels of the Taiwanese. Meanwhile, Indonesia Economic and Trade Office (IETO), the Indonesian government representative in Taipei, is also only involved in the event of criminal acts involving its citizens and administrative things, such as passport extension, among others.

Conclusion

DWF's weak regulatory framework allows human rights abuse, slavery, and human trafficking to occur. This low-cost business model should be reassessed, especially if the Taiwan government will be sincere in providing a good work environment for migrant fishers. Although it is a daunting task, Taiwan must implement modifications to its regulatory frameworks to protect the most vulnerable sectors.

Notes

[1] I use the term 'illegal' with quotation marks to describe migrants as "an effort to denaturalize these widespread categorizations as well as the anxieties and phobias that frequently accompany their use" (p, xiv).

Mezzadra, S. and Brett Neilson. (2013). *Border as Method, or, The Multiplication of Labor*. Durham, NC, and London: Duke University Press.

[2]

<https://www.maritime-executive.com/features/taiwan-enslaved-fishermen-beaten-at-gunpoint#gs.vrkz6e8>

[3] Recruitment of foreign crewmen actually focused for the fishing industry. However, in some circumstances, the limited number of foreign crewmen are allowed to be employed in forestry, agriculture, and animal husbandry. <https://statdb.mol.gov.tw/html/mon/212010.htm> .

[4] <https://www.immigration.gov.tw/public/data/761915382471.pdf>

[5] <https://www.state.gov/documents/organization/142984.pdf>

[6] I have conducted fieldwork and interviewed dozens of Indonesian migrant fishers in Nanfang Ao fishing port, Yilan, Taiwan in 2017 and ex-Taiwan migrant fisher in Northern Coast of Java, Indonesia in August 2017.

[7] *Forum Komunikasi Pelaut Indonesia-Taiwan* can be translated as Indonesia-Taiwan Fishers Communication Forum in Yilan, Taiwan.

References

- Chang, S. K., Liu, K. Y., & Song, Y. H. (2010). Distant water fisheries development and vessel monitoring system implementation in Taiwan—history and driving forces. *Marine Policy*, 34(3), 541-548.
- Haward, M., & Bergin, A. (2000). Taiwan's distant water tuna fisheries. *Marine Policy*, 24(1), 33-43.
- Heryanto, Ariel (2018) "Popular Culture and Identity Politics", in R. Hefner (ed.) *Routledge Handbook of Contemporary Indonesia*, London: Routledge, pp. 357-368.
- Kuo, D. and Booth, S. (2011) From local to global: a catch reconstruction of Taiwan's fisheries from 1950-2007. pp. 97-106. In: Harper, S. and Zeller, D. (eds.) *Fisheries catch reconstructions: Islands, Part II*. Fisheries Centre Research Reports 19(4). Fisheries Centre, University of British Columbia [ISSN 1198-6727].
- Shieh, Dah-Wen. (1981). *Promotion of Distant-Water Fishing Industry in Taiwan* (Master Theses). Retrieved November 3, 2017, from https://digitalcommons.uri.edu/cgi/viewcontent.cgi?article=1163&context=ma_etds
- Yasra, S., and Philipus P. (2017). *Slavery at Sea: Undocumented Indonesian Seamen are Victims of Abuse Aboard Foreign Fishing Boats*. Indonesia: Tempo English, 11-24