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TRANSCRIPT

Event

Ocean Security and Human Rights Forum
**Panel Discussion: Collaboration, Coordination, and
Contestation**

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FEATURING

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Transcript By

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Andrew
Friedman:

Are we – yeah, I can hear myself. All right. All right. So thank you all for being here, again. Just really appreciate you joining us. Thanks to Whit and first panel and panelists. It was just an absolutely wonderful conversation. So really appreciate a chance to be a part of it. As Whit had mentioned, the Ocean Security Project has been doing this for a number of years. We at the Human Rights Initiative jumped in over the last couple years because of what Enoh mentioned from the top, what came up a lot in the first conversation, just how interconnected these issues are, how interconnected human rights is with ocean security.

The International Labor Organization estimates there are 128,000 individuals working in fishing who are in situations of forced labor. That is a massive, massive issue. It is a massive human and labor rights concern. And it really does go to the point of how interconnected all of these concerns are. With this panel, we entitled it Collaboration, Coordination, and Contestation. The first reason for that is I love alliteration. And the second reason for that is, to the point that Dr. Perry was making repeatedly, it really does take an incredible number of stakeholders to make these issues improve, to move them forward. And a lot of this panel will be about forced labor. As I mentioned, that's a tremendous issue in fishing. But I do think a lot of the concerns that will be raised are really widely applicable to a number of the other issues that were discussed.

So let me give an example that, you know, forced labor on ships is a major issue. Much the world would not know about it without the incredible work of journalists, the incredible work of civil society. And journalists, civil society can raise these issues, but they don't have interdiction capacities. They don't have subpoena powers. They don't have some of the investigative capabilities, and some of the ways to mitigate and respond to this that governments have. That same thing can be said about any number of issues in the ocean security sphere, many of which came up on the first panel. So I wanted that to be the framework with which we approach this panel. So it's also true of alliances. There's just a lot of work that needs to be done, and a lot of stakeholders required to do it.

With that, let me introduce my panelists and turn to them. I've probably already spoken more than I should.

So, to the far left here, Ambassador John Cotton Richmond. He's an attorney and is a diplomat. He was previously the U.S. ambassador to monitor and combat trafficking in persons. He currently leads the Libertas Council, Atlas Free, and Love Does. And he serves as a senior advisor right here with the CSIS Human Rights Initiative.

To my left, Allison Gill is the legal director of Global Labor Justice, which is an NGO that focuses and works to hold corporations accountable for labor rights violations in their supply chains.

And then joining us online is Kelly Fay Rodríguez. She's an advocate for workers' rights and social justice. She was previously the special representative for international labor affairs for the U.S. State Department. And she currently serves as the executive director of the Competence Center for Human Rights Due Diligence. I'll also say just a special thank you. She's directly between trips, and I actually think she's on a plane in a couple hours. So just very much thank you for taking the time.

I did not mention this from the get-go, but I'm Andrew Friedman. I lead our Human Rights Initiative here.

So, with that, let me turn over to my panelists. So I'd like to start with a question of where we are, right? The big question is a matter of collaboration. It's a matter of stakeholder engagement, working together to achieve a goal. So over the last few years there's been pretty significant changes to the relationships between the U.S. government and other stakeholders. This includes civil society. It includes allies. So what does that mean for the protection of human and labor rights, and responding to forced labor at sea? Now, let me, with that question, give my panelists a couple of minutes each to kind of frame out our conversation. Let me start online. Kelly, can I start with you?

Kelly M. Fay
Rodríguez:

Sure. And thanks so much. I really wish I could be there in the room with everyone, and really grateful for this important conversation. I do want to flag, Andrew, there's one more hat I want to mention is the Alliance for Diplomacy and Justice. Some colleagues of mine are doing some great work there, and happy to be representing them here as well.

So I wanted to start by sort of couching, of course, by starting with the people that are doing this work, right? The folks who are the seafood workers, fishermen and -women who are the core of the sector, and where we really need to be focused on human rights issues in oceans. It's worth mentioning a few numbers here. We all know that fishing is one of the most dangerous and exploitative industries on the planet. Roughly 35 million people make their living in the sector. Yet, almost entirely without worker representation because union density in seafood is below 2 percent. The sector is, by some estimates, really fifty years behind shipping, or example, when it comes to basic labor standards. And it is not getting better on its own.

Governance gap is structural. We heard some of that in the last panel. I'd like to flag some of the important key conventions in the multilateral space. The Maritime Labor Convention, a landmark ILO instrument that sets minimum

standards for seafarers and shipping, broadly ratified. However, the ILO Convention 188 that addresses fishing has not been widely ratified. In fact, only Spain, of the five major fishing countries, has ratified it. So that means that the vast majority of workers in fishing fleets are operating outside of these multilateral frameworks. And the ownership structures make it really easy to obscure who's responsible when things go wrong.

Unfortunately, a lot is wrong in seafood, right? And you mentioned independent experts and journalists documenting some of the worst working conditions on earth. I would like to quote Outlaw Ocean Project. Ian Urbina just recently described the list of findings they've identified – debt bondage, passport confiscation, avoidable deaths, fatal beatings, trafficked workers, illegal fishing, and, of course, state-coordinated programs forcing thousands of workers from Xinjiang and China and North Korea into seafood processing plants. They recently mapped at least 1,200 fish farms in Xinjiang and Tibet that produced for global market, including in the U.S.

So despite U.S. trade laws, like the Uyghur Forced Labor Prevention Act, like our Section 307 prohibiting the importation of goods made with forced labor, these products are entering U.S. markets. Seafood from these farms continues to appear in stores and restaurants and in public institutions procured for American military, education, and even in congressional food services. And, surprisingly, many companies involved in the supply chain still rely on flawed auditing and certification systems. Which is precisely why we need government and private sector and civil society to be robustly engaged on addressing standards.

I'd love to talk more about government enforcement. Some of the examples we've seen that have worked have resulted in sanctions against fishing fleets. In 2022 we saw for the first time a company delisted from the Nasdaq because of forced labor in their supply chain. This was Pingtan Marine Enterprise. But that kind of enforcement, those kinds of sanctions, they cannot happen without experienced human rights, government officials and staff and civil society stakeholders involved.

And unfortunately, we've lost hundreds of staff with decades of specialized experience and knowledge, expertise under this administration. We've lost them. They knew the supply chains deeply, the geographies, the sectors, and human trafficking patterns that exist. And the exodus of federal employees has certainly hurt our ability to combat forced labor everywhere, and especially including in fishing and seafood. And similarly, the loss of funding for civil society and labor organizations has severely limited government efforts.

Data gathered by trusted worker organizations helped inform congressional engagement. They are key part of law enforcement efforts. But foreign aid

cuts to labor programs has shut down many – unfortunately, many key actors and organizations in that space. And then just lastly, I want to emphasize, part of the problem in this sector is really the lack of freedom of association. And it matters here. The International Transport Workers Federation, which represents workers in fishing and in shipping, has approximately 16,000 collective agreements for vessels in the shipping sector.

However, they are not able to cover seafood. The sector is far more dispersed. And they've got inspectors around – they've got 150 inspectors around the world covering shipping. Only 15 are able to – have been trained and are able to do fishing-specific inspections and conditions. And they're placed in ports – in key ports around the world. But that's just an example of sort of the enormous gap that exists in terms of union, and civil society, and labor organizations' capacity and ability to fill the gaps and to identify issues – overwork, low pay, unsafe conditions – that are really endemic in this sector. And we need – we really need them there to be effective in ending forced labor and really mitigating the risks that workers face.

I'll stop there and hand it back over to you, Andrew. And I look forward to more of the conversation.

Mr. Friedman: Thank you so much, Kelly. I really appreciate you highlighting both the incredible work that's being done and also the significant gaps that do exist, and the results that can stem from those gaps.

Ambassador Richmond, let me turn to you on the same question.

Ambassador John Cotton Richmond: Yeah. I really appreciate those comments that we've heard already. I mean, I think when you ask the question, where are we now? I think we're in a really bleak place. I think for the lives of the individuals that are working on these ships, that are actually conducting the fishing, they're in great peril. They're suffering unbelievable exploitation. If the ILO's March assessment this year is accurate, one in eight individuals is a forced labor victim. We know from the ILO's Global Slavery Estimate that there are more victims of human trafficking in the world today than ever before in human history – 27.6 million total. We know that a large majority of those are forced labor, as well as those who are trafficked for commercial sexual exploitation.

I think what we also know is that this problem has been with us for a long time. And it has gotten progressively worse. And I think – I'm in a lot of rooms where people are talking about where are we now, and we're thinking about changes that have happened in the last 18 months. And we could think the changes in the last 18 months, you could think those are bad. That you wish that the funding issues hadn't changed, and the employment numbers hadn't changed. But I don't think what we want to go back to is 2024 levels of enforcement, which were, at best, anecdotal enforcement efforts to deal with

a systemic exploitative problem. We've been bad at this as a world and a culture for a long time.

And so I think folks can lament the situation we're in currently, but I think what we have to focus on more than anything else is what are we building towards? What will the future be in terms of actually using the tools that Congress has given us, that multilateral institutions have, to bring a significant change forward? And so I think we just have to be soberminded about the fact that these traffickers, whether they be governments – as were mentioned, you know, we know that state-sanctioned forced labor countries with a program and pattern of trafficking, which includes China and North Korea, significantly, in this space, they must be held accountable.

Which means that we, as a country, and the United States, must hold them accountable, and that the U.N., and the ILO, and UNODC, and all the other groups that are applicable here must actually speak up about the fact that we in the – we in the West can do things to mitigate and to hold corporations accountable, and we should, but the folks who are actually exploiting individuals must be held to account as well. And so I think what we want to see is a growth in corporate accountability, a growth in different versions of due diligence for forced labor bans. We could talk about those. We can actually start using our sanctions authority robustly.

But until we do all these things simultaneously, I think we're going to have a hard time seeing much progress while the companies, the governments, and the individual criminals that are engaged in this continue to operate with impunity.

Mr. Friedman: Thank you, Ambassador Richard. I think that's an incredibly important point, that this is not a new problem. The last 18 months have been incredibly impactful in this world, in this area, but if what we're going back to is something that didn't work – and Dr. Perry raised this on the first panel quite a bit – if what we're going back to is something that didn't work, we really need to be clear-eyed about thinking about things that will work. And these are new, innovative, important solutions. With that, Allison.

Allison Gill: Thanks, Andrew. Good morning and thanks for having me. I really appreciate this forum every year, but also, in particular, really appreciate the focus on civil society and what we might call the labor ecosystem in terms of combating forced labor. And I think my remarks are really well set up by the two previous sets of remarks, as well as your question. Like, what are the solutions?

Global Labor Justice supports workers in unions, usually at the bottom of global supply chains, in exercising their fundamental labor rights – in particular the right to freedom of association. And that's not an accident. I

mean, where workers can exercise their collective power and take collective action, they're more likely to be free from forced labor, they're more likely to have safe and healthy workplaces, a world of work free from gender-based violence and harassment, and the ability, fundamentally, to bargain for improved working conditions. So that's what we want to see.

In seafood, our work focuses very squarely in this area on supporting a migrant fishers union in Taiwan, which is home to the second world's largest – second largest distant-water fishing fleet. And the labor in that fleet is primarily fueled by migrant workers, as it is in most of the seafood world. And in Taiwan, this union, called FOSPI-PMFU is advocating to win wi-fi – mandatory wi-fi on board distant-water fishing vessels, as an enabling right for them to access their other fundamental rights and combat forced labor, which is endemic in that supply chain. Just a couple of quick words on wi-fi as an enabling right.

The union has really focused on this because distant-water fishing vessels, which supply a significant amount of the world's seafood, are essentially union-free floating work sites in the middle of the ocean where corporations – you know, the corporations that profit from these products have no insight into the workplace at the moment workers are at work. Which is, you know, an anomaly, even in – even in the world that we live in. Wi-fi helps fishers combat isolation, allows them to access their unions and participate – so access their fundamental right to freedom of association – allows them to report abuses and get remedy, sometimes to access telehealth, to monitor their salary payments, connect with their families, and get help if they need it. It would also, not incidentally, help monitor IUU and report IUU fishing. And for companies, it lowers risk. Because, as I said, companies who buy seafood from these vessels have no insight into the workplace when workers are working.

So three quick points. You raised the question, Andrew, about documentation. And I agree it's very important. But I also think that forced labor and labor abuses in seafood supply chains are extremely well known and extremely well documented. And I don't want us to fall into the trap of assuming that we need to know something more before we can take action. This is a supply chain that is extremely high risk. The companies that buy from it know that it is high risk. And we know this because there is a proliferation of voluntary approaches that they have – you know, commitments, certifications, fisheries improvement projects, pilot schemes. All of these things that companies themselves are undertaking because they know it is high risk.

The U.S. government has extremely good documentation on this. Fish from Taiwan has been on the Department of Labor's list of goods made with forced labor for several years now. The TIP reports constantly cite forced labor risk

in some of these major fisheries. CSOs, journalists have all done this documentation. And so we know what the problem is. The companies know what the problem is. And we actually also know that the risks are generally not at the individual vessel level. As Kelly mentioned, a lot of these risks are structural. And therefore, while enforcement is extremely important, I don't believe that the problem can be tackled at the individual vessel level.

I mean, I think we have seen – I think WROs, or withhold release orders, are important. They're an important deterrent. We need to see enforcement of them. But individual vessel level WROs have not moved the needle in terms of combating forced labor. We know that some kinds of fishing gear, like long lining, leads to excessive working hours. We know that there are policies and practices in some of these fisheries, like document retention or recruitment fees, that can drive forced labor. Lack of access to communication, as I mentioned, is an important problem that exists pretty much throughout. So I don't think we need to wait to act.

Second, a lot of reporting focuses on labor abuses, but not so much about what to do about them. The Indicators of Forced Labor, which is the ILO's tool to help those of us who work in the field identify forced labor, they don't actually point to what the remedy should be. Simply removing an indicator of forced labor may help an individual worker, but they don't address structural issues. So the Indicators of Forced Labor, for those of you who aren't familiar, are things like abusive living and working conditions, excessive overtime, wage theft, violence, things like that. And, of course, those things are important to remedy individually, but they don't really provide us a roadmap to structural remedy.

And so the fundamental labor rights of the ILO are meant to be read not in isolation, but together as mutually reinforcing. And so when you have forced labor, particularly structural forced labor, the structural solution to that is ultimately, again, as Kelly said, freedom of association, or the ability of workers to have collective power and exercise that power at their workplace. And then, my third point is that seafood isn't high risk for forced labor in IUU by accident. It is a structural product supply chain and a human supply chain.

And it's kind of fascinating to me, I've worked in other supply chains but seafood is really particular because the fish is the same. (Laughs.) As one of my colleagues always says, the fish is in the sea. Anyone can get it. But like most global supply chains, production, or in this case harvesting, has moved to the cheapest places. And then the cheapest labor, migrant labor, is moved to the cheapest points of production. So it is actually a lot like garment supply chains and many other supply chains that we see. And so we know what some of the solutions look like, from work in other supply chains.

And while there has been a real change over the last 18 months, actors still exist up and down this supply chain with real roles to play in combating forced labor. Companies really fundamentally – I think, as you pointed out, Ambassador Richmond, importantly – companies are sourcing from these fleets knowing full well what the risks are. And they are continuing to profit. And so linking back to the earlier remark about what is the remedy, it's not fisheries improvement projects. It's not Marine Stewardship Council certification. It's not voluntary programs.

But it is actual accountability at the top of supply chains responsive to demands made at the bottom of supply chains. So workers and unions are making demands for the right solutions, like including wi-fi and other kinds of enforceable, binding, mandatory things that would help workers exercise their fundamental labor rights and not be in the kind of isolation that can drive forced labor. So I will leave it there.

Mr. Friedman: Thank you, Allison. You've set up this wonderful dichotomy of enabling rights. These are things that create solutions that build out kind of everything else, versus things that don't really move the needle. You mentioned documentation. We know the risks. We know the concerns. But they have not really built out solutions, or perhaps to be more pointed about it, have not really necessarily built out political will to build out solutions. So I wanted to ask about models. I wanted to ask how this is being approached in places that have worked, in civil society that have worked. You mentioned wi-fi. And, you know, appreciate you raising this. And also, just candidly, appreciate you letting me meet the union folks when they were in town a few weeks ago. It was fascinating.

But maybe we can talk about what models or what approaches get us to those enabling rights, or get us to that political will. Ambassador Richmond, let me turn to you, because you had raised this has been a problem for a very, very long time. We have not been able to find a solution. What are models that would get us to a better approach?

Amb. Richmond: Yeah. You know, I think there are several models out there. And I really like the way you framed it, that we have the information, we don't need more to act. In some ways, we have the enforcement tools. Maybe there are better ones out there that we could get one day, but if we would just use what we already have in a forceful, faithful, and fair way, I think we could see incredible change. So one of the – one of the tools that we have is the Trafficking Victims Protection Act. There's a benefiting financially component to that. Any company that is benefiting financially from engaging in a venture, they could be prosecuted for trafficking. They could be sued civilly for trafficking. That has gone largely unused for the last 27 years. It is ready to go. We just need a Department of Justice and lots of aggressive plaintiffs' attorneys willing to take those cases and push them through.

We've got our – we mentioned the withhold release orders. I would love to think that they're an effective deterrent, but I'm pretty sure that if we only do two or three a year they're not ever going to be an effective deterrent. And I couldn't agree more that if we just do it against the vessel, an individual shipping vessel, it's going to be incredibly, incredibly weak. We've got an emphasis right now on forced labor bans, which I actually think could be one of the better tools out there right now. And there's some momentum around forced labor bans. Obviously, we saw a lot of momentum sort of springing forth from our 1930 Tariff Act. In 2015, we had an amendment that encouraged the usage. But then the Uyghur Forced Labor Prevention Act, which really kind of inverted the entire analysis, where we created a rebuttable presumption that anything coming out of Xinjiang, anything made with Uyghur labor, was presumed to be forced labor and therefore barred from coming into the U.S.

And our enforcement of the Uyghur Forced Labor Protection Act is, at best, anemic. We were – in March of 2024 we hit our high-water mark of almost \$300 million of goods that were banned. March 2025, it was down to 10 million (dollars). I think we're about 10 million (dollars) right now a month. This is couch cushion money for the U.S. federal government. This is not significant enough. But we know that stuff is happening in Xinjiang. Why in the world would there be fish farms in the mountains of Tibet and Xinjiang, so far away from where it would ever make sense to put them? These goods are not being blocked by U.S. Customs. This is a political will, this is a resource decision, where we have to go beyond – you know, it's impressive having 100 senators agree to have the UFLPA pass. That is substantial. But at some point the soaring rhetoric has to be matched by legitimate resources in order to actually have enforcement.

But the forced labor ban has been picked up by the EU. We're excited about that. And I think it's more promising than the due diligence framework because it follows the product and doesn't apply to the company. And the problem with EU's approach, I think, to the due diligence law, is that they set thresholds for which companies it applies to. And then with the omnibus, just ratcheted it back to apply to the fewest number of companies possible. Just sort of kind of taking the win for having passed it, and then gutting its coverage mandate so that it actually won't have much effect even when countries and member states make it national law. But the forced labor bans follow the product. So it says, this product can't be sold anywhere in the EU, whether it was made in the EU or imported into the EU. That seems like a really interesting model, because it applies to every company of any size.

And we just had the 301 investigations. So last Tuesday, our U.S. Trade Representative Jamieson Greer and his team put out their report of 60 investigations for forced labor, and found that all 60 failed. They either don't

have a forced labor ban or are not enforcing it. And therefore, is recommending an additional set of tariffs – which may or may not be the right remedy – but I don't think the analysis that these countries are lacking a forced labor ban and should have one, or that those who do have them ought to enforce them. My worry is that we might be the 61st country on that list if we analyzed our own forced labor ban, and whether or not we're applying it. That is, I think we can all do better.

But the question is, are we actually going to take action to protect the people that we know are being exploited? And are we going to hold the Chinese Communist Party and North Korea – are we going to use our CAATSA sanctions? Are we going to use – can we dust off Global Magnitsky Act and not just dole it out a couple times a year? Could we finally take the 2019 new sanction regime for the Trafficking Victims Protection Act and delegate it to the agencies to use? We have a brand-new sanctioning power, and since 2019 it's just been stuck. The one thing that perhaps both the last two administrations can agree upon is they don't want to delegate this congressionally authorized authority to be used to actually tackle the problem. That's still sitting there waiting to be done.

Mr. Friedman: Thank you for that. I think one of the more important and more fascinating parts of this conversation – and I think I could say it about the whole of the human rights world – is when these tools exist, is there political will, is there resourcing to utilize them? So really appreciate you running that down. And, Kelly, I want to turn to you – and also I'll throw in a quick plug, because Ambassador Richmond mentioned the Section 301 investigations and the forced labor import bans. Kelly actually, in the next week or so, we'll have a piece coming out of the CSIS Human Rights Initiative with our senior advisor, Samira Rafaela, about those investigations and that approach to combating forced labor, in both the U.S. and the EU.

So, Kelly, same question over to you. Is this a political will issue? Is it a tools issue? How do we get to an improved place?

Ms. Rodríguez: Thanks so much. I think it's all of them. And I have to say, I agree with much of what was said. I couldn't agree more with the ambassador's comment that what we've done is insufficient. I would say insufficient, instead of maybe that it didn't work, because we do – we've learned that there are certain examples that work better than others. But the message that we have to, from the enforcement perspective, really demonstrate, the same way that workers face unionbusting in order to chill rights of workers across the worksite or sector, we need to do the same with companies. There needs to be high-profile, prominent efforts to hold people accountable, so that people see that they're next, that they could be next, and that it's not piecemeal. I really appreciate and agree with the ambassador's comments about the need for consistency and more broad-based approach to enforcement.

I will say, around the current discussions around 301 and tariffs, I think this is a great example to illustrate where important progress potential to be made, but really concerning that it's being done in a silo because resources – again, I mean, we're talking well over \$700 million in funding for labor rights overseas has been gutted, right? Entire organizations have had to close shop. And these are folks who documented, who supported victims and advocates, who were really, really integral to the enforcement capacity. And without those resources, without those organizations and that infrastructure, it makes it really, really difficult, both for governments overseas to enforce and to coordinate and collaborate, as well as for the U.S. government to be able to get the information we need to intervene in a targeted and effective way. So I think it's just really hard to assess the potential for some of these enforcement efforts, without really couching it in terms of the comprehensive landscape and the real vulnerabilities there.

The other, I would have to say, is diplomacy. I think this last year has – we have damaged – badly damaged U.S. relationships with countries overseas. People don't trust us. They don't see us as credible actors. Many of them have decided to just stop engaging with the U.S. around shared values, or issues, or goals. And so I think that really does hurt our ability to address issues in global supply chains and to effectively enforce, because we do rely on enforcement actors overseas. It's why much of the funding that the Department of Labor, State, and USAID used to do was government-to-government technical capacity building around labor inspections and rights enforcement. And so having to navigate defending rights, particularly in seafood, in this highly vulnerable, precarious sector, we are – we are at a deficit at this time, because of broader diplomatic obstacles and, frankly, incredibly problematic positions that this government has taken.

But, that said, it is – it is an important opportunity to look at what are other countries doing, what they could – what could they do more of. And then for us, again, as the ambassador mentioned, to take a close look at where the U.S. can do better in terms of domestic enforcement. So resources, diplomacy, really big challenges, but the creativity in terms of leveraging different legal tools, trade tools, to try to emphasize and elevate this issue of forced labor, I think, are just incredibly important for those of us who've been doing this for a long, long time.

And lastly, I would say, on models, I think – you know, I mentioned this earlier around some of the agreements that the ITF union has been able to secure – again, purely in shipping – but we should be thinking about how to apply that in seafood, where we've got – we've got labor organizations, they're democratic organizations that have the expertise and experience, they know the sector, they know the things to look for, the risk factors, and the ability to negotiate, support victims in really serious – under really

serious threat in navigating how to remedy, how to access remedy. And they are able and willing to partner with companies and with governments to ensure – to enhance their capacity and their reach to be able to monitor and respond, right?

Global Labor Justice's work is really, really important in this space in supporting, you know, a highly precarious group of workers, migrant workers, who are facing enormous threats and risks, and trying to exercise their rights. And we are going to need all of the actors across the civil society and labor spectrum to be able to address these problems, and other countries. We're going to need to be working with them, especially when we're looking at the enormous influence that China and just a handful of other countries have, but primarily China, in terms of setting the standards in this sector. And so binding agreements between worker organizations and companies – GLJ has great experience with this; lots of unions do as well – super, super important for us to be able to address these problems absent government enforcement, right?

There's a lot that can be done from the private sector and union engagement space in terms of securing enforceable agreements that enhance monitoring, and risk identification, and access to remedy. And we've got those examples out there. And we just need to see more of them.

Mr. Friedman:

Thank you, Kelly. I think that really gets us to the crux of this conversation. I mean, a lot of what you just mentioned is a yes, and approach, right? It requires all stakeholders. It requires resources. It requires political will. And it requires aligning all of those efforts to combat the scourge that is forced labor. I want to pull out from the first panel one of the – one of the things that was mentioned surrounding the moving of foreign assistance into the State Department was the ability to, at least theoretically, align along those issues. So I'll just say that as we speak about these Section 301 forced labor investigations, and the ability of the United States to support the implementation of forced labor import bans, that's a very, very good opportunity to demonstrate this alignment of diplomatic approaches, of development approaches, if that is the goal here.

So, Allison, can I turn to you on the same question, about what is it? Is it tools? And how do we – what are more solutions that are like wi-fi, that are like these enabling rights, that cause greater impact than the individual impact of the solution?

Ms. Gill:

Thanks. I mean, Kelly, I think, just set us up pretty well for this discussion with the talk about binding agreements. You know, I very strongly support strong trade enforcement. I think that is an important tool in the toolbox. And if we don't use it, we are really leaving something on the table. Same with TVPRA. I will note that four Indonesian fishermen are suing Bumblebee

under the TVPA now. But federal courts grind slowly, so a year later we're only just past summary judgment, I think. So we need to see more enforcement. I agree we need to use the civil remedies, prosecute, et cetera. All of that. But in the U.S., we sort of uniquely do not hold our own companies to any kind of standard. We don't have a CSDDD. We don't have corporate due diligence. And we don't – there isn't, like, a right of action for workers to hold companies to account. So I think that's an – we are relying pretty squarely on the enforcement side. So that's just a note for anyone on the Hill listening. (Laughs.)

But in terms of models that work, you know, U.S. companies are importing products that they very well know are made with forced labor. It's just – it's just the way the supply chain is structured. And they're doing a lot of things that I think are the right steps, but they're not doing them in ways that are enforceable. So companies, Thai Union, for example, which is a big albacore tuna company, just announced that it is moving to pilot voluntary wi-fi on some significant portion of the fleet that it sources from. And they want to get up to 75 percent, I think, by the end of next year. Which is great, but it's not in a way that is enforceable or accountable to workers. And what we know is that captains turn the wi-fi off when workers need it the most. And so if workers don't have access to the wi-fi when they are in crisis, when they're experiencing forced labor, when there is a catastrophic accident, it doesn't really do much good in terms of combating forced labor.

So the way to do it is with an enforceable agreement. And we have these models in other supply chains – in garment, in agriculture – and they're proven to work, and to work very effectively. So we want to see is appropriate roles for the various actors up and down the supply chain, with companies using – agreeing to use their buying leverage, fundamentally, to buy from suppliers that ensure labor rights in a way that is accountable to workers. And then we want to see strong enforcement around it. We want to see, obviously, policy change. And for that, I mean, I agree with Kelly that the U.S. is leaning into some of its tools harder than others. And perhaps the diplomatic engagement side, the capacity-building side has really eroded.

Just one more note on enforcement, in terms of models. I what is required to lift a WRO needs to be a bigger part of the conversation, if we're using WROs as a sort of marquee enforcement tool. I tell this story a lot, but there was a WRO on a Taiwanese fishing vessel that was subsequently modified a few years later. And we had the opportunity to interview crews several times following the modification. And conditions on that vessel did not change. Did not change for the better. And in fact, were I in the business of filing petitions, I would probably – that that vessel could potentially be appropriate for another petition. Why? Probably because an audit approach was taken, I'm guessing.

And so when you talk about the sort of coordination, there was a time when Customs and Border Protection had regular engagement with civil society organizations, quarterly round tables with the kinds of groups that work on supply chains, that file petitions, and a real conversation about what it takes to meet the threshold to file a petition and win a WRO, but also really, crucially, what it takes to modify it. And I think those conversations have stopped in the last two years. I think there's been a real erosion of trust. And CBP can't do its important work without a constructive relationship with workers, and with CSOs, with journalists, the folks that really know what's happening in the field, to be in conversation about what it takes to modify.

Mr. Friedman: Thank you. Look, so we're almost at time, but I want to give the three of you an opportunity to just say a minute or so of final thoughts. And if I could frame this out, and I hope these two questions are the same but they might be at loggerheads, unfortunately. Where are we going? And what gives you hope? So, Ambassador, can I start with you? Just a minute or so.

Amb. Richmond: You know, I think one of the ways that I see us going is framing this issue not just as a workers' rights issue, not just as a human rights issue, but as an economic, trade, food security, national security issue. I think that we want to discuss this in a way that can reach the most ears, that could actually pull together the most individuals who care about it, because it touches on all those different pieces. I think that the piece that gives me hope in this space is that it feels like, if we look at history, we are on such an incredible moment of change, historically. It may not feel it if we just look on, like, a short-term window, but when we think about the fact that, you know, for 4,000 years of recorded history we have had forced labor, sex trafficking institutionalized, approved, religiously endorsed, democratically approved.

It's been on every continent. It's been in every culture, in some form. We've called it different things at different times. But it's only in the last 220 years that we have seen countries stand up and say that this is wrong. And we have gotten now to a place in the last 20 years where we've gotten every country in the world to at least say on paper, slavery is wrong. That human trafficking is wrong. Which is a massive, 180-degree turn when you think about it historically. We've seen global poverty rates decline tremendously. We've seen literacy rates rise. Like, if you think about every indicator, where we were 200 years ago to where we are now, there's never been a better time to be alive.

And it feels like we have tools in place. And if we take this longer view, I think we can feel like there is this sense of inevitable progress that we can actually make a difference, we can actually see more and more people find their way into freedom. Because although there are more individuals being trafficked right now than ever before, they also represent the smallest percentage of the world's population than ever before. And so I think there is reason for

hope that people of goodwill, if they keep striving, if they keep working at this, if they keep overcoming the obstacles that are presented before them, can actually make a significant difference.

Mr. Friedman: Thank you. Allison, can I – same question.

Ms. Gill: Yeah. I really appreciate the historical perspective. And I agree. I think there's a lot of reason to hope. We know what the problem is. I think we know where some of the gaps are, and what some of the tools that we have are, and we need to use them better. And, you know, workers aren't waiting. They're not waiting around. They are – they know what – they know what their working conditions are, they know what it takes for there to be decent work, and they are making those demands. And that gives me a lot of hope, because if we – if you listen to workers, they'll tell you what the – they'll tell you what the solution is. And we are at a time where we have the tools to make it happen. So I think I think this is a problem that we know well, and also one that we can solve.

Mr. Friedman: Kelly, final word over to you.

Ms. Rodríguez: Thank you. I agree. I think – you know, I think back to the years I started working on trade from the labor space. And we've just – we have seen enormous progress in terms of policymakers' either willingness or, you know, being challenged – responding to the to the challenge to create new tools, to experiment with new leverage and new policy efforts to try to address these historic and enormous challenges, right? And even where we've had setbacks, it really has allowed us to focus, get down to the nitty gritty of, like, where we can find opportunities for progress, and to focus on those.

You know, I've seen it – I've seen it, I'll say, in the due diligence space in the EU that was mentioned earlier. Advocates were really disappointed with the omnibus changes to the European Union's due diligence directive. And, at the same time, unions are ready to go, engaging with companies and with the governments in the EU that are transposing the law, to say: We've got to come up with the agreements, put them into place, to make sure that human rights risks throughout the supply chains are addressed. And so, again, where government is not following through, where enforcement is not effective, we're seeing civil society and some – not enough, but some – private sector actors come to the table and say, we know we need to do this now and let's do it right.

And so, you know, looking forward, I would say I'm really, really hopeful about the prospects and the possibilities of workers organizing, definitely in seafood sector and across these global supply chains. And I am really hopeful about civil society broadly, the institutions that we rely on to support us in

enforcing these important laws, and to protecting people's rights, that we think more creatively and that we are more ambitious about how we reform them for the future to better meet the needs that we know exist. And really, really appreciate being able to participate in this conversation. And my colleagues on the panel, thanks for your work and for sharing this opportunity to talk about this issue.

Mr. Friedman: Thank you, Kelly. So if I can quickly sum up, I think we have historical progress, we have tools available, we have a knowledge that this is a problem, we have civil society organizations and workers' rights organizations that are working on this every day. There are a lot of reasons for hope, even if this can seem like a very, very difficult issue with tremendous, tremendous human suffering attached to it. So if I could ask the audience to just please join me in thanking Ambassador Cotton, Allison, and Kelly for their incredible, incredible comments here. Thank you so much. (Applause.)

(END.)