Coalition for Fisheries Transparency

A Global Charter for Fisheries Transparency

A framework for collaboration, justice, and sustainability

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Acknowledgement

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Authored by MarFishEco, Michele Kuruc, and Emily Porterfield

With support from Maisie Pigeon, Agata Mrowiec, Richard Castillo, Philip Chou, Anna Gelderd, Sarah Glaser, Kathryn Matthews, Ryan Orgera, Paige Roberts, Max Schmid, Tom Walsh, and Georg Werner.

Info@fisheriestransparency.net
www.fisheriestransparency.net

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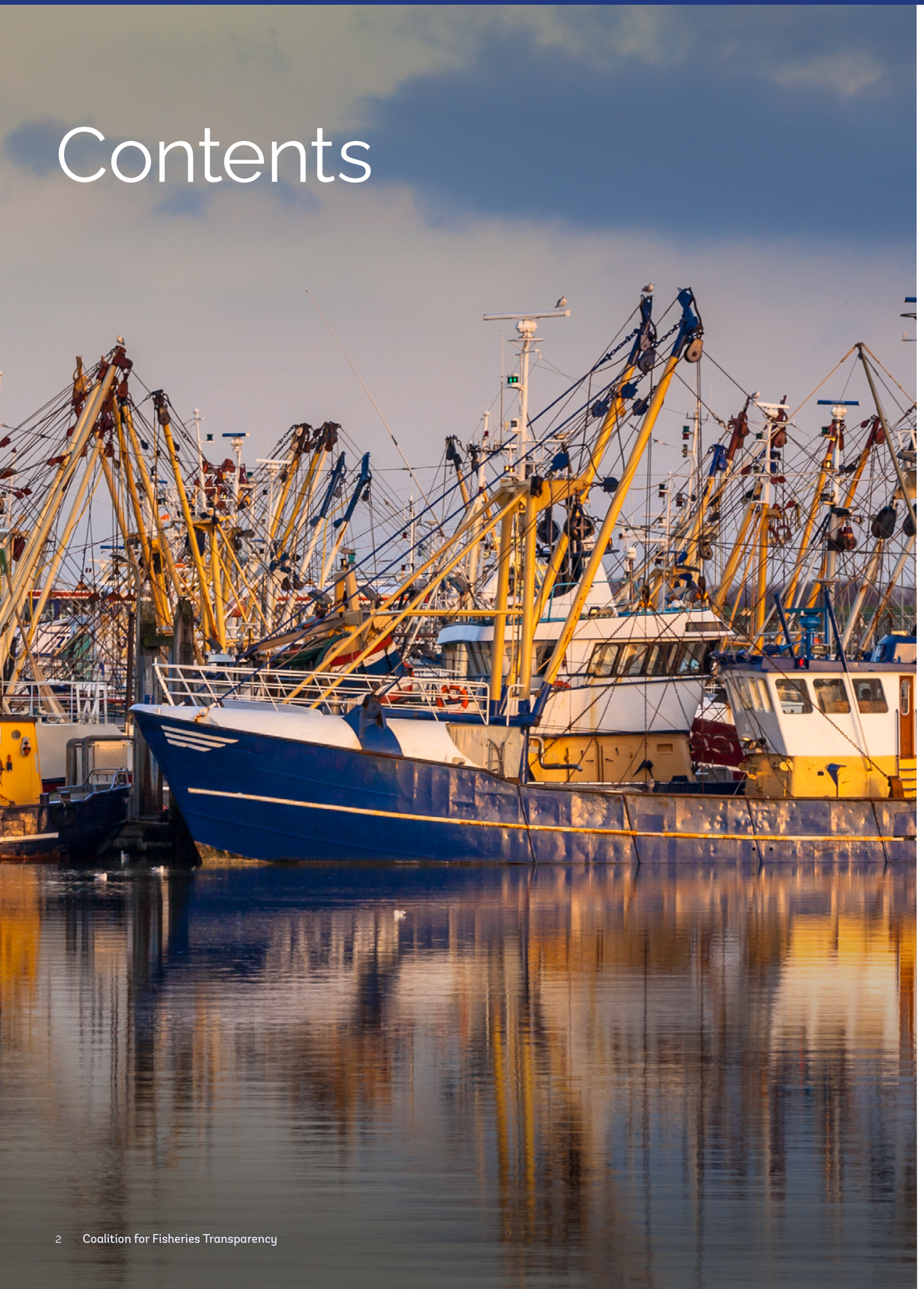


Abbreviations

AIS - Automatic Identification System

C188 - International Labour Organization's Work in Fishing Convention, 2007 (No. 188)

CCS - Catch Certification Scheme

CDS - Catch Documentation Scheme

CSO - Civil Society Organization

CTA - Cape Town Agreement

CTE - Critical Tracking Event

EEZ - Exclusive Economic Zone

EJF - Environmental Justice Foundation

EU - European Union

FAO - Food and Agriculture Organization

FiTI - Fisheries Transparency Initiative

FoCs - Flags of Convenience

GFW - Global Fishing Watch

GIES - Global Information Exchange System

HREDD - Human Rights and Environmental Due Diligence

ICCAT - International Commission for the Conservation of Atlantic Tunas

ICS - Import Control Scheme

ILO - International Labour Organization

IMO - International Maritime Organization

ITWF - International Transport Workers' Federation

IUU - Illegal, Unreported and Unregulated Fishing

KDE - Key Data Element

LMIC - Low- and Middle-Income Country

MCS - Monitoring, Control, and Surveillance

MMSI - Maritime Mobile Service Identity

MPA - Marine Protected Area

MSG - Multi-Stakeholder Group

RFMO - Regional Fisheries Management Organization

SIMP - Seafood Import Monitoring Program

SMEFF - Sustainable Management of External Fishing Fleets

SOLAS - International Convention for the Safety of Life at Sea

TMT - Trygg Mat Tracking

UNCLOS - United Nations Convention on the Law of the Sea

UN - United Nations

UVI - Unique Vessel Identifier

VMS - Vessel Monitoring System

WTO - World Trade Organization

Glossary

Authorization: Any formal agreement between a regulatory authority and a fishing vessel, company, owner, or other responsible party. Typically used on a State's own flagged vessels fishing within its exclusive economic zone (EEZ) or beyond its own waters.

Access agreement: Grants access to fishing or can be more specific, such as permission to use a specific type of fishing gear. Generally focused on foreign vessels gaining access to a partner country's EEZ to fish their surplus fishery resources.

Beneficial owner: A natural person who has the right to some share or enjoyment of a legal entity's income or assets or the right to direct or influence the entity's activities (control). Ownership and control can be exerted either directly or indirectly.[1]

Fishing-related activity: Any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping, or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear, and other supplies at sea.[2]

Fishing vessel: Any vessel, ship, or boat used for, equipped to be used for, or intended to be used for, fishing or fishing-related activities.[3] Includes fishing vessels, supply vessels, and refrigerated transport vessels.

Fisheries observer: Specialist who collects data on fishing operations, catches, and bycatch on board commercial fishing vessels and some processing plants to ensure compliance with regulations and support scientific research.

Flag hopping: Frequent changes in a vessel's flags, making determination of jurisdiction more difficult. For a flagging jurisdiction, these frequent changes should raise concerns about the grant of its own flag to a vessel with such a history.

Flags of Convenience (FoCs): States that cannot or will not carry out their obligations toward vessels, do not require close connections to the vessels they register, and open their registers to anyone. FoCs are characterized by lax registration requirements and little to no enforcement, and are also known as open registries or flags of non-compliance.

Flagging out: The practice of switching the vessel's registration to another country, allowing it to operate under a flag of convenience.

Flag state: A country - whether coastal or landlocked - that registers a fishing vessel and authorizes the vessel to fly its flag.

Illegal, unreported and unregulated (IUU) fishing: Activities that violate fisheries laws and regulations, go unreported or misreported to authorities, or occur in areas without fisheries conservation and management measures.

Regional Fisheries Management Organization (RFMO): International body of countries that oversees the sustainable management and conservation of shared fish populations and other living marine resources.

Sanction: An official order, punishment, or penalty, usually by a government unit. Sanctions can be enforced against a vessel, fleet, vessel owner, master, crew, company, or other entity involved in a violation, infraction, or infringement (these labels vary by jurisdiction and this list is not meant to be exhaustive). A sanction can be criminal, civil, or administrative, and it can be temporary, partial, or permanent. It can take many forms: suspension of a permit; a seizure/confiscation and forfeiture of a vessel, gear, catch, or monetary proceeds; blocked imports; fines; incarceration; disqualification from operating a business in the future; and installation of monitoring equipment.

Subsidy: A direct or indirect payment to individuals or firms, usually in the form of a cash payment from the government or a targeted tax cut. Subsidies usually offset operational costs, making the businesses and sectors they support more affordable or competitive.

Tax haven: A jurisdiction that offers very low or zero taxes for foreign investors, characterized by secrecy and often a refusal to cooperate with other jurisdictions in exchanging information.

Transparency: An expansive term that includes the publication of comprehensive information and data by governments that is up to date, accurate, and verified, as well as the access and use of that data by stakeholders. The information should be made available in user-friendly electronic databases, with special accommodations if needed. It should be easy to find, use, and interpret, allowing the effective participation of all in decision-making and serving as a basis for better informed decisions and actions.

Transshipment: The transfer of catch (i.e., fish and fish products) from one fishing vessel to another vessel, either directly or indirectly, or facilitating the transfer or transit of such catch prior to landing. A widely practiced fishing-related activity in all regions of the world and in various fisheries.[4]

Executive Summary

Fish are among the planet's most important natural resources, yet they face increasing pressure from human activities, threatening not only the health of marine ecosystems, but the livelihoods and food security of those who depend on global fisheries. The Food and Agriculture Organization of the United Nations estimates that, as of 2021, approximately 37.7% of global fish populations are fished at biologically unsustainable levels.

Several factors contribute to overfishing, including inadequate laws, weak enforcement, and lack of political will. However, one of the most significant causes is the lack of transparency in fisheries. Transparency, in this report, means the open and accessible sharing of information about vessels, fishing activity, and fisheries governance and management decisions. This opacity allows illegal, unreported, unregulated (IUU) fishing to thrive, prevents open and informed dialogue among fisheries stakeholders – such as governments, fishing communities, industry, civil society, consumers – and complicates efforts to tackle other underlying issues within the sector.

By making information readily available and publicly accessible, transparency sets the stage for numerous benefits. It enhances food security by improving the sustainability of fisheries, secures stable livelihoods for fishers by preventing overexploitation, combats human rights and labor abuses at sea, fosters inclusive participation in decision-making, reduces corruption, strengthens law enforcement, and promotes a more equitable distribution of benefits within society. Transparency achieves these benefits by illuminating the actions of government bodies involved in fisheries management, providing valuable insights into their decisions and the data they rely on. It thereby equips other relevant fisheries actors with the knowledge they need to engage meaningfully in decision-making processes.

Transparency achieves fisheries benefits by illuminating the actions of government bodies involved in management, providing valuable insights into their decisions and the data they rely on.

In response to the urgent need for enhanced transparency within the fisheries sector, the Coalition for Fisheries Transparency was established in 2022. The Coalition is a voice of global civil society organizations (CSOs) that strive to advance transparency and accountability in fisheries governance and management. The cornerstone of the Coalition's efforts is the Global Charter for Fisheries Transparency, which outlines ten policy principles that address the lack of transparency in three critical areas: vessel information, fishing activity, and governance and management. The Charter acts as a guiding framework for governments to implement fisheries transparency policy reforms into law and practice. The Charter embraces a comprehensive understanding of transparency, moving beyond just data collection and provision. It emphasizes the use of data to enable more informed participation by civil society and other stakeholders. This approach extends to driving action throughout the fisheries sector and influencing decision-making processes at the global level.

Commissioned by the Coalition, this report elaborates on the ten Principles of the Global Charter, outlining the context of each, providing practical recommendations for action by governments and CSOs, as well as showcasing real-world examples and their applications. While ultimately intended for adoption and implementation by governments, the Global Charter can help guide and empower CSOs to catalyze change by making their messaging and engagement with governments on fisheries transparency and accountability more collaborative, uniform, and powerful.

Though it is applicable to the entire sector, the Charter is readily implementable in large-scale, industrial fisheries. Small-scale fisheries are no less important, however some Principles will need to be adapted before they can be effectively applied to small-scale fisheries.

Global Charter for Fisheries Transparency

Vessel information

1. Require all fishing vessels, refrigerated transport vessels and supply vessels (hereafter 'fishing vessels') to obtain unique identification numbers and also provide them to the FAO Global Record, RFMOs and other relevant bodies.
2. Publish comprehensive and up-to-date lists of fishing vessel licenses (including key vessel information), authorizations, subsidies, official access agreements and sanctions (for fisheries and labor offenses) and also supply this information to the FAO Global Record.
3. Make public the information on beneficial ownership of vessels.
4. Stop the use of flags of convenience by fishing vessels by enforcing the UNCLOS Article 91 requirement for a genuine link between vessels and their flag state, and prevent vessels from engaging in illegal fishing and associated crimes regardless of their flag and punish the vessel(s) that do.

Fishing activity

5. Require vessel position to be public (by sharing VMS, or sharing other non-public systems or mandating AIS).
6. Ban transferring fish between boats at sea – unless pre-authorized, carefully monitored and publicly logged.
7. Mandate the adoption of robust control systems that ensure seafood is legal and traceable from boat to plate, conforming to relevant catch management measures whose key data elements are made publicly available.

Governance and management

8. Ratify and comply with international instruments that set clear standards for fishing vessels and the trade in fisheries products, including FAO PSMA, ILO Fundamental Principles and Rights at Work and ILO C188, and IMO Cape Town Agreement.
9. Publish all collected fisheries data and scientific assessments in order to facilitate access to information for small-scale fishers, fish workers, indigenous communities, industry associations, and civil society in developing fisheries rules, regulations, subsidies and fisheries budgets, and decisions on access to fisheries resources. Make these processes, policies, and decisions easily accessible to the public and enforcement agencies.
10. Collect and verify robust data on crew identification and demographics (including nationalities, age, race, and gender), contractual terms, recruitment agencies, location and means of joining vessels, and conditions on vessels as well as publish this information in aggregate form.

By embracing and enacting these Principles, governments can demonstrate their commitment to promoting sustainable fishing practices, protecting marine resources, and advancing participation and equity in the fishing sector. Moreover, governments stand to benefit by increasing the competitiveness of their fisheries products in the global market and safeguarding their crew, consumers, and public from illicit behavior by external actors in the seafood supply chain. As governments move forward with implementing the principles, CSOs emerge as indispensable actors, holding governments accountable for their commitments to transparency, and advocating for the swift and effective implementation of the Charter Principles.

By leveraging the insights and recommendations outlined in this report, CSOs can strategically prioritize their efforts, amplify advocacy initiatives, and collaborate with stakeholders to implement tangible reforms. The Coalition encourages CSOs to capitalize on our collective influence, leveraging each other's work to tackle the intricate challenges in the fishing sector and drive meaningful progress towards a more collaborative, just, and sustainable future.

By embracing and enacting these Principles, governments can demonstrate their commitment to promoting sustainable fishing practices, protecting marine resources, and advancing participation and equity in the fishing sector.

Introduction

Fish are among the planet's most important natural resources,[5] yet they face increasing pressure from human activities, threatening not only the health of marine ecosystems, but the livelihoods and food security of those who depend on global fisheries. The 2024 State of World Fisheries and Aquaculture (SOFIA) report, published by the Food and Agriculture Organization of the United Nations (FAO) states that, as of 2021, approximately 37.7% of global fish populations are fished at biologically unsustainable levels.[6] Various factors contribute to this situation, including inadequate laws, weak enforcement, and lack of political will. However, one of the most significant causes is the lack of transparency in information on vessels, fishing activity, and governance and management decisions in fisheries. This opacity allows illegal, unreported and unregulated (IUU) fishing to thrive, prevents open and informed dialogue among fisheries stakeholders – such as governments, fishing communities, industry, civil society, consumers – and complicates efforts to tackle other underlying issues within the sector.

Commissioned by the Coalition for Fisheries Transparency (the Coalition),[7] this report explores ten policy principles aimed at addressing some of these pressing and complex problems in fisheries management (Figure 1). The measures, collectively known as the Global Charter for Fisheries Transparency (the Charter), serve as a guiding framework for governments to implement necessary fisheries transparency policy reforms.

The Environmental Justice Foundation (EJF)[8] originated work on ten transparency principles addressing IUU fishing[9] in 2018 in its seminal report, *Out of the Shadows*.[10] This report served as a starting point for the drafting of the Coalition's Global Charter. The ten principles were then broadened, updated, and revised by the Coalition's global Steering Committee.[11] The new Charter principles were also reviewed and validated through a public and open consultation by a community of experts from academia, government, the private sector, and civil society.

While the Charter is ultimately intended for adoption and implementation by governments, the Coalition's immediate aim is to guide and empower civil society organizations (CSOs) worldwide to catalyze change by making their messaging and engagement with governments on fisheries transparency and accountability more collaborative, uniform, and powerful. Through supporting CSOs[12] in their efforts, the Coalition seeks to establish transparency in law, policy, and practice, to bring about equitable, sustainable, and well-governed fisheries that are free from harmful fishing practices and from human rights and labor abuses.

Transparency, a tool for good governance

Transparency is a powerful tool for improving governance at national, regional, and global levels. By making information readily available and accessible, transparency sets the stage for numerous positive outcomes, including: improved food security, stable livelihoods for fishers, prevention and mitigation of human rights and labor abuses at sea, openness and participation in decision-making, reduced corruption, stronger law enforcement, and more equitable distribution of benefits in society.[13]

Transparency in any global system is so important that the United Nations (UN) has made transparency an internal priority at all UN agencies and organizations, including the FAO and the International Maritime Organization (IMO). In the UN system, transparency is defined as "the adequacy, accuracy, availability and accessibility of knowledge and information about the policies and activities of parties to a treaty […] and about the operation of the norms, rules and procedures established by the treaty." The UN Secretary General has noted that transparency fosters accountability, improves results, holds institutions to standards and objectives, and helps incentivize collaboration and better impacts.[15]

Over a decade ago, the FAO highlighted these challenges: [16]

"Lack of basic transparency could be seen as an underlying facilitator of all the negative aspects of the global fisheries sector - IUU fishing, fleet overcapacity, overfishing, ill-directed subsidies, corruption, poor fisheries management decisions, etc. A more transparent sector would place a spotlight on such activities whenever they occur, making it harder for perpetrators to hide behind the current veil of secrecy and requiring immediate action to be taken to correct the wrong."

Food and Agriculture Organization of the United Nations (FAO)
The State of World Fisheries and Aquaculture 2010

Conversely, lack of transparency poses significant challenges to addressing various issues within the global fishing industry. This lack of information, openness, and clarity:

- Obscures the plight of vulnerable crew, allowing their exploitation throughout the employment process by unscrupulous owners and their agents;
- Undermines equity at local and national levels, at times making affected stakeholders who are unable to advocate for their rights effectively victims of inequitable decisions and enabling some actors to exploit opaque systems to receive generous subsidies;
- Disadvantages countries lacking command of their fisheries information during regional and global government negotiations on critical fishery allocations. At the national level, lack of transparency also complicates the evaluation of proposed rules or conservation and management measures in fisheries;
- Hampers efforts to monitor fisheries health, determine sustainable catch limits, and implement effective conservation measures due to the absence of accurate and comprehensive fisheries data.

The ultimate aim of enhancing transparency is to mitigate the negative impacts associated with opaque practices and contribute to more just and sustainable outcomes in fisheries. Transparency achieves this by illuminating the actions and programs of government bodies involved in fisheries management, providing valuable insights into their decisions and the data they rely on. By making this information accessible to all stakeholders, transparency fosters a more inclusive and informed approach to government decision-making, ensuring that policies align with the interests and understanding of the broader community. Moreover, transparency empowers the public and civil society by equipping them with the knowledge needed to engage meaningfully with government processes, whether it pertains to spending public money, resource management, or equitable distribution of benefits. Importantly, transparency facilitates more rigorous due diligence practices by businesses and enables civil society, private sector entities, and governments to more effectively verify the legality of fisheries products.

Defining transparency in this report

Although the term "transparency" appears in international fisheries instruments, such as the UN Fish Stocks Agreement, there remains no universally agreed-upon definition of the concept, nor do these instruments provide explicit definitions. **In this report, transparency encompasses not only the publication of comprehensive information and data on fisheries by governments that is up to date, accurate, and has been verified, but also the accessibility and usability of that data by stakeholders. The information and data should be ideally made available in user-friendly electronic databases, with accommodations for those without online access. It should be presented in a clear and understandable format, facilitating the meaningful participation of all relevant stakeholders in decision-making processes and serving as a foundation for more informed actions.** Recognizing that not all countries may have the financial resources to establish sophisticated open-access systems, the Charter's principles primarily advocate for the publication of lists of key data, such as licenses, authorizations, or beneficial ownership details, which can be easily displayed on simple webpages.

Perceptions of transparency in fisheries vary significantly from one country to another. While some nations have legally enshrined the public's right to access government information in their constitutions, the practical application of this right may fall short of expectations. In some places, cultural norms have shaped the way transparency has been embraced and implemented, with differing levels of acceptance and pace of adoption. In others, transparency has been implemented in fisheries and has been shown to have unanticipated positive benefits for fishers. We highlight these varying reflections of transparency to show the reality that different countries are at different stages when it comes to consideration, adoption, action, and implementation of the principles in this report.

While acknowledging that there is currently not a universally accepted definition of transparency, the Coalition firmly believes that this should not be a barrier to advancing the implementation of the Charter's principles.

Transparency Work in Fisheries is Broad

Many CSOs working in fisheries have called for increased transparency and often have their own interpretation of what this means. Some organizations have focused their efforts almost exclusively on transparency or some aspect of it. For example, the Fisheries Transparency Initiative (FiTI), which works together with this Coalition, is an organization focused on what fisheries information should be published online by public authorities.[18] The FiTI has twelve transparency standards that are technical in orientation and offer specific details of what should be contained in government policies, practices, and legislative mandates. The twelve standards apply not only to governments but also to civil society and the fishing industry, including small-scale fishers, to advance more transparent fisheries management by all stakeholders. FiTI operates with a four-step process around transparency: make public commitments, issue annual progress reports on those commitments, provide validation, and attain progressive improvements.

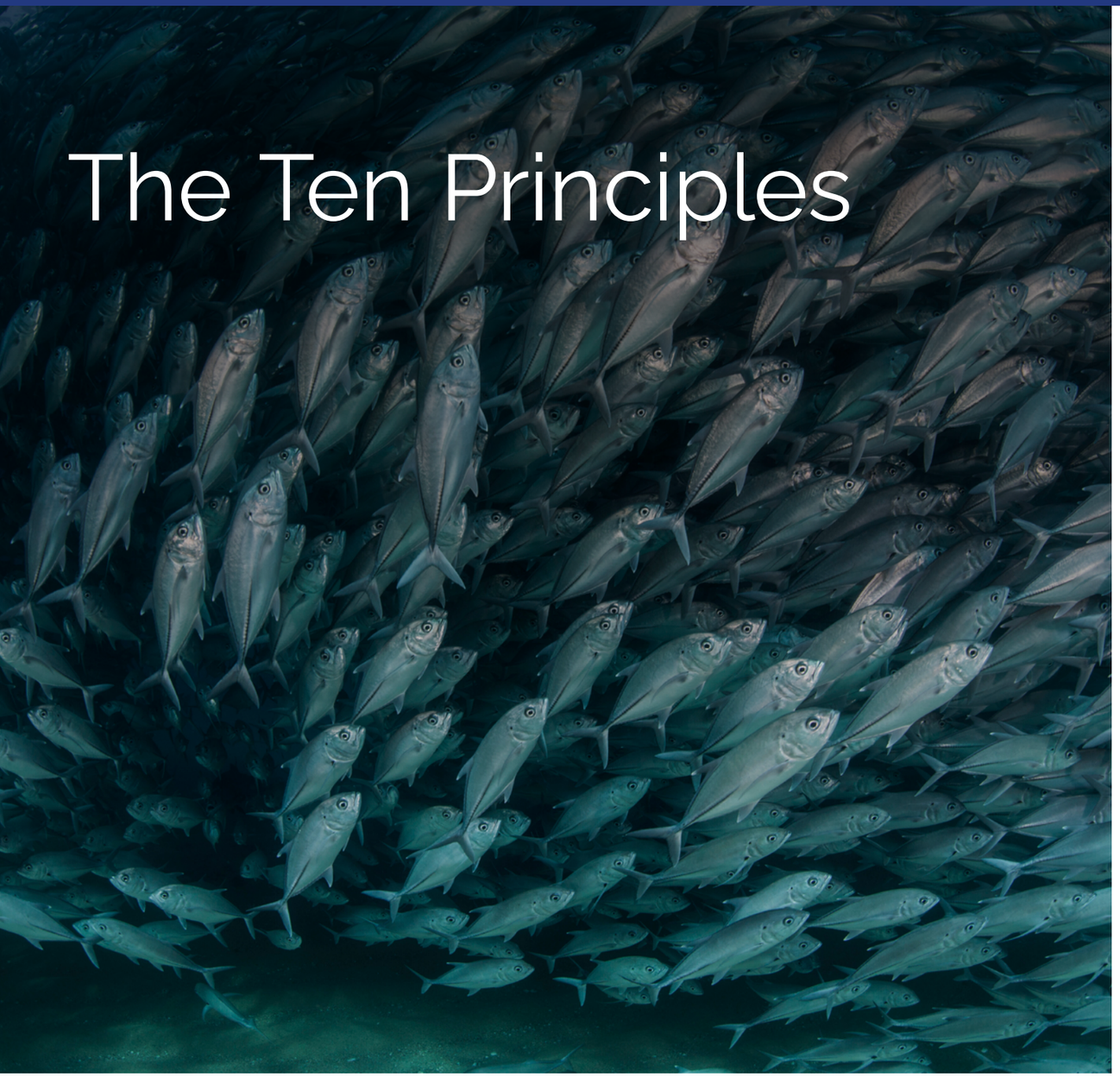
Another transparency-focused organization is Open Ownership,[19] which is centered on transparency around beneficial ownership (Principle 3). In addition, the IUU Fishing Action Alliance,[20] a group of countries and supporters seeking to work together more intensively to fight IUU fishing, requires increased transparency by its members as part of the mandatory pledge. According to the pledge, "data sharing and transparency play a key role in this fight by exposing bad actors and empowering governments and their stakeholders to identify and deter illegal activities."[21]

Report organization and scope

The structure of this report revolves around the ten principles outlined in the Charter. Each section begins by presenting the principle itself, followed by an exploration of the underlying issues it aims to address and practical recommendations for action by governments and CSOs. In addition, many principle sections are accompanied by real-world examples and case studies to illustrate their application by diverse stakeholders across various contexts.

This report concentrates on large-scale, industrial fishing fleets, as the vast majority of overfishing and illegal fishing continues to be tied to this sector. Although small-scale fisheries are no less important, the focus here is on industrial fishing because the ten principles of the Global Charter are readily implementable in those fisheries, whereas some of the principles would require adaptation before they could be applied to small-scale vessels.

The Ten Principles



The ten principles of the Global Charter for Fisheries Transparency are policies that aim to achieve sustainably, legally, and ethically captured fish and seafood. They are based on existing best practices in fisheries transparency and fall into three categories:

- Vessel information: Principles 1-4
- Fishing activity: Principles 5-7
- Governance and management: Principles 8-10

Each principle is formulated as a concise description of policy action. Many of the principles build on each other and are interrelated, and they constitute a framework around which Coalition members can coordinate their engagement efforts. While intended for the entire fisheries sector and readily implementable in industrial fisheries, some principles require further adaptation before they can be effectively applied to all small-scale fisheries.

Global Charter for Fisheries Transparency

Vessel information

1. Require all fishing vessels, refrigerated transport vessels and supply vessels (hereafter 'fishing vessels') to obtain unique identification numbers and also provide them to the FAO Global Record, RFMOs and other relevant bodies.
2. Publish comprehensive and up-to-date lists of fishing vessel licenses (including key vessel information), authorizations, subsidies, official access agreements and sanctions (for fisheries and labor offenses) and also supply this information to the FAO Global Record.
3. Make public the information on beneficial ownership of vessels.
4. Stop the use of flags of convenience by fishing vessels by enforcing the UNCLOS Article 91 requirement for a genuine link between vessels and their flag state, and prevent vessels from engaging in illegal fishing and associated crimes regardless of their flag and punish the vessel(s) that do.

Fishing activity

5. Require vessel position to be public (by sharing VMS, or sharing other non-public systems or mandating AIS).
6. Ban transferring fish between boats at sea – unless pre-authorized, carefully monitored and publicly logged.
7. Mandate the adoption of robust control systems that ensure seafood is legal and traceable from boat to plate, conforming to relevant catch management measures whose key data elements are made publicly available.

Governance and management

8. Ratify and comply with international instruments that set clear standards for fishing vessels and the trade in fisheries products, including FAO PSMA, ILO Fundamental Principles and Rights at Work and ILO C188, and IMO Cape Town Agreement.
9. Publish all collected fisheries data and scientific assessments in order to facilitate access to information for small-scale fishers, fish workers, indigenous communities, industry associations, and civil society in developing fisheries rules, regulations, subsidies and fisheries budgets, and decisions on access to fisheries resources. Make these processes, policies, and decisions easily accessible to the public and enforcement agencies.
10. Collect and verify robust data on crew identification and demographics (including nationalities, age, race, and gender), contractual terms, recruitment agencies, location and means of joining vessels, and conditions on vessels as well as publish this information in aggregate form.

Figure 1. The ten principles of the Global Charter for Fisheries Transparency, laid out by the EJF, and further developed by the Coalition for Fisheries Transparency.

PRINCIPLE 1:
Unique Identification

Require all fishing vessels, refrigerated transport vessels, and supply vessels (hereafter "fishing vessels") to obtain unique identification numbers and also provide them to the FAO Global Record, RFMOs, and other relevant bodies.

Background and problem

Without a uniform system for identifying fishing vessels in a unique and clear way, it is very difficult, if not impossible, to identify and hold them accountable for any violations, especially beyond a country's national jurisdiction. Furthermore, the ability to track vessels is fundamental to fisheries management, which aims to monitor and regulate fishing activities to ensure sustainability.

Basic elements of identification include the vessel's name, registration number, what country it is registered in (its flag State),[22] and who owns and is responsible for the vessel. When fishing in areas beyond national jurisdiction, the fishing vessel is required to carry what amounts to proof of national identity,[23] reflected in a national flag that the vessel flies. It also needs official documentation and a State-provided registration number visible on the outer structure of the vessel.

For many countries, their vessel registration system is for revenue generating purposes rather than the informational needs of fisheries enforcement and management. For example, some national vessel registration systems are often superficial, in that information provided by the owner is not validated by authorities, may be limited, and is sometimes not required for all vessel types and sizes. In addition, States may use different types of vessel numbering systems, making positive at-sea identification very difficult, in particular outside of a State's own waters. Some vessels in a fleet may use the same names or duplicate registration documents, although this is prohibited by the State's relevant maritime authority. Additionally, vessel identification can be complicated and obscured by weak oversight of vessel registers by some States, and by the potential for identification numbers to change following vessel sales or changes in flag or ownership.

UVIs for better management and enforcement

Positive and accurate vessel identification is needed for key aspects of fisheries management and enforcement, including:

- Determining if a vessel is operating and reporting legally
- Stopping violations at sea and in port
- Assigning responsibility for violations when investigations take place and legal charges are brought
- Understanding the history of a vessel
- Tracing fish products through their supply chains
- Combating forced labor and human rights violations

To enable this crucial ability to identify vessels quickly, easily, and accurately, all States should require a unique vessel identification number (UVI) for all fishing vessels, based on the standardized vessel numbering system established by the IMO.[24] A UVI is a permanent identifier[25] that is never re-used and remains with a vessel throughout changes in name, flag, and ownership. The UVI and related information should be made publicly accessible and shared with Regional Fisheries Management Organizations (RFMOs), the FAO, and other States, as required.

The system of UVIs provided by the IMO[26] for the global shipping fleet has been deemed the "most suitable"[27] for a project that is attempting to collect all of the fishing vessel UVIs and put them into a global database. This project, led by the FAO and supported by its members, is known as the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (the Global Record). The FAO calls UVIs an "essential element" of the Global Record and requires IMO-consistent UVIs.[28]

The main objective of the Global Record is to provide a useful and powerful tool to deter and eliminate IUU fishing activities, within the framework of legal instruments available, including the Agreement on Port State Measures (PSMA), making it more difficult for vessels to operate outside the law. The FAO's Global Record will face its own challenges, such as keeping information up to date, as States are not always current with their own vessel information or with providing it to FAO and verifying it in a timely fashion, especially from States which are not committed to or able to verify information readily.

UVIs are an essential tool in the fight against IUU fishing and other illicit activities at sea. There is an established link between IUU fishing and the absence of UVIs. In a 2017 study, more than 60% of the vessels used for illegal fishing activities were found to be registered in flag States that do not require a fishing vessel to have an IMO number.[29] Conclusively identifying a vessel and pairing it with ownership information, liability, and responsibility for these activities helps authorities pursue violators and impose sanctions, which can include fines, preventing their catch from being offloaded at ports and entering the markets when there is suspicion or evidence of IUU fishing, and receiving crew or services. UVIs are ideal for prompt vessel identification, as the IMO requires that a UVI must be clearly marked on a vessel's hull or superstructure to enable its identification in port or at sea without having to board it.[30]

International treaties developed to help fight IUU fishing, like the PSMA (Principle 8), link a vessel's UVI to other valuable information needed to evaluate any risk associated with that vessel. The PSMA and its working groups emphasize "the importance of the IMO number for the implementation of the Agreement,

UVIs are an essential tool in the fight against IUU fishing and other illicit activities at sea. There is an established link between IUU fishing and the absence of UVIs.

> The UVI, along with the information supporting it and linked to it, should be available to national, regional, and international authorities, as well as the public and industry.

including being a key data element for information exchange with regard to vessel identification."[31] The UVI is required to be reported as part of the advance information given by a vessel before it is allowed into port under the PSMA. It also forms part of a port inspector's investigative report and is a key piece of information provided to the flag State when a port State asks for help in evaluating a vessel before admitting it into port.

The UVI, along with the information supporting it and linked to it, should be available to national, regional,[32] and international authorities, as well as the public and industry. Businesses often find it difficult to easily identify from which vessel a fish product originated in a complex supply chain. As national traceability and import control schemes proliferate (Principle 7) and industry sourcing policies seek to comply, UVIs are now key data requirements to help determine where fish has been caught and by which vessel it was harvested, helping to answer some key questions about its legality.

Case study: Thailand's vessel registration reform

For many years, Thailand lacked a formal count of its fishing vessels, posing challenges in fisheries management, setting catch limits, and enforcing regulations. In 2015 , the government conducted its first comprehensive vessel survey, revealing over 13,000 registered fishing vessels above 10 gross tons, as per Thailand's legal threshold.[33]

Following this survey, in 2018, Thailand's Marine Department initiated a significant reform of its fishing fleet databases and vessel registration systems. This reform effort included revoking expired registrations and conducting rigorous inspections in collaboration with the Royal Thai Navy and the Department of Fisheries. These measures aimed to accurately measure vessels, assign UVIs, and remove non-compliant vessels from the systems. By 2021, the number of registered fishing vessels above 10 gross tons was reduced to 10,000 from 13,000 in 2015.[34]

In part as a result of these reforms, the EU lifted a warning it had issued, which had previously threatened to impose a ban on Thai fisheries products.

Principle 1 policy recommendations

At a national level, governments should establish a mandatory national fishing vessel register. For large-scale vessels, the register would include, at a minimum, the Global-Record-required vessel data fields[35] (vessel name, IMO compliant UVI/vessel number, current flag, length overall, and gross tonnage).[36] The vessel's registration data requirements should go well beyond these basic fields and include additional critical information, e.g., the name of the beneficial owner, the unique Maritime Mobile Services Identities (MMSI) numbers,[37] and vessel photographs so that identification can be precise.

In addition, governments should update the vessel data in a timely way, i.e., at least once per 12-month period, if possible, to submit to the FAO's Global Record and to relevant RFMOs. And they should make the fishing vessel register data publicly available and easily accessible for all actors.

PRINCIPLE 2:
Vessel Lists

Publish comprehensive and up-to-date lists of fishing vessel licenses (including key vessel information), authorizations, subsidies, official access agreements, and sanctions (for fisheries and labor offenses) and also supply this information to the FAO Global Record.

Background and problem

A UVI, while crucial to identifying a vessel, provides limited information about other characteristics of the vessel. A wide variety of important additional information is associated with a fishing vessel and can be essential for assessing if its operators are acting in accordance with legal requirements or if the vessel poses a risk to the flag State, the coastal States in which it operates, and the port States in which it lands its catch. This additional information includes details such as: Is the vessel allowed to be fishing in this area and at this time? For a certain species? Using a particular type of gear? Does it have a quota, and has that quota been exceeded? Should its request to be flagged to a State be granted based on past behavior?

Having this information collected and readily accessible serves multiple purposes. It allows national enforcement agencies, authorities, the private sector throughout the seafood supply chain (including traders, wholesalers, and retailers), and CSOs to utilize it for real-time monitoring, control, and surveillance (MSC) operations. Furthermore, it enables these stakeholders and the public to analyze how fishery and financial resources are being utilized, by whom, and to what extent. This comprehensive understanding aids in assessing how fisheries are managed and protected.

Principle 2 expands the information available for a comprehensive vessel profile, beyond a UVI and "essential" registration data (Principle 1) to five additional categories of information which national legislation should require, make publicly available, and keep current. This additional information centers on what the vessel can do or has done, in contrast to Principle 1 data, which centers on information identifying the vessel.

Specifically, Principle 2 calls for governments to publish comprehensive and up-to-date lists of the following and supply this information to the FAO Global Record and relevant regional bodies' authorized vessel lists:

- Fishing vessel licenses (including key vessel information)
- Authorizations
- Subsidies
- Official access agreements
- A history of sanctions for fisheries and labor offenses

Authorizations, licenses, and access agreements

Generally, fishing authorizations can be thought of as any formal agreement between a regulatory authority and a fishing vessel, company, owner, or other responsible party. There are several common terms used interchangeably with authorization in some jurisdictions. These include fishing vessel licenses, permits, and quotas. In this report and the Charter, "authorization" includes all of these, although in some jurisdictions the terms are distinguished from each other and correspond to precise legal definitions.

Typically, these authorizations are granted by a State upon application and provision of required information in a structured process. Authorizations most commonly permit a State's flagged vessel to fish within the State's exclusive economic zone (EEZ) or beyond its own waters. The specifics of an authorization should clearly document who it is granted to, under what conditions (for example, the vessel must use and transmit VMS data, keep an electronic logbook, etc.), and particulars around the authorization, such as duration, area, gear, species, quantity, and any financial considerations involved.

Access agreements[38] grant access for fishing to one or more vessels, depending on the agreement. They can also be more specific, for example by granting permission to use specific gear. While generally negotiated between States to allow the vessels of one State to access the EEZ of another State to fish its surplus fishery resources,[39] these agreements can also be negotiated between a company from outside the State's jurisdiction and a State.[40] They can contain a wide variety of provisions[41] and typically involve some sort of fee paid to the coastal State.[42]

Information on authorizations and official access agreements is critical because it allows a management or control authority to verify that a vessel has permission to fish within a given area, at a certain time, for certain species, for authorized amounts of catch, or with particular fishing gear.

Without such information readily available, it is very difficult to manage and monitor the fishing activity of vessels, particularly in real time. In some cases, such checks may even lead to dead ends in which no definitive information is found. This is particularly true if the vessel is operating in the EEZ of a State with less rigorous vessel documentation processes and enforcement. When the local enforcement agency has the mandate to undertake enforcement action, in some cases third parties, such as CSOs, can support this action by providing additional oversight, data and information analysis, and capacity building for authorities.

Subsidies

Fisheries subsidies are a form of government support, financial or otherwise, provided to the private fisheries sector.[43] While subsidies can offset costs like fuels, taxes, or vessel improvements, they often create unfair competition in the global market as approximately 80% of global fishing subsidies go to large-scale fishing fleets.[44] Subsidies therefore largely disadvantage small scale, unsubsidized operators that do not have the same level of fishing capacity nor the ability to sell their fish at competitive prices without assistance. In most cases, these subsidies enhance fishing capacity for large-scale industrial fleets[45] by either increasing revenue or reducing operational costs—for example, through the provision of discounted fuel or by funding the construction of new vessels.[46] Known as capacity-enhancing subsidies, they can incentivize overcapacity and lead to overexploitation of

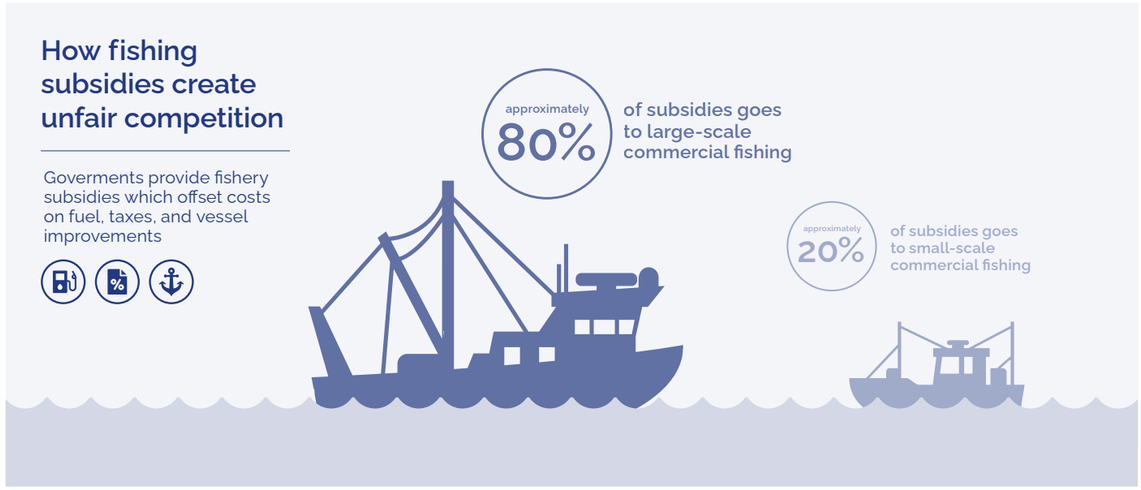


Figure 2. Overview of fishing subsidies

The Agreement on Fisheries Subsidies

The WTO Agreement on Fisheries Subsidies, adopted in June 2022, is the first WTO agreement that focuses on environmental sustainability. It establishes a set of binding prohibitions and rules that seek to ensure that the support provided by governments to their fishing sector in the form of subsidies does not undermine the sustainability of marine resources.[53] The Agreement is limited to subsidies for at-sea activities and explicitly prohibits subsidies to vessels or operators engaged in IUU fishing. Additionally, subsidies are barred for fishing operations targeting overfished populations. The Agreement seeks to bring transparency to subsidies by requiring countries to submit information to the WTO on the subsidies it grants, and to eliminate those subsidies that harm the sustainability of fisheries.

fish populations.[47] Fuel subsidies, fuel de-taxation schemes, and subsidies that support high seas and distant water fisheries have enabled large-scale industrial fleets to extend their operations and fish further from home ports. These fleets often fish in the EEZs of low- and middle-income countries (LMICs) whose waters are more productive and have not fully developed appropriate governance systems to monitor, control, or survey fishing activities.[48]

Subsidy information helps stakeholders evaluate a government's agenda, particularly considering cooperation and access agreements related to the exploitation of foreign fishery resources and support for distant water fleets. In some cases, the government of a fishing nation facilitates potentially harmful fishing practices by providing capacity-enhancing subsidies to a vessel or fleet to fish in the waters of a foreign nation, without which the operations would not be profitable. A 2018 study showed that without government subsidies, as much as 54% of high seas fishing grounds would be unprofitable at current fishing rates.[49] Transparency around fishing subsidies promotes accountability and helps taxpayers understand how public funds – and thus citizens' money – are being spent and who is benefiting.

Data on fishing subsidies is still significantly lacking in many regions. While some information on fishing subsidies is available through institutions such as the World Trade Organization (WTO),[50] the Organisation for Economic Cooperation and Development, and through some government fisheries departments' annual reports, not all information is available, and not all countries make it easily accessible to the public. In many cases, the grant of a subsidy is not linked to a vessel or even a fleet segment, making it very difficult to understand how such funds are distributed among fishing operations. Governments generally do not use subsidy data to produce economic statistics, nor do they make it available in readily accessible, digestible formats. Therefore, at present, there is still substantial progress to be made in understanding and uncovering data on the type, amount, and beneficiaries of fisheries subsidies.[51] This type of information helps to disqualify violators from obtaining future subsidies, as required by the new WTO Agreement on Fisheries Subsidies.[52]

Sanctions

Sanctions are an official order, punishment, or penalty against a vessel, fleet, vessel owner, master, crew, company, or other entity involved in a violation, infraction, or infringement. Sanctions as conceived here can be imposed for fishing violations, for human rights abuses of crew,[54] or for the trafficking of humans, weapons, or drugs. In some cases, they may even be applied by one country to the fishing operations of another country, such as the EU "carding scheme."[55]

Making information on sanctions publicly available helps authorities across jurisdictions (as well as insurance companies, financial providers, and other stakeholders) evaluate risk and act against repeat violators. If, for example, a vessel with a history of sanctions seeks authorization to enter port to offload its catch, port State authorities could ask questions to determine if the vessel ought to be let in and how they will inspect it if it is. If a vessel applies to register under a certain flag or seeks a chartering agreement or joint venture, access to its sanction history may help authorities determine whether to grant a flag and register the vessel.[56] Information on sanction history may also make it harder for a vessel to "flag hop", i.e., jump from flag to flag to try and avoid detection and continue with illegal activities.[57] Sanction history can also help determine the level of a new sanction which may be appropriate to impose on a repeat offender, and it might disqualify a vessel or owner from obtaining a future subsidy or license. Furthermore, it may dissuade buyers from purchasing from vessels with violation histories, so as to avoid the risk of integrating fish products from these vessels with their own supply chains and exposing themselves to confiscation and liability through import control schemes. These are only a few examples of why sanctions ought to be disclosed in a transparent manner.

There is currently no global-level database of sanctions,[58] but some data is available. Some States maintain lists of certain types of sanctions on vessels.[59] For others, the addition of a data field for sanction information could supplement national vessel records, which already contain significant data. Within the EU, for example, Member States use a points-based system to sanction fishing vessel masters and license holders of EU operations when they commit serious infringements. If a license holder is given a certain number of points for a fifth time, then the license is permanently withdrawn. Moreover, EU Member States operate a national register of infringements and, after a recent legislative revision, the EU will publish annually aggregate data on fishing controls and inspections.

Case study: Fishing authorization database success story

The EU maintains a fleet authorization database as part of its Sustainable Management of External Fishing Fleets (SMEFF) regulation.[60] The database provides data for the previous 10 years on fishing authorizations, notifications issued for EU vessels fishing outside EU waters, and authorizations for non-EU vessels fishing in EU waters. For each fishing authorization, key characteristics and information on the legal agreement under which the fishing authorization was granted are provided. The data contained in the fleet authorization database includes the flag State of the vessel, the UVI, international radio call sign, vessel name, and the agreement type, name, start date, and end date.

Principle 2 policy recommendations

National governments should require public reporting of comprehensive, up-to-date vessel information that, in addition to the UVIs as highlighted in Principle 1, includes vessel licenses, access agreements, authorizations, subsidy recipients and provisions, and histories of non-compliance. This information should be recorded in a central global repository – namely the FAO's Global Record.[61] Additionally, States should collect supplementary data categories and support cooperative data exchange with other States and international bodies, such as the FAO.

This information not only increases transparency but also enhances decision-making and expands public participation in fisheries management. It improves the effectiveness of port operations, harmonizes vessel registration across multiple jurisdictions, clarifies trade patterns and import control schemes, and helps reduce IUU fishing. Additionally, it sheds light on the equitable distribution of public funds supporting fisheries businesses through subsidies and reveals how different governments provide funds to the industry. Making information widely available not only assists governments in carrying out their functions but it also allows others — including academia, investigative journalists, technical specialists, CSOs, entrepreneurs, industry, and the interested public — to use and examine this same data for a wide variety of purposes including holding the government and the fishing industry accountable for injustices.

PRINCIPLE 3:
Beneficial Ownership

Make public the information on beneficial ownership of vessels.

Background and problem

In fisheries, knowing the beneficial owner or 'real owner' — referring to the individual(s) who ultimately owns, controls, and profits from a vessel or company — is all-important. Without adequate information about the beneficial ownership of a fishing operation, those owners can avoid penalties and sanctions, leaving them free to continue with any illicit activities.

Several key jurisdictions relevant to fisheries, including the Seychelles, Ghana, the EU, and the USA, have initiated legislation addressing beneficial ownership, albeit at varying stages of development.[62] Notably, these laws have broader applicability beyond fisheries. In the realm of fisheries governance, the Indian Ocean Tuna Commission has mandated the provision of beneficial ownership information to the organization.[63]

While legislation on beneficial ownership is progressing, there is not currently an internationally agreed definition of beneficial ownership. However, Open Ownership has proposed a useful draft definition based on its global experience with this subject to establish a shared understanding:

> **"A beneficial owner (A) is a natural person (B) who has the right to some share or enjoyment of a legal entity's income or assets (C) or the right to direct or influence the entity's activities (control - (C)). Ownership and control can be exerted either directly or indirectly. (D) Beneficial ownership should be disclosed when an individual's aggregate control of, or economic benefit from, a company reaches or exceeds (E) 5% of the company's stock, votes, profits or assets; or the right to appoint board members or company officers."[64]**

A key objective in making beneficial ownership information transparent is to disrupt the financing of illegal fishing operations. While prosecuting beneficial owners after the fact is crucial, preventing the flow of illicit gains and laundered funds can deter them from engaging in illegal activities in the first place, making transparency around beneficial ownership essential.

Ownership concentration, money laundering, and corruption

Beneficial ownership can be obscured or hidden through structures like joint ventures and limited liability corporations, which conceal the true point of control and may facilitate the laundering of illegal profits into legitimate assets. Additionally, high-level fisheries officials' involvement in undisclosed ownership arrangements, often in the form of joint ventures, raises the risk of conflict of interest and corruption within fisheries agencies. These risks and their links to beneficial ownership are explained below.

Ownership concentration is when only a few owners hold a large percentage of the access to fishery resources. This lack of diversity in ownership leads to diminished competition, particularly impacting LMICs. In such scenarios, fishing communities in LMICs may face unfair access agreements, insufficient investment in local fisheries, or even divestment in favor of foreign operations.[65] In some cases, ownership concentration may be linked to vertical integration, in which companies control all stages of production along the supply chain, reducing competition and accountability within the fishing industry. This has been noted to significantly disadvantage the small-scale fleets of countries, especially when those countries enter into access agreements with foreign large-scale fishing operators.[66]

Lack of transparency around beneficial ownership is also linked to lack of transparency in financial transfers.[67] To avoid detection, continue operations, and retain and maximize profits, owners and operators must launder money earned from illegal fishing activities. Money laundering happens at various stages—when seafood products are sold, when vessels or fishing gear are refurbished or purchased, or when crew and staff are paid. Once illegal proceeds are obscured and made to appear legitimate, owners and operators can re-inject capital into future fishing operations, perpetuating the cycle of illicit activity. Without the continuous flow of capital, operations would be unable to continue or be forced to seek traditional financing, which would reveal otherwise hidden illegal activities. Therefore, the ability to track money flows and link them to known beneficial owners is essential in disrupting the flow of illegal profits.

Undisclosed beneficial ownership also heightens the risk of conflict of interest and corruption within fisheries agencies, particularly when high-level officials are involved in undisclosed ownership arrangements such as joint ventures.[68] While joint ventures are in many instances technically legal, they enable corruption by allowing companies or officials from wealthier States to essentially bribe their way into accessing the resources of another country.[69] Information on these arrangements — such as the names of national shareholders in joint ventures or those responsible for chartering foreign vessels — is often not made public.[70] Consequently, the foreign operators in these joint ventures often have very limited knowledge of the local ecosystems, the state of fisheries resources, or the dynamics of the local fisheries sector – prioritizing profits at the expense of local ecosystems and economies.[71] The lack of transparency in such arrangements perpetuates a cycle of corruption, as illustrated by cases like "Fishrot."

Case study: Fishrot

A recent case, which has come to be known as "Fishrot," reveals how concealing beneficial ownership can lead to corruption.[72] It involves Icelandic company Samherji, which owned several Namibian subsidiary companies. On paper, these were majority Namibian-owned as required by Namibian law, but Samherji funneled the profits back to its base of operations in Iceland, taking advantage of international tax loopholes to reduce taxes paid to the Namibian government.[73] In addition, because the quota allocations Samherji desired were already licensed to different operators, the company paid bribes – in the millions of dollars – to several Namibian officials to acquire new licenses below market value. The licenses were then sold to a subsidiary of Samherji, and the excess money was pocketed by the Icelandic company and the government officials.[74] The scheme was only revealed when a whistleblower within Samherji leaked emails in 2019. Namibia's Minister of Fisheries, its Minister of Justice, and Samherji's CEO, were all forced to resign due to their involvement in the scandal. The Namibian-European connection extended beyond Iceland, involving the Dutch fishing company, Parlevliet & Van der Plas, the largest in Europe. This company managed a supertanker that fished with illegal quotas as part of a kickback arrangement, thereby evading Namibian taxes and complicating the web of corruption exposed by the Fishrot case.[75]

Ownership concentration

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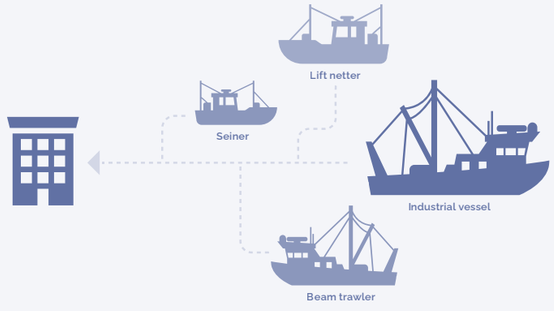


Figure 3. Overview of ownership concentration

Open Ownership guidelines

To address the challenges posed by opaque beneficial ownership, this section will describe two practical considerations for stakeholders implementing transparency initiatives : 1) what information about beneficial ownership should be collected and 2) how to disclose that information. Fortunately, organizations such as Open Ownership[76] have developed guidelines for establishing effective legislation and practices for States on illuminating beneficial ownership without inadvertently creating loopholes.

What beneficial ownership information should be collected?

Open Ownership has recommended the following framework[77] for beneficial ownership information:[78]

- Information should be collected about:
  - The beneficial owner(s);
  - Their status as beneficial owner(s) (i.e., the means through which ownership or control is held); and
  - The declaring corporate vehicle and the individual submitting the declaration.
- Information should be collected in a standardized way through online forms, with clear guidance that facilitates compliance.
- Sufficient information should be collected to enable authorities to unambiguously identify people, entities, and arrangements, using clear identifiers, and to enable the accuracy of the data to be verified to a reasonable level.
- Information required to be disclosed should be enumerated in law and limited to what is necessary to achieve the policy objective, with a clearly stated purpose and legal basis.

Case study: Beneficial ownership and Soperka

Liberia, a neighboring country of Senegal, has expressed interest in assessing its fisheries for commercial exploitation and capital investment. In 2019, the two countries entered into an agreement to conduct research, with support from the World Bank and the EU-Senegal Sustainable Fisheries Partnership Agreement.[79] The EU-Senegal agreement lacks a transparency clause, unlike other EU fishing sector agreements in Africa.[80] As part of the research agreement, Liberia granted research permits to three vessels flagged to Senegal for experimental deep-sea trawling in Liberian waters. The vessels, owned by Soperka, a Senegalese-registered company, has a business relationship with a company in Spain, Grupo Pereira, although there is dispute as to whether this relationship is via a joint venture or as a subsidiary.[81]

These research permits imposed conditions on landings, reporting, fishing area, taxation, and observer embarkation. While the Liberian government does permit the activity as research, the Coalition for Fair Fisheries Agreements brought to light that Soperka began commercially offloading large and valuable catches of deep-water Liberian shrimps—considered some of the world's largest—in Dakar, Senegal and shipping them onward to Spain.[82] This activity raised fears by Liberian artisanal fleets that their resources were being illegally taken, and an investigation into the matter was compromised by a lack of clarity regarding Soperka's beneficial ownership. Additional opacity regarding the local company's registries, combined with a lack of oversight in the partner countries, means that Soperka has largely managed to avoid sanctions and continue its questionable operations. Specifically, the presence of Spanish beneficial ownership may have provided a loophole for evading sanctions, as it could have allowed Soperka to exploit legal ambiguities or jurisdictional complexities to shield itself from accountability.

Disclosing ownership

In some instances, difficulty accessing beneficial ownership information is the result of corrupt fishery regulatory authorities or governments intentionally complicating access or warning perpetrators of upcoming patrols or enforcement operations. Sometimes, such difficulty may be related to poor recording and documentation processes, and siloed fishery departments at various levels of government struggling to share data between them.[83]

Open Ownership has developed and continues to update a framework[84] for disclosure of beneficial ownership information. Developed through work with more than 40 countries and extensive consultations, it focuses on three major technical characteristics of effective disclosure regimes: 1) disclosure and collection, 2) storage and auditability, and 3) quality and reliability.

The access guidance from Open Ownership is directed by national-level policy goals developed for this area. In general, the guidance tries to strike a balance between privacy and making information available to different groups. It gives practical advice on the organization of a beneficial ownership database. For example, the data should be "searchable by both the name of the corporate vehicle and the beneficial owner and [available] as bulk data." Data should be available without barriers, and any exemptions to access should be narrowly interpreted.

Case study: The Court of Justice for the EU ruling on beneficial ownership

Because beneficial ownership is a relatively new issue, some jurisdictions are grappling with potential or perceived conflicts between the disclosure of beneficial ownership and the right to privacy. In a significant ruling in 2022, the Court of Justice for the EU addressed this challenge within the context of the EU's stringent privacy protections.[85] While the Court acknowledged the importance of privacy, it emphasized that access to beneficial ownership information should be granted to those with a legitimate interest (i.e. a "need to know"), such as government authorities, financial institutions, and journalists and CSOs involved in preventing and combating terrorism, money laundering, and its predicate offenses.

Principle 3 policy recommendations

Governments seeking to develop legal frameworks for beneficial ownership and disclosure should adhere to the comprehensive guidelines provided by Open Ownership. These guidelines should be adapted by the government to suit the State's context, particularly in cases where no legal framework is in place. While this task typically falls under the purview of non-fisheries authorities due to its broader applicability to businesses, it is crucial for fisheries authorities and relevant civil society organizations to remain engaged and informed throughout the process. Their involvement ensures that the legal drafting remains inclusive of fisheries-related considerations and facilitates necessary access to beneficial ownership information for fisheries management.

For instance, if the primary objectives behind accessing the beneficial ownership registry revolve around anti-money laundering and counter-terrorism financing endeavors, it is imperative to expand the scope to encompass offenses specific to the fisheries sector, such as IUU fishing and forced labor. By formally recognizing these crimes within the legal framework, actors like CSOs can legitimately access the data for purposes directly related to combating fisheries-related illicit activities. This strategic inclusion ensures that the legal framework adequately reflects the challenges faced within the fisheries sector and bolsters transparency and accountability measures in addressing illegal practices.

PRINCIPLE 4:
Flags of Convenience

Stop the use of flags of convenience by fishing vessels by enforcing the UNCLOS Article 91 requirement for a genuine link between vessels and their flag State, and prevent vessels from engaging in illegal fishing and associated crimes regardless of their flag and punish the vessel(s) that do.

Background and problem

The flag State of a fishing vessel is the country where it is registered and provides its legal identity. Crucial in the fight against illegal fishing, fisheries mismanagement, and other illicit maritime activities, flag States are legally bound to control and monitor the activities of the vessels flying their flags. As the entity responsible for granting a fishing vessel its flag, the flag State acts as the primary line of defense against illegal operators. Additionally, flag States have specific obligations, such as enforcing their own laws on registered vessels and cooperating with other States in monitoring and investigating the activities of vessels flying their flag.

However, an increasing number of States either lack the capacity or willingness to carry out their obligations effectively. These States often have lax registration requirements and are open to registering vessels with minimal connections to their territory, earning them the designation of FoC. Vessels flying FoCs often seek to evade restrictive regulations and monitoring that a vessel should be subject to if flagged to a responsible flag State, and such vessels are often linked to IUU fishing.[86]

Moreover, vessels engaged in illegal fishing activities often engage in flag hopping—switching flags frequently to avoid detection and enforcement measures. They tend to register their vessels in LMICs, including some FoC, due to factors such as lower costs, weaker port controls, inadequate fisheries management, and little to no enforcement.[87]

In addition to flying FoC, vessels can evade regulation by flagging to a State that is not a member or a cooperating Party to an RFMO. RFMOs set operating rules and regulations within their areas of competency that all member States and their flagged vessels must follow. Therefore, to circumvent regulations on all fronts, vessels will flag to a State that has both weak flag State regulations and is not part of an RFMO, again raising questions about these vessels' motivations.[88]

The multi-layered corporate structures of large fishing companies operating across multiple jurisdictions adds another layer of complexity. Flagging to different States, and sometimes reflagging, makes it difficult to track beneficial ownership or identification. This anonymity makes many beneficial owners almost impenetrable to taxation and law enforcement.

Further, FoC registries are sometimes not located in the country of the flag, often run by private companies or fraudulently used without the flag country's permission or knowledge.[89] Flag hopping[90] also complicates prosecution. Reflagging can obscure a vessel's history of illicit activity, particularly when combined with changes in vessel name or identification details in the absence of a UVI. In some cases, reflagging combined with a name change can allow for a vessel's history to be covered up entirely, so the vessel can resume operations following reflagging, with an ostensibly clean record.[91] Encountering such a vessel should raise serious questions for any State.

FoC often enable owners and operators to benefit from lower operating costs by exploiting reduced rates of taxation, cheaper registration fees, and the ability to employ inexpensive labor, all facilitated by less restrictive regulations of the flag State. However, this cost-saving approach often results in suboptimal onboard safety and health conditions, including poor drinking water and food quality and quantity.[92] These owners also often demand long periods of work without proper rest while paying their crew very low wages and sometimes, due to debt bondage, cheating them out of any wages at all (Principle 10).[93]

Flag State responsibilities

An agreed master list of FoC countries for fisheries does not exist,[94] in part because it is difficult to determine which flag States' fishing fleets possess high enough levels of foreign ownership to be considered an FoC State from a fisheries perspective.[95] Figuring this out is further complicated by the lack of information on beneficial ownership (Principle 3).

As of 2022, the International Transport Workers' Federation (ITWF) listed 42 registries[96] as flags of convenience, with the largest numbers of fishing vessels registered to Honduras, Panama, and Cambodia.[97] Panama has the longest-running open registry and remains a popular flag State, particularly for refrigerated cargo vessels that carry fish, as it offers online vessel registration, the ability to employ low-cost labor, and no income tax to foreign owners. There are also three landlocked countries – Bolivia, Moldova, and Mongolia – with open registers.

While the use of an FoC is legal within the maritime framework, international law requires a "genuine link" between the vessel and its flag State, through the nationality of crew, captain, company, or beneficial owner of the vessel. However, "genuine link" is vague and ill-defined, making the requirement easily skirted.[98] In reality, this genuine link is often absent, with many vessels having little to no relationship to their flag State. The true flag State is often obscured by a front company or a joint venture lacking genuine local ownership,[99] post boxes within the jurisdiction, or other variations that amount to something less than a true connection to the flagging jurisdiction.[100] While registering foreign-owned vessels is not inherently problematic, it becomes concerning when it facilitates secrecy in beneficial ownership and offers refuge from robust fisheries management, national laws, IUU detection, and sanctions.[101]

The true flag State is often obscured by a front company or a joint venture lacking genuine local ownership, post boxes within the jurisdiction, or other variations that amount to something less than a true connection to the flagging jurisdiction.

Case study: An FoC at work

In 2018, the Mahawa, a 135 gross ton fishing trawler operated by a Korean-owned company was found to be operating under both Guinean and Sierra Leonean flags,[102] a practice that is illegal under international maritime law. Double flagging allows vessel operators to create confusion around the vessel's identity, enabling the vessel to evade sanctions and avoid fisheries rules.

Both Sierra Leone and Guinea are on the ITWF list of FoCs. Mahawa's owners were subsequently sanctioned by the Guinean government. If the vessel registries of Guinea and Sierra Leone had been public, this double flagging could have been revealed sooner by cross-checking the two registries. Or, if both countries had made IMO numbers mandatory and added their fleets to the Global Record (Principle 1), it might have been prevented.

Principle 4 policy recommendations

To effectively address the issue of FoC fishing vessels, stringent enforcement of UNCLOS Article 91 by governments, which requires a genuine link between vessels and their flag State, is imperative. Despite being technically legal, FoCs pose significant challenges due to the secrecy and weak oversight they typically offer.

The use of open registries has surged by 50% in the past 20 years,[103] increasing the problem of secrecy within the fishing industry. As more vessels employ FoCs, it is crucial to explore alternative approaches to discourage their use, as past efforts have not yielded sufficient progress. One such approach could involve clearly defining, either in State law or through international agreements, the criteria for establishing a genuine link between a vessel and its flag State, thus closing loopholes left by the ambiguity of the term.

If FoC States fail to fulfill their flag State obligations, then more severe measures to discourage use of FoCs should be considered. For example, subjecting vessels flagged to irresponsible flag States and FoCs to more thorough and mandatory inspections when they make port calls—a prerogative of a port State—can serve as an effective deterrent. As FoCs represent a legitimate risk factor, port States should have the authority to take this into account.

All States must exercise careful oversight before granting their flag, for example by conducting comprehensive assessments of beneficial owners and vessel history, including past flags and compliance records. Fisheries ministries and relevant authorities for flagging should work cooperatively to determine the legitimacy of information provided before granting flags or fishing authorizations. Lists of authorized vessels should be made publicly available, consistent with other recommendations in this report, e.g., requiring UVIs and other specific vessel-related information.

Vessels unable to meet the standards should be de-registered promptly. Special attention should be given to foreign vessels seeking to register in a flag State different from the one where their owners reside. Vessel registration information for large-scale vessels should be promptly shared to the Global Record and any relevant RFMO.

PRINCIPLE 5:
Vessel Positioning

Require vessel position to be public (by sharing VMS, or sharing other non-public systems or mandating AIS).

Background and problem

The lack of reliable and real-time information about where a vessel is and what it is doing while out at sea is a long-standing problem, given the vastness of the ocean, the large number of vessels, and the limited resources available to monitor them. However, modern technology, in the form of satellite-based tracking systems such as vessel monitoring systems (VMS) and automatic identification systems (AIS), have provided new avenues to overcome this information gap. These systems enable the monitoring of vessel positioning at sea, in conjunction with land-based receiving stations or satellite communication. Despite these technological advancements, it is important to note that about 75% of the world's industrial fishing vessels are not publicly tracked, highlighting the ongoing gap between the technology's availability and its transparent implementation.[104]

AIS and VMS systems record various aspects of vessel movements, including speed, direction, and duration, which can reveal distinct patterns indicative of specific fishing behaviors. Here are some typical examples:

- Deploying a net, i.e., slowing down and maintaining a consistent, slow speed in a straight course while the net is being let out;
- Long lining, in which a vessel moves in a zig-zag pattern;
- Transiting an area, as evidenced by moving at faster speed and in a uniform direction with no stops for fishing;
- Transshipping with another vessel, i.e., where a larger vessel and one or more smaller fishing vessels stay side-by-side for a period of time, perhaps with small vessels coming and going while the larger vessel stays stationary;
- Long periods at sea and without a port call, which may indicate a fishing vessel is crewed by workers who are not being given basic protections or humane treatment.

IUU vessels rely on keeping their locations and behavior at sea concealed from authorities, allowing them to commit violations without detection. Therefore, it is imperative to require tracking systems on both large-scale and small-scale vessels. Taken in the aggregate, these systems also provide essential data on fishing effort and location to assist fisheries managers.[105]

Vessel tracking – VMS and AIS

VMS is a term used to describe a range of systems developed for use by governments to track vessel positions in commercial fisheries. VMS operates via the Global Positioning System through cellular and satellite-based communications by transmitting positional, speed, and course information of a vessel (including the time, date, and vessel ID), back to shore, where it is recorded in fisheries monitoring centers. VMS data is typically not public and is primarily used by governments to monitor fleet activity for law enforcement and to detect and prevent violations. However, more VMS data is becoming public. In particular, the nonprofit Global Fishing Watch[106] (GFW) has made tremendous progress in obtaining VMS data from an increasing number of partner countries.[107]

Unlike VMS data, AIS data is openly available and can be freely received by anyone with an AIS receiver. While AIS was not originally intended to support fisheries monitoring, it has become an important part of vessel tracking efforts. AIS was developed to transmit a vessel's position for maritime traffic safety by broadcasting the position, identity, speed, and course of commercial vessels to better avoid collisions. Receiving satellites and ground stations pick up the AIS transmissions, making vessels with active AIS systems detectable anywhere in the world. AIS is mandatory under IMO rules for vessels larger than 500 gross tons or larger than 300 gross tons if on an international voyage,[111] as well as for many other vessels, depending on the waters they fish and the authorities who manage them.

VMS and AIS have clear differences, but this also makes them complementary. AIS provides frequent position data, sometimes as often as every few seconds.[112] VMS, on the other hand, provides position data at prescribed intervals, generally every hour or less.[113] Used together, the systems can provide a comprehensive view of vessel movements and activities and can also serve as cross-references for each other.

Another example of how these systems can be used together to get a clearer picture of vessel activity at sea is during gap events in AIS transmissions. AIS is not universally mandated and can be turned off by vessel operators to hide activity, whereas VMS is not designed to be turned off, and doing so is illegal in some places. Using these intentional gaps in AIS data, fishing crime hotspots have been uncovered where vessels appear to disable their AIS transmissions while operating illegally.[114] This data suggests that IUU fishing operators turn their AIS off for one of two main reasons: to fish at unauthorized locations[115] or to hide from enforcement authorities when undertaking unauthorized transshipments.[116] In many cases, disabling occurs at EEZ boundaries and in areas of known high transshipment activity.

Using AIS and VMS data, GFW has helped countries reveal what fishing activity is happening in their waters, and provided sophisticated analyses of issues such as transshipment (Principle 6) and forced labor (Principle 10). One particularly useful tool developed by GFW is a behavioral classification model[118] that estimates apparent fishing activity via changes in vessel speed and direction using either AIS or non-public VMS. This model allows tracking data to be linked directly to a vessel identification number to provide competent authorities with a clear record of a vessel's identity and estimated operational locations. Furthermore, when authorizations are publicly available, these can be cross-referenced to determine whether activity by a specific vessel in a certain location is compliant with the applicable authorizations.

Case study: Making the case for VMS, including industry benefits

While VMS may have been put in place due to governments' need to monitor vessels, the fishing industry has started to acknowledge the benefits it receives from using the system. Recognizing the value of increased transparency, in 2019, Norway decided to make public the VMS data of its fleet larger than 15 meters,[108] and it is now posted on the Norwegian Fisheries Directorate website and updated daily.[109] The objective behind this initiative is to provide the public with information collected from the fishing industry, acknowledging the industry's use of wild marine resources and the legal obligation under Norwegian law to disclose data regarding its environmental impact.

The Directorate has noted a number of benefits for fishers and the government, including: 1) improved spatial management of the marine space as competition among users grows (oil, wind, fish, shipping, aquaculture); 2) market gains to satisfy the increasing demands for legal, ethical, and sustainable fish; 3) more efficient fisheries operations and reduced emissions due to reduced fuel costs and consumption as fishers used the data to spend less time looking for good fishing grounds; 4) improved compliance; and 5) improved knowledge to ensure sustainable management of marine resources. [110]

Norway was also the first European country to share its VMS data with GFW, which makes it more available to a wider range of stakeholders.

	Vessel Monitoring System (VMS)	Automatic Identification System (AIS)
Access	Normally closed, proprietary, but some nations are sharing their VMS data with Global Fishing Watch including Norway, Chile, Peru, Brazil, Belize, Panama, Costa Rica, Ecuador, and Papua New Guinea.	Open access
Original purpose	Fisheries management	Safety at sea
Communication	Bidirectional communication at regular intervals	Continuous transmission (reception dependent on receiver availability)
Range	Global (line of sight to satellite)	AIS: Line of sight to ground station Dynamic AIS: Line of sight to equipped vessels Satellite-AIS: Global (line of sight to satellite)
Mandated use	Required by many flag and coastal states	Required for vessels over 300 GT. Some states require for smaller vessels

Table 1. Comparing VMS and AIS.[117]

Looking ahead

In 2022, Norway took an unprecedented step and proposed a new international instrument on vessel tracking at the 35th Session of the Committee on Fisheries at the FAO in Rome.[120] This proposal aims to advance the progress already being made by requiring the mandatory use of vessel tracking systems on all fishing vessels. In addition to requiring these systems, the proposal emphasizes the importance of States sharing vessel position data to enhance States' MCS abilities.[121]

Work on this proposal will form some of the earliest efforts for the new sub-committee on fisheries management, which the FAO's Committee on Fisheries endorsed. While a future tracking agreement is taking shape, all States should support this initiative in the broadest, most transparent terms.

Principle 5 policy recommendations

All States should broaden their vessel tracking coverage and require vessel tracking to be public.[122] Currently, only a selection of vessels publicly share their location, either through AIS or by flag States unilaterally releasing VMS data. If all States required some form of public tracking for their vessels outside their waters, through AIS, VMS, or some other system, a range of benefits would be possible, including improved fisheries management, better transparency in the supply chain and for consumers, and more robust inputs for spatial management, including for marine protected areas (MPAs) and safeguarding small-scale fishing grounds.

Governments should consider mandating AIS on all vessels, regardless of size, and requiring the system to be turned on for the duration of a voyage. Turning off AIS should be viewed as a major violation, considering the known motivations to circumvent detection for engaging in unauthorized behavior—which are often linked to criminal activity or other more serious violations. AIS-related legal requirements should include a provision for a manual backup reporting of position information if AIS "goes down." Use of AIS could also be considered as a condition of importation of fish to help determine legality of the catch, as AIS can record vessel position on the date and time of the alleged harvest, making it possible to determine whether the vessel was indeed in the claimed harvesting location.

In addition, all States should consider Norway's proposal for a new international agreement on vessel tracking. Such an agreement will support and further enable VMS, AIS, and other tracking technology to assist with combating IUU fishing, protecting MPAs, generating data on fishing effort for fisheries management, detecting forced labor issues, and increasing traceability of products, among other potential uses. An agreement would also establish a uniform understanding and legal basis for use of these systems and eliminate the many questions about confidential, non-public data that continue to be raised as a barrier to making the data transparent. And an agreement would standardize requirements and facilitate the exchange of data between governments and other stakeholders.

Furthermore, the Coalition recommends that CSOs with scientific or data expertise undergo technical training on how to effectively interpret and analyze VMS and AIS data. CSO involvement in this data analysis can significantly enhance the capacity for independent oversight and verification of vessel activities, thereby complementing government initiatives and fostering greater transparency.

PRINCIPLE 6:
Transshipment

Ban transferring fish between boats at sea – unless pre-authorized, carefully monitored, and publicly logged.

Background and problem

Transshipment is a common practice in fisheries around the world, involving the transfer of catch between vessels, often conducted at sea and without proper monitoring or authorization. This process eliminates the need for fishing vessels to make lengthy and costly trips back to port after each fishing trip to unload their catch or to resupply fuel, food, provisions, and crew, enabling vessels to stay at sea for extended periods. However, this prolonged time at sea allows unprincipled vessel operators to keep crew members onboard for extended periods, leaving crews vulnerable to abuse, exploitation, and forced labor for months to years (Principle 10).[123]

Moreover, transshipment can be exploited by dishonest vessel operators to help falsify or conceal catch data, including information about the species, how and where the fish were caught, and the amount of fish caught or transshipped. By offloading their catches onto a larger vessel, operators can mix illegal and legal catches, making it challenging for authorities to trace the origin of the fish accurately.[124] This illegal activity is facilitated in many regions because reefer vessels that offload catch from fishing vessels during transshipment are generally exempt from catch documentation and monitoring schemes.[125] This creates an obvious missing link in the chain of custody – the chronological documentation of the fish as it moves through the supply chain (Principle 7) – which makes full catch traceability close to impossible.

Furthermore, without accurate data on fish catch locations, amounts and species, fisheries scientists and managers are unable to produce accurate population assessments for the species caught in the fishery. This negatively impacts the accuracy of the advice fishery management organizations can provide, hindering conservation efforts, and over the long-term, resulting in depleted fish populations.

Figure 4. Two fishing vessels undertaking transshipment of their catches with a larger "mothership." During fisheries transshipment, a fishing vessel usually ties up alongside a large, refrigerated cargo-type mothership known as a "reefer" or "carrier" and offloads its catch before untying and continuing its fishing operations, while the reefer picks up more fish from other vessels or returns to port to land the catch.[137]

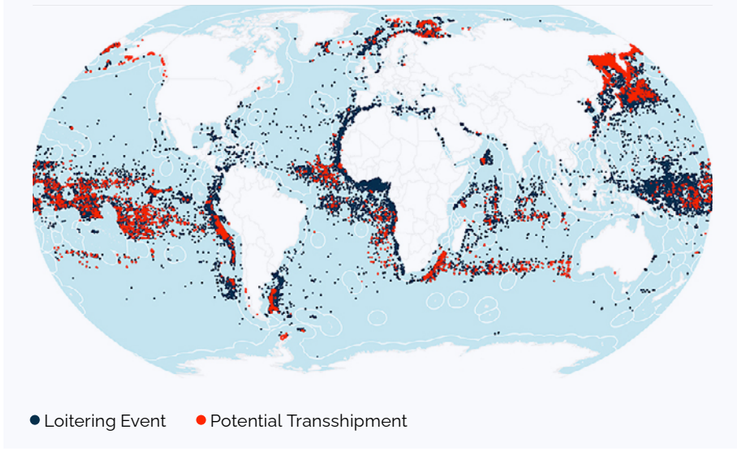


Figure 5. Global patterns of suspected transshipment behavior illustrating encounters (red) and loitering events (black). Highest densities appear in the Russian Far East and the Barents Sea, outside the EEZs of South America, within the EEZs of African nations, and across the Equatorial Pacific.[131]

Illegal transshipment is a pervasive issue globally. In the western and central Pacific, when combined with IUU-related harvests, it accounts for between US $312 and $358 million worth of tuna and tuna-like species per year.[126] Further, 68% of observed potential transshipments remain undocumented in the western and central Pacific, and therefore represent possible illegal transshipment of fish.[127] While most of the information available about illegal transshipments surrounds high-value tuna fisheries, transshipments are prevalent in many different large-scale fisheries (Figure 5).

The locations where transshipments occur show consistent patterns.[128] Trawlers tend to transship in national waters, likely due to their proximity to fishing grounds that are shallow enough to warrant trawling, while longliners, which principally target fish like tunas, are most often found to transship on the high seas. Hotspots of likely illegal transshipment activity have been noted off the coasts of Argentina, Peru, Chile, western Africa, the Kamchatka Peninsula, and the eastern tropical Pacific.[129] The vessels involved with these suspected illicit transshipments are often characterized by vessel ownership in countries other than the flag State—approximately 42% of such vessels fly flags of convenience (Principle 4).[130]

Case study: Illegal fishing fleet blacklisted following investigation[132]

A fleet of vessels engaged in illegal activities faced significant consequences when blacklisted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) in late 2021. Working together, EJF, Trygg Mat Tracking, and Oceana, collected evidence which involved satellite tracking, intelligence gathered from social media, and interviews with crew, which showed that the fleet was involved in several illegal activities, including transshipment without proper authorization. This evidence led to the fleet's blacklisting and the fleet's insurer, Hydor, withdrew coverage following the ICCAT's findings and the investigation.

This incident exemplifies how criminals exploit the chronic lack of transparency in fisheries to perpetrate crimes and decimate ocean ecosystems. The fleet, most recently sailing under the names ISRAR 1, 2, and 3, had been operating in the Atlantic for years, in a tuna fishery managed by the ICCAT. It first came to the investigators' attention when satellite monitoring showed a clear indication that the vessels were long-lining for tuna, despite not being registered with the ICCAT. Without this authorization, any tuna fishing in the Atlantic is strictly prohibited.

Not only did the vessels start off flying the flag of one nation, only to switch to another, there is also a good indication that they were "stateless" for a time—registered to no country's flag at all. The vessels also changed names and switched identification codes on their AIS mid-voyage. EJF obtained a photo clearly showing the bright white paint that had been used to rename the vessels (see Figure 6).

The blacklisting, which was proposed to ICCAT by the EU after it had seen the evidence and investigated further,[134] dealt a significant blow to this illicit network. Losing both market access and insurance for their fleet put the operators at severe financial risk for their illicit behavior. This case underscores the prevalence of various illegal practices in the fishing industry, including transshipment, and highlights the interconnectedness of issues addressed in the Coalition's principles. These include insufficient government monitoring of vessel movements (Principle 5), lack of proper vessel identifiers like a UVI to track flag changes (Principle 1), reliance on Flags of Convenience (Principle 4), and absence of public compliance and sanction history (Principle 2). Enhanced transparency at all levels could have helped authorities to intervene earlier and prevented this operation from profiting from illicitly captured fish.

Figure 6. Photo from EJF of the renamed vessel.[133]

Clear guidelines

In response to concerns raised about the continued practice of transshipment, FAO conducted an examination of fishing vessel transshipment practices worldwide, covering vessels of all types and sizes. In addition to defining transshipment[135] and establishing agreed parameters around what constitutes transshipment, FAO outlined State responsibilities and guidance to address commonly exploited loopholes. It concluded that: "Transshipment events need to be sufficiently regulated, monitored and controlled to mitigate the risks of facilitating IUU fishing operations which undermine sustainable fisheries, threaten the health of the marine ecosystems and have negative socio-economic effects, especially for legitimate fishers and coastal communities. Where the capacity for effective monitoring and control is weak, a precautionary management approach should be taken." [136]

Following the study, FAO and its Member States developed the Transshipment Guidelines, which are voluntary, although FAO makes clear that "for these to be effective, it is expected that, as a minimum, States take action to transpose them into regional and national regulations."[138] Given the reliance on transshipping as a cost- and time-saving business practice, and its importance to several key fisheries, such as tuna and squid, it appears unlikely that transshipment will be banned outright in the near future, although some fisheries management authorities are increasingly opting for this route. Consequently, stringent control and monitoring measures are imperative to prevent opportunities for concealing illegal activities.

In the guidelines, the FAO recommends five key changes around transshipment :

- Ensure that vessels involved in transshipments are authorized by the relevant flag, coastal, or port State and that vessels notify the relevant authorities before conducting any type of transshipment;
- Adopt transparent reporting procedures to facilitate the verification of authorizations and transshipment data, allowing for effective monitoring, control, and surveillance actions;
- Ensure that all vessels involved in transshipments provide a declaration containing specific data about the quantities of fish, the species, and any bycatch;
- Share transshipment data, such as vessel lists, notifications, authorizations, declarations, observer and inspections reports, infractions, and sanctions;
- Establish reporting procedures to collect and cross-reference information on the quantity of fish landed by species, product form, area, and country of origin for processed fish.[139]

These FAO Guidelines, which were adopted at the 35th Session of the Committee on Fisheries in 2022, provide best practices on how countries can improve transshipment in their fleets, including recommended requirements for flag States on registering and authorizing their vessels for transshipment. These practices include requiring VMS (Principle 5), and obtaining an IMO number (Principle 1). They also call for much of this transshipment-related information to be publicly available,[140] which is consistent with the Coalition's calls for more transparency in vessel and fisheries information.

Additionally, the guidelines stipulate that a transshipment declaration and landing declaration should be supplied by the vessel.[141] Much of this information echoes the Global Record's information requirements and the PSMA Annexes A and C, which provide detailed information forms to use prior to and as part of port entry.[142]

Latest developments in RFMOs

The clear illegal activities associated with transshipment at sea have driven RFMO regulations to become increasingly stringent.[143] Several have mandated at least partial bans on at-sea transshipment, including the Northwest Atlantic Fisheries Organization, the Western and Central Pacific Fisheries Commission, and the Inter-American Tropical Tuna Commission. [144]

Several large markets for seafood products have also started to impose prohibitions on transshipment at sea, including the US, the EU, Australia, and New Zealand. These bans are most commonly implemented within the territorial waters of a State but can also be applied on the high seas by banning transshipment involving vessels flagged to a certain State (e.g., EU Member States[145]). Some States have not implemented bans but instead allow authorized transshipment if a vessel has a fisheries observer on board (e.g., Belize[146]).

Efforts to curb illegal transshipment are now also seen in sourcing and operational policies of large fishing companies, such as Thai Union. In 2015, the company ramped up efforts to address transshipment in its supply chains by refraining from transactions with purse-seine-caught tuna that are transshipped at sea, as well as ceasing all purchases from transshipment vessels in Thailand.[147]

Principle 6 policy recommendations

To effectively address the myriad challenges posed by at-sea transfers, States must ban transshipment unless it is pre-authorized, monitored, and publicly documented. Implementing this is essential for preventing labor abuses onboard fishing vessels, limiting the entry of illegally caught fish into seafood markets, and protecting fish populations.

States should adhere to the FAO guidelines on transshipment. In addition to these regulatory measures, governments should:

- Implement real-time reporting of transshipment events to RFMOs and State authorities;
- Ensure fishery observer coverage on all vessels that undertake transshipment; and
- Invest in enhanced electronic monitoring systems to enable tracking and recording of transshipment activities.

These steps involve either conducting thorough manual checks on data and reports related to transshipment or utilizing advanced data analytics to automatically detect any discrepancies. For States interested in data analytic technology, remote monitoring is becoming increasingly affordable and readily accessible and can facilitate the transition from manual checking to automated processes. Furthermore, encouraging industry participation in adopting these observation platforms can promote transparency and accountability. By willingly embracing monitoring technologies, the industry can demonstrate its commitment to responsible practices and its openness to scrutiny, fostering trust and credibility within the fishing sector.

PRINCIPLE 7:
Traceability

Mandate the adoption of robust control systems that ensure seafood is legal and traceable from boat to plate, conforming to relevant catch management measures and making key data elements of those measures publicly available.

Background and problem

Seafood is one of the most traded food commodities globally,[148] providing a key source of protein and supporting livelihoods for billions of people. However, obtaining essential information about the origin of the seafood, including details like who caught it, when, where, and how, is challenging without transparency mandates in seafood supply chains. These supply chains can be long and complex. The product may be caught in the coastal waters of one State by a vessel flagged to another, then landed in a third State, processed in a fourth, packaged in a fifth, exported to a sixth, and imported and sold in many others. Knowing information about the path the fish followed and determining its legal status is therefore not straightforward.

This challenge has prompted major market States and trade blocs — including the EU, the US, and Japan[149] – to establish seafood traceability and import control systems. These systems collect crucial data to verify the legality of seafood products entering their markets by enabling authorities to trace each seafood import back through each step of its supply chain.[150] Additionally, countries such as Australia, Canada, Mexico, South Korea, Indonesia, and others are exploring their own schemes.

Yet, seafood-supplying States face the dilemma of complying with these diverse systems while maintaining and expanding their export markets. Achieving compliance is complicated as it necessitates collaboration between governments and the private sector. It also requires a clear understanding of the essential data, the methods for its verification, and the delivery system to parties and authorities along the supply chain. Additionally, these supplying countries may

Figure 7. The product may be caught in the coastal waters of one State by a vessel flagged to another, then landed in a third State, processed in a fourth, packaged in a fifth, exported to a sixth, and imported and sold in many others.

consider establishing their own traceability systems for both domestic and imported products. This move not only benefits their consumers but also helps them remain aligned with international standards and competitive in the global market. Moreover, there is concern that illegal products, no longer exportable, may flood the domestic market, prompting the need for robust domestic traceability measures.

Establishing robust traceability systems is a crucial undertaking for all States due to the substantial volume of seafood traded globally.[151] To facilitate this process, government-to-government partnerships are being used—by the EU, the US, and others—to share lessons and better align requirements. Moreover, CSOs are actively involved in these endeavors. For example, the EU IUU Fishing Coalition[152] is playing a key role in ensuring that import control schemes in major markets align to avoid unintentional loopholes.

In developing a comprehensive seafood traceability system, specific data points are crucial. These include details on species, catch location, gear type, and fishing vessel UVI. Additionally, it is crucial to gather interoperable, verifiable data from various sources throughout the entire supply chain, spanning from the point of catch to the consumer. Once collected, this data needs to be efficiently transmitted along the supply chain, evaluated, and promptly addressed in case of potential violations or mislabeling. Ideally, data verification should be conducted by approved public bodies to uphold the integrity of information, rather than relying solely on private-sector entities.

Operationalizing traceability in fisheries

Import control schemes (ICSs) are essential tools in providing the information necessary to assess the legality of seafood products as they move across international jurisdictions. Among the longest-standing ICSs are the EU's Catch Certification Scheme (CCS)[153] and the US Seafood Import Monitoring Program (SIMP).[154] These schemes have been pivotal in creating a basis to ensure the legality and sustainability of seafood imports into their respective markets.

ICSs typically encompass key data elements (KDEs)[155] and critical tracking events (CTEs)[156] to trace seafood products throughout their supply chains and ultimately facilitate assessment of seafood product legality.[157] While the specific design of each ICS may vary, they share the common objectives of establishing standardized data requirements and tracking mechanisms. However, the lack of harmonization between different ICSs poses challenges for seafood companies and CSOs,[158] who advocate for greater uniformity to streamline compliance and enhance data sharing across jurisdictions.[159] Another challenge is the lack of interoperability in the electronic systems collecting, storing, and processing the data collected by the ICS.

Mandating the collection of KDEs and CTEs in major seafood markets carries significant implications for supply chain actors. Increased scrutiny and the risk of product rejection place pressure on stakeholders to ensure compliance and accurate documentation. This heightened accountability reinforces the importance of

transparency and legality in the seafood trade, driving industry-wide efforts to enhance traceability and promote sustainable practices.

Although complete alignment has not yet been achieved, emerging import control schemes are actively learning from each other and striving for harmonization. For instance, Japan's Catch Documentation Scheme (CDS),[160] effective December 2022, largely resembles the CCS[161] in that it is a government-to-government approach, in contrast to the SIMP's government-to-business approach. However, Japan's ICS does exhibit similarities with SIMP, as its requirements align with a risk-based species list.[162]

Despite these parallels, variations exist in the scope and coverage of each scheme. The EU's scheme encompasses nearly 100% of wild-caught seafood products while excluding aquaculture products. In contrast, the US currently covers approximately 40% of its imports, prioritizing those deemed at highest risk of being linked to IUU fishing or seafood fraud, and includes certain high-volume aquaculture species, like shrimp.[163] Japan's coverage is starting conservatively with only four species[164] but is due to expand.[165]

The process of tracking and tracing fishery products from the point of capture to the end consumer is often long and complex. This complexity underscores the need for clear and thorough data and information to be linked with each seafood product as it moves through each stage in the supply chain. For this reason, making full seafood supply chain traceability a reality relies heavily on the development and adoption of standardized, interoperable electronic recording systems. For many less-developed fishery supply chains and companies, this means overcoming technological barriers and the costs associated with implementing such systems.

Principle 7 policy recommendations

To enhance global seafood tracking and import control, governments should prioritize the development or adoption of robust traceability schemes. As part of this, governments must prioritize compatibility with existing ICSs to facilitate data sharing across jurisdictions and ensure that their State's products remain competitive in the global market.

To support these schemes, government investment is needed to develop digitized and interoperable databases to collect seafood traceability data effectively. These databases would serve as centralized repositories for KDEs and CTEs across the entire seafood supply chain, enabling seamless data sharing and analysis to identify suspect products. Digitizing data collection processes enables governments to streamline information capture, reduce errors associated with manual recording, and enhance the accuracy and reliability of traceability data. Making these databases interoperable will facilitate the exchange of information between different systems, governmental bodies, and jurisdictions, ensuring harmonization and compatibility across seafood supply chains.

The EU, US, and Japanese ICSs represent significant milestones in seafood trade governance, handling vast volumes of products and evolving to meet challenges. As these systems mature, ongoing collaboration and knowledge exchange among stakeholders will be crucial for ensuring consistency, transparency, and effectiveness throughout global seafood supply chains.

CSOs can be of great assistance to governments with existing ICSs. They serve as conduits for disseminating lessons learned from other systems, identifying and promoting best practices, and ensuring the alignment of system goals with implementation outcomes. CSOs can provide practical assistance through communication mechanisms such as workshops, conferences, listening sessions, and reports with constructive feedback. Moreover, CSOs can extend these services to States contemplating the development or refinement of traceability systems in the future. Similarly, industry stakeholders offer invaluable insights and feedback as end-users of government-established systems, often pinpointing areas for practical improvements based on their firsthand experiences.

PRINCIPLE 8:
International Instruments

Ratify and comply with international instruments that set clear standards for fishing vessels and the trade in fisheries products, including FAO PSMA, ILO C188, and IMO Cape Town Agreement.

Background and problem

International instruments play a crucial role in addressing global challenges by providing a framework for collective action. This section delves into three significant global-level agreements aimed at regulating fishing vessels and the trade in fisheries products: the FAO's Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA), the IMO's Cape Town Agreement (CTA), and the International Labour Organization's (ILO) Fundamental Principles and Rights at Work and its Work in Fishing Convention (No. 188). Each of these agreements is associated with a different United Nations agency: the FAO, the IMO, and the ILO, respectively.

These UN agencies, along with their member States, collaborate through a dedicated working group[166] to leverage their expertise and resources in combating IUU fishing. Through ratification of these agreements, governments can enhance coordination efforts, leading to improved identification of illegal fishing activities, safety hazards, and labor rights violations within the fishing industry.

PSMA

The PSMA is a binding international agreement and the first to explicitly target IUU fishing. It recognizes that ports serve as crucial entry points for fish into global markets, making them strategic locations for enforcing regulations. PSMA gives States the ability to block access to ports and services if a vessel is suspected of IUU fishing based on information provided by the vessel to port authorities including vessel identification, purpose of the visit, fishing authorizations, transshipment information, and catch on board. If illegal fishing is suspected, the port State can either refuse entry, which adds cost and inconvenience to the vessel, or carry out a thorough inspection to determine if any illicit fishing activities have been committed[167] and take appropriate action by alerting the vessel's flag state, RFMOs, the FAO, and other relevant organizations. By focusing enforcement efforts at ports, the agreement offers a cost-effective, efficient, and safe way to inspect a vessel and its products and documents, rather than patrolling vast areas of the ocean.

A key aspect of the PSMA is its empowerment of port States in regulating foreign vessels[168] seeking access to their ports, as opposed to focusing primarily on the responsibilities of the flag State for vessel management and enforcement. The flag State is still critical under the PSMA for controlling its vessels and providing real-time information about vessel registrations and authorizations to other States, but the agreement opens a new and effective path for disrupting actors engaged in or linked to IUU fishing by providing a roadmap for global cooperation.

With 79 parties as of April 2024 (Figure 9),[169] the PSMA has garnered significant international support and adoption. This includes more than 60% of the world's port States,[170] thereby substantially limiting the ports that suspect vessels can access. However, several of the world's largest port States that handle high volumes of fish have yet to join the PSMA, including China,[171] leaving major gaps.

The PSMA applies not only to fishing vessels, but also to a broad range of fisheries-related vessels, including container ships handling fish, refrigerated cargo vessels, and bunkers.[172] While its scope is broad, the PSMA applies only to the port of first landing. Also unique, the PSMA contains annexes of standardized forms and checklists[173] for reporting and inspecting procedures as part of the agreement itself, streamlining implementation and providing standardization for ratifying countries.

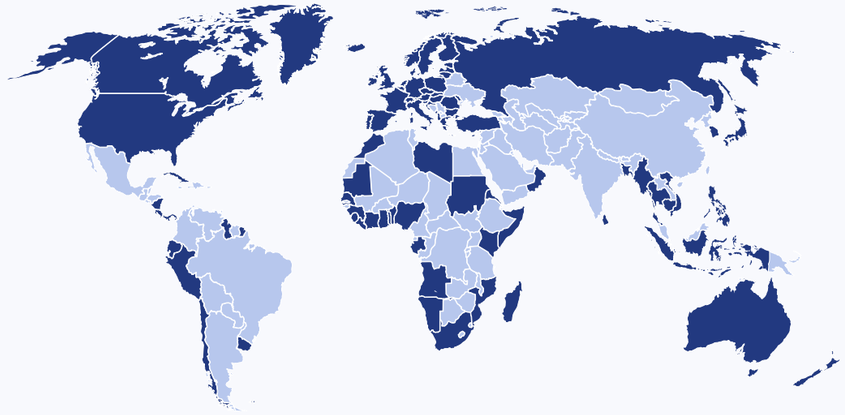
As part of the PSMA, an information exchange system, the Global Information Exchange System (GIES)[175] was launched in late 2022, and a small pilot began in 2024.[176] GIES is intended to link with the FAO Global Record and various RFMO databases to serve as a comprehensive repository for vessel information. Much of the information on a vessel—including its UVI, flag, owner, authorization details, most recent port call, catches, and transshipments—will ultimately reside in the GIES and provide the transparency that will help States evaluate the risks associated with any particular vessel.

Regular assessment of the PSMA's effectiveness occur through biennial meetings of the PSMA parties[177] and working groups, fostering continuous improvement and refined implementation. As the PSMA entered into force in 2016, it is still relatively early for assessing its impacts. But at the 2021 meeting of the Parties, almost one-third reported that they had denied vessels entry to or use of their ports.[178]

Abbreviation	Full name	Objectives
PSMA	Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing	Enables states to block vessels suspected of IUU fishing to access to ports and services
ILO C188	International Labour Organization's (ILO) Fundamental Principles and Rights at Work and its Work in Fishing Convention (No. 188)	Safeguards rights and well-being of workers in the fishing industry.
IMO CTA	International Maritime Organization Cape Town Agreement	Establishes minimum requirements for the safety of the crew.

Figure 8. Comparison of international instruments on fishing vessels and trade in fisheries products

Parties to the PSMA



1. Albania
2. Angola
3. Australia
4. Bahamas
5. Bangladesh
6. Barbados
7. Benin
8. Cabo Verde
9. Cambodia
10. Canada
11. Chile
12. Comoros
13. Costa Rica
14. Cuba
15. Côte d'Ivoire
16. Denmark (in respect of Greenland and the Faroe Islands - Associate Member)
17. Djibouti
18. Dominica
19. Ecuador
20. Eritrea
21. European Union – Member Organization
22. Fiji
23. France (in respect of overseas territories)
24. Gabon
25. Gambia
26. Ghana
27. Grenada
28. Guinea
29. Guyana
30. Iceland
31. Indonesia
32. Japan
33. Kenya
34. Liberia
35. Libya
36. Madagascar
37. Maldives
38. Marshall Islands
39. Mauritania
40. Mauritius
41. Mexico
42. Montenegro
43. Morocco
44. Mozambique
45. Myanmar
46. Namibia
47. New Zealand
48. Nicaragua
49. Nigeria
50. Norway
51. Oman
52. Palau
53. Panama
54. Papua New Guinea
55. Peru
56. Philippines
57. Republic of Korea
58. Russian Federation
59. Saint Kitts and Nevis
60. Saint Vincent and the Grenadines
61. Sao Tome and Principe
62. Senegal
63. Seychelles
64. Sierra Leone
65. Somalia
66. South Africa
67. Sri Lanka
68. Sudan
69. Thailand
70. Timor-Leste
71. Togo
72. Tonga
73. Trinidad and Tobago
74. Türkiye
75. United Kingdom
76. United States of America
77. Uruguay
78. Vanuatu
79. Viet Nam

Figure 9. Map of current parties to the PSMA.[174]

The Cape Town Agreement

Owners and operators who engage in IUU fishing often compromise the safety and well-being of their crews. This includes providing inadequate working conditions, training, and safety equipment, as well as operating in extreme or hazardous weather conditions, thereby putting crew at risk (Principle 10).[179]

The IMO's 2012 Cape Town Agreement (CTA) represents a significant step toward addressing these safety concerns. This internationally binding agreement establishes minimum requirements for the design, stability, construction, communication systems, life-saving equipment, fire protection, safety, seaworthiness, and inspection of fishing vessels to ensure they are up to a minimum standard and are safe for crew.[180] However, despite its importance, the agreement has not yet entered into force.

For the CTA to become operational, at least 22 States, collectively representing over 3,600 fishing vessels of at least 24 meters in length operating on the high seas, must ratify or accede to the treaty.[181] As of April 2024, there are 22 contracting States[182] to the agreement—including some key flag States such as Japan, the Cook Islands, and Spain—that have indicated their intention to join.[183] Until the CTA enters into force, there are no mandatory global safety regulations for fishing vessels.

Fishing remains an extremely dangerous occupation, with a recent study showing more than 100,000 fatalities annually in the global fishing sector.[184] With an estimated 64,000 fishing vessels over 24 meters in length across the world, the CTA holds immense potential to enhance the safety standards of large-scale fisheries. Safe and healthy crews are an essential part of successful fisheries, making the CTA an important link between the PSMA and the ILO Convention 188.

ILO C188 ratified countries

1. Angola
2. Antigua and Barbuda
3. Argentina
4. Bosnia and Herzegovina
5. Congo
6. Denmark
7. Estonia
8. France
9. Kenya
10. Lithuania
11. Morocco
12. Namibia
13. Netherlands
14. Norway
15. Poland
16. Portugal
17. Senegal
18. South Africa
19. Spain
20. Thailand
21. United Kingdom of Great Britain and Northern Ireland

Figure 10. Map of countries that have ratified ILO C188 as of January 2024.[198]

ILO Convention 188

The ILO Convention 188 (C188), also known as the Work in Fishing Convention (2007),[185] plays a crucial role in safeguarding the rights and well-being of workers in the fishing industry. This convention is an instrument of the broader ILO Declaration on Fundamental Principles and Rights at Work,[186] which encompasses five fundamental principles and rights upheld through over 190 conventions and treaties. These five are: "Freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment."

Since its entry into force in November 2017, C188 has been instrumental in establishing minimum standards to protect fishers in all sectors of commercial fishing. These standards cover various aspects of fishers' work, including occupational safety, living conditions onboard vessels, and access to food, accommodation, and medical care while at sea, as well as employment practices, insurance, and liability. The aim is to ensure that fishers:

Have improved occupational safety, health, and medical care at sea and that sick or injured fishers receive care ashore;

- Receive sufficient rest for their health and safety;
- Have the protection of a written work agreement;
- Have the same social security protection as other types of workers.

As of January 2024, 22 countries[187] have ratified C188 (Figure 10). To support countries interested in ratifying and implementing C188, the ILO has developed various materials and tools. These include the Work in Fishing Recommendation (R199) which provides guidance on best practices for implementing C188 provisions, tools for comparative analysis of C188 and national legislation, guidelines for flag State and port State inspections of fishing vessels to ensure compliance with the convention, and training materials highlighting the experiences of ILO member States that have ratified C188.[188]

Case study: All-important implementation

In 2019, Thailand joined C188, the first southeast Asian country to do so. This was notable given the country's role in human rights abuses at sea,[189] which triggered a warning[190] from the EU.[191] However, joining a treaty is not always synonymous with effective implementation. A report by the Fishers' Rights Network concluded that "Thailand has struggled to effectively enforce the provisions of the Convention," and that its struggles include superficial inspections, undue influence by vessel owners, and the lack of an effective penalty framework.[192] Moreover, EJF also found, using the Global Charter for Fisheries Transparency as a benchmark, that the Royal Thai Government has only "partially implemented" Principle 8, and that labor regulations continue to stand in contradiction to C188.[193] Having CSOs as watchdogs that can access critical information and bring inadequacies to light remains essential for accountability.

In contrast, Taiwan has demonstrated greater success in enforcing the convention, although this progress followed a tragic incident aboard one of its vessels, which garnered significant public attention and prompted action from CSOs. In May 2018, South African[194] fisheries officials detained the Taiwanese fishing vessel FUH SHENG 11[195] for violating ILO C188 due to deficiencies in required work and crew documentation, safety devices, and inadequate health and safety conditions onboard.[196] Remarkably, this vessel was the first to be detained after C188 came into effect in 2017, despite Taiwan facing an EU warning at the time.

Prior to this incident, Taiwan had faced scrutiny over the suspicious death of an Indonesian migrant worker aboard another vessel. Initially classified as natural, the worker's death gained attention when a colleague shared video evidence of abuse and inadequate medical care, which ultimately led to the death. Media coverage and outrage from CSOs spurred corrective action from the Taiwanese government. This included amendments to laws governing the responsibilities of vessel owners and recruitment agencies, as well as the enhancement of worker protections, particularly for distant water fishing vessels. These measures included a requirement for workers' contracts to be in a language they understand and read aloud on video. Furthermore, the owner of the vessel faced fines and a suspension of their fishing permit for five months, while the private recruitment agency was also fined.[197]

Principle 8 policy recommendations

States should prioritize acceding to these international instruments if they have not already done so to protect crew and signal their commitment to combating IUU fishing. By acceding to the PSMA, governments gain access to a global network of information exchange and cooperation, enabling more effective enforcement of fisheries regulations and deterring illegal fishing activities. Similarly, the CTA establishes minimum requirements for the safety and inspection of fishing vessels, ensuring that crew are provided with adequate safety equipment and working conditions. Moreover, the ILO C188 sets standards for occupational safety, decent living conditions, and social security protections for fishers, thereby safeguarding their rights and well-being.

Formally joining these instruments should be undertaken with a firm resolve to comply and an understanding of the capacities and resources needed to do so. It may involve obtaining the support of several departments or ministries at the national level, or other sources of support, and each needs to be educated about its role and the overall benefits for the country to join and actively implement the treaty. State Party responsibilities, as listed in any treaty, are long-term commitments.

In addition to fulfilling treaty obligations as a Party, each country should actively engage in periodic meetings convened to discuss the agreements. Thorough preparation and coordination with other stakeholders are essential for maximizing beneficial outcomes, with CSOs offering valuable assistance in this regard. For countries facing financial constraints, most treaties offer funding support for participation, while virtual attendance options can be explored to mitigate travel costs.

The data required by any treaty should be promptly and accurately supplied by the State. National situations and the pace of development differ widely, and not all States are ready to meet 100% of their commitments right away, even if that is their goal. If needed, capacity support and technical assistance, such as a legal review of existing national laws and regulations, are often available from the UN organization which administers the treaty. Application should be made requesting assistance, which can start with an assessment of a State's legal, policy, institutional, and operational capacities to determine how compliance with a treaty can be achieved, including supplying the mandated data.

As with other principles, CSOs can play a pivotal role in encouraging States to become parties to these treaties, providing support in navigating the accession process. They can engage with government officials to illustrate the benefits of participation, contextualize the issues, identify solutions to challenges, and underscore the importance of engagement by sharing experiences from other countries. CSOs serve as vital allies in navigating the accession process and ensuring meaningful engagement with international instruments.

PRINCIPLE 9:
Accessibility and Participation

Publish all collected fisheries data and scientific assessments in order to facilitate access to information for small-scale fishers, fish workers, indigenous communities, industry associations, and civil society in developing fisheries rules, regulations, subsidies, fisheries budgets, and decisions on access to fisheries resources. Make these processes, policies, and decisions easily accessible to the public and enforcement agencies.

Background and problem

In both fisheries and broader contexts, accessing government information poses challenges for the public and affected parties, hindering meaningful participation in decision-making processes. In fisheries, where livelihoods are frequently on the line, equal access to information and decision-making is not always guaranteed. It is imperative that information be accessible to all stakeholders regardless of economic status, educational level, social status, occupation, political affiliation, age, gender, reason for requesting, or position, and should reflect a truly inclusive process. However, factors such as format, quantity, scientific complexity, and technical jargon can render information relatively inaccessible, disproportionately affecting marginalized groups.

The right to access information is considered a fundamental human right, per Article 19 of the UN's Universal Declaration of Human Rights,[199] and further underscored in Goal 16 of the UN Sustainable Development Goals endorsed by all UN Member States in 2015.[200] Goal 16 aims to foster peace, justice, and strong institutions, with target 16.10 specifically focusing on ensuring "public access to information and [protecting] fundamental freedoms, in accordance with national legislation and international agreements."[201] Despite right-to-information laws[202] existing in over 120 countries,[203] these laws are often inadequate, poorly implemented, or disregarded.[204]

Principle 9 of the Charter recognizes the importance of access to information for facilitating meaningful participation in decision-making. It emphasizes the need for all stakeholders to have a voice and the ability to question and challenge the government throughout the decision-making process, before resources are committed irreversibly. Opportunities for public participation must be widely accessible and advertised, with comprehensive, timely, and accurate information provided, preferably through searchable electronic databases.

Principle 9 builds on the earlier principles outlined in the Charter, which described the types of data needed for transparency, such as vessel information, authorizations, ownership, movement (Principles 1, 2, 3, 4, and 5), traceability, and supply chain information (Principle 7), by adding fisheries data and scientific information to the list of critical data for governments to collect and publicize. This principle also focuses on the utilization of this data for active involvement in government decision-making processes, underscoring the importance of accessible processes to ensure inclusive engagement and effective governance.

Marginalized groups

At its core, Principle 9 is about participation and action based on informed and inclusive decision-making—in particular, participation by groups which have often been disadvantaged, excluded, or marginalized from government processes and decisions in the past. For many, including small-scale fishers, fish workers, indigenous communities, and tribal government, attaining effective participation has been challenging, since such groups have been historically and systemically excluded from government decisions that directly impact their lives.

Ensuring genuine inclusion of marginalized groups requires proactive efforts and resource allocation by governments; it is the responsibility of governments to ensure that marginalized groups can meaningfully engage in decision-making processes. Outreach initiatives should prioritize community-based information sessions, reducing the need for extensive travel to centralized venues. Public meetings must be scheduled at convenient times, considering the unique livelihood constraints faced by groups like fishers. Addressing digital inequality is crucial, given that marginalized individuals may lack access to technology and digital literacy required for online engagement.

Providing technical training on information requests and data interpretation empowers stakeholders to navigate government processes effectively, enhancing their understanding of potential impacts on their livelihoods. Bridging knowledge or language gaps through intermediaries may also be necessary to facilitate communication between communities and government officials. Given the complexity of governance and accessibility challenges, individuals may need to be informed of their rights and provided with support to exercise them effectively.

It is imperative that information be accessible to all stakeholders regardless of economic status, educational level, social status, occupation, political affiliation, age, gender, reason for requesting, or position, and should reflect a truly inclusive process.

Role of CSOs

In Principle 9 perhaps more than most other principles, CSOs can play an invaluable role, as many already are. Specifically, CSOs can:

Give voice to affected communities through information and training;

- Represent their own marginalized communities;
- Represent more generally the interests and views of many who have not been empowered or who have been treated as insignificant or on the periphery;
- Raise awareness of needs and impacts that government actions have in communities related to fisheries;
- Facilitate increased access and public participation in fisheries-related decisions and actions by the government;
- Demand more transparency and accountability around government decisions and actions;
- Empower communities to address their needs related to fisheries and forced labor through capacity building and support.

A notable example of a process designed to result in better government transparency, more accountability, and significant improvement in information availability for stakeholders is the process set up by the Fisheries Transparency Initiative (FiTI).[205] The FiTI provides detailed technical standards for what information public authorities need to publish online, including the FiTI Standard,

Figure 11. Coalition for Fisheries Transparency's western Africa regional workshop, Ghana 2024.

a twelve-point transparency requirements list.[206] As part of the standard, the FiTI has also articulated processes for increasing public participation and accessibility of government data.

Three requirements from the FiTI Standard for country participation are particularly relevant to Principle 9. The first is the creation and reliance on national-level, multi-stakeholder groups (MSGs), comprising representatives from CSOs, government, and industry (FiTI Standard A.4). The groups have several responsibilities, which include identifying ways to improve the information published by the government, so the voices of those who are directly impacted can help shape recommended improvements. The standard goes on to lay out a formula to ensure independent representation in the MSGs by CSOs without any suggestion of coercion, improper influence, or conflicts of interest in nomination and participation. The second standard calls for openness and public access to information which can support countries in maintaining or achieving robust democratic governance and accountability in their fisheries sector (FiTI Standard B.1). The third states that a country must create an enabling environment for free and open stakeholder participation for those in the MSGs described above and for all other relevant stakeholders (FiTI Standard A.2). Overall, the FiTI provides a valuable technical framework for implementing participatory approaches to decision-making in the fisheries sector.

Principle 9 policy recommendations

As an initial step to implement Principle 9, governments should examine the status of the right to information within their country. If a right-to-information law is absent, efforts should be directed towards enacting one, drawing upon resources like the FiTI Standard as a guiding framework. Conversely, if legislation already exists, governments must evaluate its effectiveness in providing the intended access to information.

Moreover, information must not only be public, it must be accessible. Governments must guarantee the completeness, accuracy, and timeliness of information and ensure it is presented in an accessible manner, which may include multiple languages, distribution systems, and formats. For instance, handwritten information, common in some fisheries, poses accessibility challenges, necessitating careful consideration by governments of how information is presented and accessed.

Simultaneously, as governments establish robust legal frameworks to enhance access to information and ensure its usability, CSOs can offer support and conduct assessments to identify areas requiring improvement across the fishing sector, particularly concerning data accessibility, as outlined in this principle. CSOs can also aid in devising strategies to engage stakeholders more effectively in governmental decision-making processes and ascertain the types of assistance that would be most impactful for various groups.

Moreover, governments must evaluate how marginalized and underserved groups are currently excluded from accessing information and participating in fisheries decision-making. Drawing from insights gained, they can tailor processes to ensure equitable data access and meaningful involvement. The FiTI process can serve as a valuable model to guide governments in this endeavor.

Engaging with communities directly is also crucial for addressing access and understanding barriers effectively. Establishing new committees involving stakeholders can facilitate the development or review of processes for data and information sharing, addressing key shortcomings such as knowledge gaps and digital inequality. Collaborating with local organizational units, like community fishing cooperatives, will be instrumental in exploring opportunities and fostering inclusivity. These considerations are essential as governments shape processes to engage stakeholders meaningfully in decision-making.

PRINCIPLE 10:
Human Rights Abuse and Forced Labor at Sea

Collect and verify robust data on crew identification and demographics (including nationalities, age, race, and gender), contractual terms, recruitment agencies, location and means of joining vessels, and conditions on vessels as well as publish this information in aggregate form.

Background and problem

Fisheries could not operate without the people who crew vessels and perform the essential work necessary to harvest catch at sea. Unfortunately, in a competitive industry that targets often diminishing fish populations for increasingly small profit margins, many vessel owners and operators sacrifice human well-being for reduced operational costs to maximize profit. They engage in deceptive recruiting practices, take advantage of workers from poor communities who have limited employment opportunities, work the crew beyond their limits, withhold wages, retain vital documents, confine crew at sea for extended periods without access to communication with family and friends on shore, and expose crew to unsafe working conditions, poor sanitation, and health hazards. In many cases, conditions on fishing vessels constitute modern day slavery[207] and include bonded labor, human trafficking, physical abuse, injury, and even death, often without consequences for the perpetrators. These conditions have been well-documented in international media[208] and by civil society organizations.[209]

It has been estimated that more than 100,000 fatalities occur annually across the fisheries sector globally,[210] with many attributed to unsafe and unhealthy labor conditions.[211] Long-duration trips, often extended further by transshipment (Principle 6) and the inherent isolation and lack of oversight at sea, exacerbate the risks. Moreover, instances arise where owners or operators abandon unprofitable vessels, leaving crews stranded onboard[212] for months without adequate food, water, fuel, and supplies.[213] In many cases, these incidents are linked to distant-water fishing vessels that are not well controlled or are operating with an FoC[214] with weak regulations and enforcement (Principle 4). Virtually all of these human rights abuses take place without any transparency regarding the conditions workers face or accountability for responsible parties (Principle 3). This lack of transparency spans from recruitment to the conclusion of a voyage.

Examples of human rights abuses in fisheries that have been reported widely include:

- Fishing trawlers operating illegally off the west coast of Africa that subjected workers to slavery-like conditions in which they were exposed to physical abuse, unsafe and unsanitary working conditions, and were prevented from returning to shore for extended periods.[215]
- Cambodian fish workers who are sold into slave labor on fishing boats in which they are only allowed four hours of sleep per day and are regularly abused and beaten.[216]
- Southeast Asian workers who are lured into fishing and held against their will in workers' lodgings until they are placed on IUU fishing vessels and forced to work for years at a time with little to no pay.[217]
- Taiwanese distant water fishing vessels have been implicated in numerous cases of human rights abuses that include working several 20-hour days, verbal abuse, and physical acts of violence that include captains hitting and kicking crew, and, in an extreme case, the locking of a crew member in a freezer and electrocuting him.[218]

In addition to the crew who operate fishing vessels, some larger-scale operations also have fisheries observers onboard to fulfill fisheries management requirements. These observers are tasked with reporting on scientific or compliance activities, with their data and observations being relayed to management or MCS authorities. However, observers are often met with hostility onboard vessels due to their role as eyewitnesses to various behaviors. Consequently, many fisheries observers face intimidation and threats similar to fishing crew members. Tragically, unexplained deaths and mysterious disappearances of observers at sea have been documented across different fisheries worldwide.[219]

Ensuring that fishers, observers, and fishery workers can access effective grievance procedures and remedies is a persistent challenge in the seafood sector, exacerbated by the opaque recruitment process and the prevalence of vulnerable migrant workers in the sector. Current recruitment practices often place workers at risk, and grievance mechanisms, if they exist, often do not align with basic human rights guidelines. Publishing information on crew contracts, vessel conditions, and the recruitment agencies involved would significantly enhance transparency in labor practices. This transparency would facilitate better regulatory oversight, encourage greater corporate accountability, and empower CSOs to monitor abuses in global seafood supply chains.[220, 221]

It is important to emphasize that sharing data does not equate to making raw data publicly available.[222] The manner in which crew-related information is disseminated should be carefully tailored based on factors such as the intended audience and purpose, while also considering data protection and privacy concerns. To strike a balance between safeguarding crew identification and personal details and enabling public scrutiny and accountability, it is advisable to publish crew data in aggregate form. This approach ensures transparency and accountability while upholding the privacy rights of individuals involved in the fisheries sector.

Advancements in human rights safeguards

Legislation to protect crew from human rights and labor abuses has been slower to develop compared to other principles outlined in this report.[223] However, notable progress has been made by three governments: the US, the EU, and Taiwan.

As a major market State for fisheries imports, the US employs a multifaceted approach to protecting human rights and environmental due diligence (HREDD), which encompasses fisheries. This approach leverages a combination of laws, trade policies and sanctions, including the seizure of goods through what is known as "withhold release orders." These measures have proven effective in halting shipments of fish at port under the Tariff Act[224] and in freezing the assets of corrupt and abusive corporations under the Global Magnitsky Act.[225, 226]

Following key legislative changes in the US, six withhold release orders have been issued allowing seizure of goods from companies in the seafood industry. A US Executive Order explicitly linked IUU fishing and labor abuses, mandating all federal agencies to use their authorities to combat both issues comprehensively and transparently, including in trade negotiations.[227] In December 2022, the US Treasury Department imposed financial sanctions on two private Chinese fishing companies for alleged human rights abuses associated with illegal distant-water fishing operations, implicating a total of 157 vessels linked to these entities.[228] Despite the effectiveness of these sanctions against perpetrators, the US lacks a clear pathway for victims of such labor abuses to seek redress.

In comparison, in 2024, the EU finalized a legislative package known as the Corporate Sustainability Due Diligence Directive. This directive calls on companies to significantly enhance their activities and engagements within their supply chains. It does so by: "1) integrating due diligence into policies and management systems; (2) identifying and assessing adverse human rights and environmental impacts; (3) preventing, ceasing, or minimizing actual and potential adverse human rights and environmental impacts; (4) assessing the effectiveness of measures; (5) communicating; and (6) providing remediation."[229]

The Directive acknowledges fisheries as a high-risk sector and includes specific provisions pertaining to it. While the emerging laws on HREDD in the EU have yet to demonstrate their capacity to penalize corporations for rights violations in their supply chains, they hold promise in offering remedies to victims once jurisdictional and administrative systems are established and refined.[230]

Complementary to the examples set by the US and EU, Taiwan has developed explicit statutory provisions to address critical human rights and labor issues faced by fisheries workers, particularly migrants in the distant-water fishing fleet.[231] These provisions are outlined in the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.[232] The regulation ensures a reasonable minimum monthly pay of approximately US$550, implements better control over wage deductions, and mandates a minimum 10 hours rest a day. Additionally, written employment contracts must be provided in a language understood by the workers, with video proof of comprehension required. The legislation also enhances monitoring at overseas ports and during recruitment processes, improves insurance coverage, and increases transparency in various aspects.

In addition, Taiwan publishes vessel names and registration numbers in an online database made for crewmembers.[233] This information is helpful to crew and family, as the name of the vessel they are to embark on is required to be on their contract.

These legislative changes were prompted by widely publicized labor abuses and atrocities on Taiwanese vessels, as well as sustained pressure from NGOs, the media, and foreign governments. The amendments occurred over several years and underwent multiple rounds of refinement, reflecting initial inadequacies in addressing the issues.[234] Local CSOs continue to monitor implementation to ensure enforcement of the regulation at sea.[235]

In addition to national legislation as enacted in the US, EU, and Taiwan, the UN Guiding Principles on Business and Human Rights[236] provide a framework for States and companies to reference when implementing human rights protections. These internationally recognized principles stipulate that States have a "duty to protect human rights" and industry has a "responsibility to respect human rights" by conducting corporate due diligence.[237] Further, both States and companies must provide "appropriate and effective remedies" when these rights are breached.[238] This framework offers comprehensive guidelines that can be universally applied to ensure human rights are upheld within the fisheries sector and beyond, serving as a clear starting point for best practices that States and industries can adopt when creating and updating human rights policies.

Case study: Data analysis for detecting forced labor

Using technology to identify potential instances of forced labor has revealed significant insights into the behaviors commonly associated with vessels suspected of using forced labor. A 2020 study by GFW and its partners analyzed data from approximately 16,000 industrial longliners, squid jiggers, and trawlers, revealing that forced labor is pervasive, and occurs both on the high seas and in waters of national jurisdictions.[239] The study's model revealed that 14% to 26% of vessels were high-risk for forced labor and highlighted patterns in their fishing locations and port visits.[240] Furthermore, it identified the vessel characteristics and behaviors most closely associated with forced labor, including engine power, maximum distance from port, number of voyages per year, average daily fishing hours, and total fishing hours on the high seas.[241] This example underscores how various types of fisheries data, such as the vessel positioning data outlined in Principle 5, can be harnessed by governments to tackle a spectrum of fisheries challenges, including assessing the risk of labor abuse within fleets, even if this data was not initially intended for such purposes.

Bringing labor rights and fishing together

One of the challenges in safeguarding labor rights within the fisheries sector stems from the disjointed regulatory frameworks governing fishing and labor, often overseen by different government ministries or units of government that have little experience working together. While considerable attention has been directed towards managing catch and vessel data to combat illicit fishing activities, data collection concerning fishing crews has typically lagged. Nevertheless, certain fishing nations and regions have begun to prioritize crew welfare.

A notable example is the Pacific Islands Forum Fisheries Agency's approval in 2019 of licensing conditions aimed at addressing human rights and labor abuses in Pacific tuna fisheries.[242] These measures, largely based on ILO convention C188, entail that vessels failing to comply with the crew-related conditions[243] can lose their authorization to fish. While such initiatives hold great promise for enhancing crew safety and well-being, their successful implementation hinges on the establishment of comprehensive and secure recording systems for crew data. Furthermore, effective collaboration necessitates the sharing of this data among relevant States, management agencies, and industry organizations.

Principle 10 policy recommendations

As a first step in realizing Principle 10, governments must prioritize the collection of robust data related to the crew onboard all fishing vessels. This data, as highlighted by the GFW report, serves as a foundational step in identifying patterns indicative of labor abuse and facilitating deeper investigations into suspect vessel operations. At a minimum, governments should collect data on the following:

- Identification and demographic information of crew members (nationality, age, and gender). This information helps monitor and avoid cases of underage/child labor and patterns in human exploitation from certain regions or of certain ethnicities. It also informs whether female crew are valued equally as males for the same roles, something which is commonly overlooked.[244,245]

- The contractual terms by which the individual is hired to work onboard the vessel and proof that workers understand their contracts. Such agreements must ensure fair terms of employment in all aspects, including wages, time off, compensation in the case of sickness, repatriation, and terms for contract termination. It is equally important that contracts are written in a language that crew members understand and that crew members have hard copies, so they know their rights.

- The agencies that have been involved in the recruitment of the individual, the location and means by which an individual has joined a vessel, and the conditions of the vessel itself. Understanding who recruits crew members and how they are recruited helps ensure all crew members are voluntarily recruited through ethical and legal processes. It also helps control more insidious wrongdoing, like crew being charged recruitment fees that eventually become part of the debt bondage seen onboard many IUU fishing vessels.

Governments should publicize this data, specifically publishing the personal data they collect on crew in aggregate form. States can look to the legislative examples as set forward by the US, EU, and Taiwan, as well as the UN Guiding Principles on Business and Human Rights framework for lessons learned and best practices when developing their own safeguards for fisheries workers.

In addition to collecting and sharing data, governments must establish mechanisms that allow crew members to submit grievances and seek remedies for any abuses they experience. Governments should also ensure that these mechanisms are easily accessible and effectively communicated to all crew members, regardless of their language or literacy levels. Additionally, there should be clear procedures in place for investigating and resolving complaints, with appropriate sanctions for perpetrators of abuse.

Furthermore, governments can take immediate and cost-effective steps to improve crew welfare, such as providing Wi-Fi access on fishing vessels.[246] Facilitating communication between crew members and their families reduces isolation, enables confirmation of wage receipt, and facilitates prompt reporting of abuse incidents. Mandating Wi-Fi provision on all fishing vessels within their jurisdiction represents a practical step governments can take to enhance crew welfare and address labor abuse concerns.

CSOs have a vital role in assisting governments to implement these recommendations by collaborating with them and advocating for the establishment of legislation safeguarding human and labor rights for fisheries crew. Urgency is paramount in light of the high recruitment rates of migrant workers and the prevalence of abuse, compounded by the dearth of laws and substantial gaps in existing ones. CSOs across all jurisdictions should push for the creation of clear laws where none exist and for strengthening inadequate laws to ensure crew members and observers have safe working conditions and adequate protection. Additionally, CSOs can advocate for trade sanctions in major market States to deter human rights abuses, following the lead of the US. Furthermore, CSOs should encourage governments to participate in and adhere to ILO's C188 (Principle 9) to enhance protections for fisheries workers.

Conclusion

The global fishing sector today is highly complex, presenting significant challenges to effectively monitoring and managing its various components. The effort to understand these challenges continues to grow, and the Coalition for Fisheries Transparency and its Global Charter are part of this endeavor.

Establishing transparency in data on vessel information, fishing activity, and governance and management must become a global standard enforced by governments worldwide. This entails the routine collection, analysis, and public disclosure of a broad spectrum of information pertaining to fishing activities, trade dynamics, and regulatory frameworks. By promoting accessible and open processes, as well as fostering informed public participation, enhanced transparency will enable everyone to scrutinize how this shared resource is utilized to ensure maximum benefit for all stakeholders.

Within this context, this report has elaborated on the ten fisheries-related priorities that constitute the Charter Principles, which offer a systematic approach to enhancing transparency in our ocean. Each Principle is a vital step, and collectively, they provide a roadmap for improved governance and numerous related benefits, including sustainable fisheries management, food security, fair distribution of subsidies, clarity in fishing and trading behaviors, participatory decision-making, enhanced protections for workers at sea, and a healthy ocean.

Paramount to ensuring the effective implementation of transparent practices within fisheries is the adoption of the Charter Principles by governments. By embracing these Principles, governments can demonstrate their commitment to promoting sustainable fishing practices, protecting marine resources, and advancing participation and equity in the fishing sector. Moreover, governments stand to benefit from the adoption of transparent practices outlined in the Principles, as it makes their fisheries products more competitive in the global market and safeguards crew, consumers, and the public from illicit behavior by external actors in the seafood supply chain.

As governments move forward with implementing the principles, CSOs emerge as indispensable actors in the transparency and accountability space. Through constructive engagement with CSOs, governments can leverage the unique expertise of CSOs and their networks to foster inclusive decision-making processes and ensure that policies are tailored to address the diverse needs of stakeholders. Furthermore, CSOs can serve as watchdogs, holding governments accountable for their commitments to transparency and advocating for the swift and effective implementation of the Charter Principles beyond just their adoption.

Recognizing the pivotal role of CSOs, the Coalition for Fisheries Transparency was established to amplify their efforts to advance transparency and accountability in fisheries. While governments are primarily responsible for implementation, CSOs are instrumental in catalyzing change. By leveraging the insights and recommendations outlined herein, CSOs can strategically prioritize their efforts, amplify advocacy initiatives, and collaborate with stakeholders to affect tangible reforms. The Coalition encourages CSOs to capitalize on our collective influence, leveraging each other's work and influence to tackle the intricate challenges in the fishing sector and drive meaningful progress towards a more collaborative, just, and sustainable future.

Establishing transparency in data on vessel information, fishing activity, and governance and management must become a global standard enforced by governments worldwide.

Footnotes

[1] Kiepe, T. & Low, P. (2020). ***Beneficial ownership in law: Definitions and thresholds.*** Open Ownership. https://www.openownership.org/en/publications/beneficial-ownership-in-law-definitions-and-thresholds/draft-beneficial-ownership-definition/

[2] United Nations (UN) Food and Agriculture Organization (FAO). (2016). ***Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*** (PSMA), Article 1, (d). United Nations Food and Agriculture Organization. https://www.fao.org/port-state-measures/resources/detail/en/c/1111616/

[3] PSMA Article 1, (j).

[4] PSMA Article 1, (j).

[5] Fish is a direct source of food for coastal communities and for distant markets through complex global supply chains (the value of exported fish was US$151 billion in 2020). It is an essential source of protein and key nutrients for an ever-widening set of global consumers; provides the basis for livelihoods for millions of workers; furnishes an economic base for individuals, families, communities, businesses, and countries that cannot be easily replaced; and contributes economic inputs for industrial use. Fish populations are also essential parts of marine ecosystems and the health of the ocean.

[6] FAO. 2024. ***The State of World Fisheries and Aquaculture (SOFIA) 2024. Towards Blue Transformation.*** United Nations Food and Agriculture Organization. https://doi.org/10.4060/cd0683en

[7] The Coalition for Fisheries Transparency is a voice of global civil society organizations that strive to advance fisheries transparency in marine governance. The Coalition seeks to bring about equitable, sustainable, and well-governed fisheries, free from harmful fishing practices and human rights and labor abuses. https://fisheriestransparency.net/.

The Coalition is not the first to recognize the value of increased transparency for fisheries. For a review of the topic, see Guggisberg, S., Jaeckel, A., & Stephens, T. (2022). Transparency in fisheries governance: Achievements to date and challenges ahead. ***Marine Policy***, ***136***, 104639. https://doi.org/10.1016/j.marpol.2021.104639

[8] The Environmental Justice Foundation is a member of the Coalition's Steering Committee, providing expertise and input to guide the Coalition's strategy and objectives. https://ejfoundation.org/

[9] FAO. (n.d.) ***What Is IUU Fishing?*** United Nations Food and Agriculture Organization. Retrieved May 19, 2024, from https://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/

Illegalities associated with IUU fishing, which has been conservatively estimated to cause direct losses of US$50 billion annually, represent some of the best-known challenges to attaining sustainable fisheries. Sumaila, U.R., Zeller, D., Hood, L., Palomares, M.L.D., Li, Y., & Pauly, D. (2020). Illicit trade in marine fish catch and its effects on ecosystems and people worldwide. Sci. Adv., 6, eaaz3801.

[10] Environmental Justice Foundation. (2018). ***Out of the Shadows, Improving transparency in global fisheries to stop illegal, unreported and unregulated fishing.*** https://ejfoundation.org/resources/downloads/Transparency-report-final.pdf

[11] The Coalition's Steering Committee is co-chaired by the Environmental Justice Foundation and Oceana, and joined by Accountability.Fish, Global Fishing Watch, Indonesia Ocean Justice Initiative, the Regional Partnership for the Conservation of the Coastal and Marine Zone, Seafood Legacy, and the WWF Network.

[12] Even for those principles that might seem more removed from CSOs, like joining international treaties (Principle 8), CSOs can play a crucial role by providing essential information and support to governments. This role can include offering insights, preparing informational materials, and sharing relevant examples like those outlined in this report.

[13] See for example Watkins, M. (2022). ***Countering Transnational Corruption State of Innovation Analysis.*** USAID. https://www.usaid.gov/sites/default/files/2023-01/Countering%20Transnational%20Corruption%20State%20of%20Innovation%20Analysis.pdf and Gulzar, A. & Alexander, L. (2022). ***Building Transparency and Accountability in Natural Resource Management (NRM): The Role of Social Accountability and Civic Participation in Addressing Corruption in the NRM Sector.*** WWF. https://www.worldwildlife.org/pages/tnrc-practice-note-building-transparency-and-accountability-in-natural-resource-management-nrm-the-role-of-social-accountability-and-civic-participation-in-addressing-corruption-in-the-nrm-sector

[14] Guggisberg et al. (2002).

[15] United Nations. (n.d.). ***Transparency Gateway.*** UN. Retrieved May 19, 2024 from https://open.un.org/

[16] FAO. (2010). ***The State of World Fisheries and Aquaculture (SOFIA) 2010***. United Nations Food and Agriculture Organization.

[17] United Nations. (1995). ***United Nations Fish Stocks Agreement (UNFSA).*** United Nations. Article 12 of the UNFSA contains text about providing for transparency.

[18] Fisheries Transparency Initiative. (n.d.). ***About the FiTI.*** Retrieved on May 19, 2024 from https://fiti.global/about-the-initiative.

The FiTI is a global partnership that seeks to increase transparency and participation for more sustainable management of marine fisheries. By making fisheries management more transparent and inclusive, the FiTI promotes informed public debates on fisheries policies and supports the long-term contribution of the sector to national economies and the well-being of citizens and businesses that depend on a healthy marine environment.

[19] Open Ownership. (n.d.). ***Open Ownership.*** Retrieved on May 19, 2024 from https://www.openownership.org/en/

[20] United Nations. (n.d.) ***Founding of the IUU Fishing Action Alliance to stimulate ambition and action in the fight against illegal, unreported, unregulated fishing.*** Retrieved on May 19, 2024 from

https://sdgs.un.org/partnerships/founding-iuu-fishing-action-alliance-stimulate-ambition-and-action-fight-against

[21] United Kingdom Department for Environment Food & Rural Affairs. (2023). ***Policy paper: Illegal, Unreported and Unregulated Fishing Action Alliance Pledge.*** DEFRA. https://www.gov.uk/government/publications/illegal-unreported-and-unregulated-fishing-action-alliance-pledge/illegal-unreported-and-unregulated-fishing-action-alliance-pledge#the-pledge

[22] See Principle 4 on Flags of Convenience for more information about a vessel's flag.

[23] United Nations Food and Agriculture Organization. (1995). ***Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (The Compliance Agreement).*** FAO. Article lll, Flag State Responsibility. Sec. 6. https://www.fao.org/3/X3130M/x3130m.pdf

[24] The IMO Ship Identification Number Scheme is an integral part of the shipping sector. It is required under the International Convention for the Safety of Life at Sea (SOLAS), 1974, for all cargo ships of 300 gross tonnage and above as well as all passenger ships of 100 gross tonnage and above.

[25] An IMO number is an internationally recognized type of UVI, and is a seven-digit number preceded by three letters. The number appears on all of the vessel's documentation. As of January 2021, more than 30,500 fishing vessels had an IMO number. Although the SOLAS Convention does not require fishing vessels to have IMO numbers, the ability to obtain such numbers has been extended to fishing vessels to help fight IUU. Sear, G. (2020). ***World's largest maritime ships database joins fight against pirate fishing.*** S&P Global. https://www.spglobal.com/marketintelligence/en/mi/research-analysis/maritime-ships-database-joins-fight-against-pirate-fishing.html

[26] Any fishing vessel, refrigerated cargo vessel (reefer), or supply vessel 12 meters in length or above authorized to operate outside waters of national jurisdiction of the flag State is eligible for an IMO number. Any fishing vessel over 100 gross tons (GT) is also eligible for an IMO number, including those not authorized to operate outside their country's jurisdiction. S&P Global issues IMO Ship Numbers free of charge to shipyards, shipowners/operators, administrations and classification societies**.** Existing numbers can be found on IMO's Global Integrated Shipping Information System at: https://gisis.imo.org/Public/SHIPS/Default.aspx.

[27] United Nations Food and Agriculture Organization. (2024). ***Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels***. FAO. https://www.fao.org/global-record/background/about/en/

[28] FAO. ***Global Record***. See "About" at: https://www.fao.org/global-record/background/about/en/

[29] North Atlantic Fisheries Intelligence Group. (2017). ***Chasing Red Herrings: Flags of Convenience, Secrecy and the Impact on Fisheries Crime Law Enforcement.*** Nordic Council of Ministers. https://norden.diva-portal.org/smash/get/diva2:1253427/FULLTEXT01.pdf

[30] IMO. (n.d.). ***IMO identification number schemes.*** Circular letter No.1886/Rev.5. https:// /en/ourwork/msas/pages/imo-identification-number-scheme.aspx#:~:text=SOLAS%20regulation%20XI%2D1%2F3,with%20their%20IDˇ%20numbers%20internally

[31] FAO. (2022). ***Report of Third Meeting of the PSMA Open-ended Technical working group on Information Exchange***. FAO Fisheries and Aquaculture Report No. 1409. www.fao.org/3/cc7783en/cc7783en.pdf

[32] Many RFMOs also require the IMO Number as a core field in their authorized vessels lists for vessels operating within their Convention Areas, for vessels which are eligible to obtain one. For example, the International Commission for the Conservation of Atlantic Tunas refuses to include vessels in its record of authorized carrier vessels without IMO numbers, and vessels without IMO numbers are prohibited from engaging in transshipment activities. Similarly, the Western and Central Pacific Fisheries Commission requires all vessels greater than 12 meters in length listed on its register of fishing vessels to have an IMO number.

[33] Petchkaew, K. (2022, September 14). ***Thailand's contentious plan to curtail bottom trawling unfolds in slow motion***. Mongabay. https://news.mongabay.com/2022/09/thailands-contentious-plan-to-curtail-bottom-trawling-unfolds-in-slow-motion/

[34] Petchkaew, K. (2022). ***Thailand's contentious plan.***

[35] As agreed by the FAO's Global Record specialized core working groups, the essential fields for the Global Record are: UVI, Current Flag State, Vessel Name, overall length, gross tonnage should be required, at a minimum, at national level and provided and updated frequently to the Global Record. States are free to require more identifying data from vessels, and many do. FAO. (2015). ***Report of the Meeting of the Global Record Specialised Core Working Groups***. FAO Fisheries and Aquaculture Report No. 1144. https://www.fao.org/3/bl767e/bl767e.pdf.

[36] The Global Record has established seven modules of information: 1) vessel details, 2) historical details, 3) authorization details, 4) inspection and surveillance, 5) port entry denials, 6) IUU lists, and 7) ports. The five mandatory data fields are in the first module (vessel details). There are other vessel details which are not yet mandatory, and the information in the other six modules is also voluntary at this time. In the EU, for example, members have most often submitted vessel information for modules 1 and 7. EU IUU Fishing Coalition. (2022). ***The FAO Global Record of Fishing Vessels: A tool for the EU to champion fisheries transparency globally.*** https://www.iuuwatch.eu/wp-content/uploads/2022/07/EU-IUU-Coalition-Global-Record-of-Fishing-Vessels---EN---DIGITAL.pdf

[37] Federal Communications Commission. (2022). ***Maritime Mobile Service Identities – MMSI***. Retrieved on May 21, 2024, from https://www.fcc.gov/wireless/bureau-divisions/mobility-division/maritime-mobile/ship-radio-stations/maritime-mobile

[38] The United Nations Convention on the Law of the Sea (UNCLOS) recognizes the rights of coastal nations to control fisheries harvests within their EEZs. UNCLOS requires countries interested in fishing in foreign EEZs to sign fishing access agreements with host countries that state the terms under which the vessels of one nation can fish in the waters of another. These agreements can be bi- or multi-lateral between the governments of different countries or private (direct) between a government and a private fishing company. Since UNCLOS entered into force in 1994, ocean areas that were previously open access are now closed to fishing unless: 1) the fishing is undertaken by vessels flagged to the State of the EEZ in question or 2) the fishing is undertaken by vessels that have legitimate access agreements or other arrangements with the State of the EEZ in which fishing is taking place. United Nations. (1982). ***United Nations Convention on the Law of the Sea, 10 December 1982.*** Retrieved from https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

[39] Johnson, A. F., Lidström, S., Kelling, I., Williams, C., Niedermüller, S., Poulsen, K. V., ... & Davies, W. (2021). The European Union's fishing activity outside of European waters and the Sustainable Development Goals. ***Fish and Fisheries***, ***22***(3), 532-545.

[40] Godfrey, M. (2023, May 3). Irish bribery investigation likely to be first of many. ***Seafood Source***. https://www.seafoodsource.com/news/premium/supply-trade/irish-bribery-investigation-likely-to-be-first-of-many.

[41] European Commission. (n.d.). ***Sustainable fisheries partnership agreements (SFPAs).*** Retrieved on May 22, 2024, from https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en.

[42] See for example, the list of fees associated with EU's Sustainable Fisheries Partnership Agreements, https://oceans-and-fisheries.ec.europa.eu/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en

[43] Westlund, L. (2004). ***Guide for identifying, assessing and reporting on subsidies in the fisheries sector*** (No. 438). FAO. https://www.fao.org/3/y5424e/y5424e06.htm

[44] The Pew Charitable Trusts. "Reducing Harmful Fishing Subsidies." Accessed March 4, 2024. https://www.pewtrusts.org/en/projects/reducing-harmful-fisheries-subsidies#:~:text=Governments%20pay%20about%20%2420%20billion,fuel%2C%20gear%20and%20vessel%20construction

[45] In 2018, global fisheries subsidies were estimated at around US $ 35.4 billion and almost two thirds of these were capacity-enhancing and considered harmful.

[46] Sala, E., Mayorga, J., Costello, C., Kroodsma, D., Palomares, M. L., Pauly, D., ... & Zeller, D. (2018). The economics of fishing the high seas. ***Science Advances***, ***4***(6), eaat2504.

[47] Munro, G., & Sumaila, U. R. (2002). The impact of subsidies upon fisheries management and sustainability: the case of the North Atlantic. ***Fish and Fisheries***, ***3***(4), 233-250.

[48] Widjaja, S., Long, T. & Wirajuda, H. (2020). Illegal, Unreported and Unregulated Fishing and Associated Drivers. ***Secur. Res. Hub Rep.***

[49] Sala et al. (2018).

[50] In the case of the WTO, Article 25 of the Subsidies and Countervailing Measures Agreement establishes that all WTO Members need to disclose any subsidy granted or maintained by the Member, which covers all sectors of goods. Despite this, there is currently low compliance in the government disclosure of fisheries subsidies data.

[51] Knowledge gaps surrounding fishing subsidies within the WTO have gained considerable attention at WTO subsidy negotiations, and some argue that the current lack of information has hindered negotiations towards the 2022 Agreement on Fisheries Subsidies. Cook, B. (2023, October 30). ***The WTO Needs to Impose Transparency Requirements for Fishing Subsidies***. Mercatus Center. https://www.mercatus.org/research/policy-briefs/wto-needs-impose-transparency-requirements-fishing-subsidies

[52] WTO. (n.d.). ***Agreement on Fisheries Subsidies***. WTO.org. Retrieved June 2, 2024 from https://www.wto.org/english/tratop_e/rulesneg_e/fish_e/fish_e.htm

[53] WTO. (2022, June 22). ***Agreement on Fisheries Subsidies***. WT/MIN(22)/33 WT/L/1144 https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/33.pdf&Open=True

[54] Kadfak, A. & Linke, S. (2021). More than just a carding system: Labour implications of the EU's illegal, unreported and unregulated (IUU) fishing policy in Thailand. ***Marine Policy,*** 127, 104445.

[55] The EU's "carding scheme," while perhaps not a traditional sanction, operates as a trade-related sanction for those countries which receive a red card in the event they had not taken mitigating steps. The scheme first warns and then potentially sanctions non-EU countries that fail to cooperate in the fight against IUU fishing. Through the EU's carding scheme, dialogues with several previously carded countries, including Belize, Thailand, Guinea, and the Solomon Islands, prompted demonstrable positive changes in fisheries governance. In addition, there were also improvements in relation to compliance and enforcement, and reducing the prevalence of IUU fishing, which are believed to be at least partially attributable to the carding scheme – notably through efforts to strengthen monitoring, control and surveillance measures, as well as participation in relevant international agreements and initiatives designed to reduce IUU fishing and associated issues. EU IUU Fishing Coalition. (2022, March 21). ***Driving improvements in fisheries governance globally: Impact of the EU IUU carding scheme on Belize, Guinea, Solomon Islands and Thailand***. IUUWatch.eu. https://www.iuuwatch.eu/2022/03/driving-improvements-in-fisheries-governance-globally-impact-of-the-eu-iuu-carding-scheme-on-belize-guinea-solomon-islands-and-thailand/

[56] A flag State is defined as any country – whether coastal or landlocked – that registers a fishing vessel and authorizes the vessel to fly its flag. FAO. (2015). ***Voluntary Guidelines for Flag State Performance***. See, e.g., section 14 on information, registration, and records for vessels.

[57] ***Voluntary Guidelines***, section 16.

[58] The Global Record may ultimately contain information on sanctions, but that is voluntary at present.

[59] In the US, the Office of Foreign Asset Control maintains lists of "sanctioned" vessels, although these are vessels sanctioned for foreign policy or security goals and have their trade and assets blocked. Dow Jones. (n.d.). ***Risk & Compliance Glossary.*** Retrieved on March 7, 2024 from https://www.dowjones.com/professional/risk/glossary/sanctions/sanctioned-vessel/.

[60] Regulation (EU) 2017/2403 of the European Parliament and of the Council. December 12, 2017. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R2403

[61] FAO. (n.d.). ***Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels***. Retrieved on June 2, 2024 from https://www.fao.org/global-record/en/

[62] Open Ownership maintains a map of beneficial ownership laws, showcasing where laws are planned or implemented, including States already maintaining a live register of beneficial ownership: https://www.openownership.org/en/map/

[63] IOTC. (2023). ***Indian Ocean Tuna Commission (IOTC) Manual – Evidence in fisheries offences: effective collection and use. Laws, procedures, prosecutions, illegal, unreported and unregulated fishing vessel listing***. FAO. https://doi.org/10.4060/ cc6407en

[64] Kiepe, T. & Low, P. (2020).

[65] As with the other Principles, technology is bringing more transparency to the field of beneficial ownership in fisheries. A groundbreaking database, Triton, has been launched by the nonprofit C4ADS to analyze the ownership structures of the world's industrialized fishing fleets, revealing the linkages between fishing vessels at sea and the companies which profit from their activities: https://triton.fish/

[66] Johnson, A. F., Lidström, S., Kelling, I., Williams, C., Niedermüller, S., Poulsen, K. V., ... & Davies, W. (2021). The European Union's fishing activity outside of European waters and the Sustainable Development Goals. ***Fish and Fisheries***, ***22***(3), 532-545.

[67] Recognizing the severity of this threat, the G20 urged countries to adopt appropriate laws and issued High-Level Principles of Beneficial Ownership Transparency in 2014: http://www.g20.utoronto.ca/2014/g20_high-level_principles_beneficial_ownership_transparency.pdf

[68] The use of secrecy around the beneficial owner can be used to provide a facade of legitimacy to an otherwise improper transaction. A Nordic Council of Ministers report found, for example, that a Minister of Fisheries may award valuable fishing authorizations and quota allocations to a company in which the minister is the true beneficiary but is also the hidden owner, rather than a more equitable distribution of the quota. North Atlantic Fisheries Intelligence Group. (2017).

[69] C4ADS and Trygg Mat. (2020). ***Spotlight On: The Exploitation of Company Structures by Illegal Fishing Operators***. https://1ae03060-3f06-4a5c-9ac6-b5c1b4a62664.usrfiles.com/ugd/1ae030_4e59a8cf86364c1a83eb385cb57619f7.pdf

[70] Fisheries Transparency Initiative (FiTI). (2020). Fishing In The Dark: Transparency of beneficial ownership. Brief Edition #3. https://www.fisheriestransparency.org/wp-content/uploads/2020/09/FiTI_tBrief03_BO_EN.pdf

[71] Coalition for Fair Fisheries Arrangements (CFFA). (2020). Investment and transparency in EU-Africa fisheries relations: what about joint ventures? https://www.cffacape.org/publications-blog/q2nriapbiy782wqmauibptrt43x1ku

[72] Henley, J. (2019, November 15). Bribery Allegations over fishing rights rock Namibia and Iceland. ***The Guardian***.

[73] Bricetti, P. and Popovich, A. (2021, March 8). Fishrot Scandal: Bribery and Corruption in Namibia's Fishing Industry. Whistleblower Network News. https://whistleblowersblog.org/global-whistleblowers/fishrot-scandal-bribery-and-corruption-in-namibias-fishing-industry/

[74] Bricetti, P. and Popovich, A. (2021).

[75] Logger, B. and Weijnen, P. (2020, October 21). Fishing in Cloudy Water. ***De Groene Amsterdammer.*** https://www.groene.nl/artikel/vissen-in-troebel-water

[76] https://www.openownership.org/en/

[77] The FiTi also has a standard addressing beneficial ownership. It calls for publishing the legal basis for and definition of beneficial ownership; the availability of a register of beneficial owners; the rules of incorporating beneficial ownership into filings; and the status of discussion around beneficial ownership transparency in fisheries. Fisheries Transparency Initiative (FiTI). (2017). ***The FiTI Standard (Version 1.1).*** https://fiti.global/wp-content/uploads/2020/07/FiTI_Standard_2017_EN_1.1.pdf

[78] Open Ownership (n.d.). Open Ownership Principles, Detail. Retrieved on June 4, 2024, from https://www.openownership.org/en/principles/detail/#:~:text=Information%20should%20be%20collected%20about,and%20individual%20submitting%20the%20declaration.

[79] Gorez, B. (2021, October 26). ***Experimental fishing or experimental pillaging in Liberia?*** Coalition for Fair Fisheries Arrangements. https://www.cffacape.org/publications-blog/experimental-fishing-or-experimental-pillaging-in-liberia

[80] Philippe, J. (2023). ***EU-Senegal fisheries partnership: transparency is essential at all levels.*** Coalition for Fair Fisheries Arrangements. https://www.cffacape.org/publications-blog/eu-senegal-fisheries-partnership-transparency-is-essential-at-all-levels.

[81] Gorez, B. (2022). ***Senegal and Liberia will conduct joint fisheries research to evaluate Liberia fisheries viability. For Liberia 'carabineros', this may come too late.*** Coalition for Fair Fisheries Arrangements. https://www.cffacape.org/publications-blog/senegal-and-liberia-will-conduct-joint-fisheries-research-to-evaluate-liberia-fisheries-viability-for-liberia-carabineros-this-may-come-too-late

[82] Gorez, B. (2021).

[83] Bailey, P. (2012). Effect of Stakeholder Silos on Electronic Data Collection and Reporting Initiatives in Fisheries. American Fisheries Society 142nd Annual Meeting.

[84] Open Ownership. (n.d.). Access. Open Ownership. Retrieved June 18, 2024, from https://www.openownership.org/en/principles/access/

[85] Court of Justice of the European Union. (2022). ***Judgment of the Court (Grand Chamber) of 22 November 2022. WM and Sovim SA v Luxembourg Business Registers,*** Joined Cases C-37/20 and C-601/20, ***ECLI:EU:C:2022:912.***

[86] Environmental Justice Foundation. (2020). Off the Hook - How flags of convenience let illegal fishing go unpunished. EJF. Section 1.3. https://ejfoundation.org/resources/downloads/EJF-report-FoC-flags-of-convenience-2020.pdf

[87] North Atlantic Fisheries Intelligence Group. (2017).

[88] Cremers, K., Wright, G. & Rochette, J. (2020). Strengthening monitoring, control and surveillance of human activities in marine areas beyond national jurisdiction: Challenges and opportunities for an international legally binding instrument. ***Marine Policy, 122***, 103976.

[89] IMO. (n.d.). Registration of ships and fraudulent registration matters. Retrieved on June 4, 2024, from https://www.imo.org/en/OurWork/Legal/Pages/Registration-of-ships-and-fraudulent-registration-matters.aspx

[90] The fishing vessel Yongding, for example, which had long been implicated in IUU fishing of Patagonian toothfish, was finally detained in Cape Verde in 2016. It had registered under nine flags, including many notorious FoCs, and operated under at least eleven different names since 2001. Freitas, B. (2021). ***Topic Brief: Beneficial Ownership in the Fishing Sector and Links to Corruption.*** World Wildlife Fund. https://files.worldwildlife.org/wwfcmsprod/files/Publication/file/18ar730zse_BO_fishing_FINAL2.pdf?_ga=2.74838810.963594558.1701804238-336453594.1700425197

[91] TMT. (2020). Exploitation of Company Structures by Illegal Fishing Operators. ***TM-Tracking TMT*** https://www.tm-tracking.org/post/illegal-fishing-operators-exploit-company-structures-to-cover-up-illegal-operations

[92] Gallic, B. L. & Cox, A. (2006). An economic analysis of illegal, unreported and unregulated (IUU) fishing: Key drivers and possible solutions. ***Marine Policy, 30***, 689–695.

[93] International Transport Workers' Federation. (n.d.). ***Flags of Convenience***. Retrieved on June 4, 2024, from https://www.itfglobal.org/en/sector/seafarers/flags-of-convenience

[94] Although the phrase Flag of Convenience is used quite frequently in fisheries, there is no agreed list of these flags and no international and official application of FoC criteria. The ITWF list of FoC is generic to shipping, although the problems with FoC States apply in fisheries as well.

[95] Environmental Justice Foundation. (2020).

[96] Freitas, B. (2021).

[97] For the current list of flags of convenience, see: https://www.itfglobal.org/en/sector/seafarers/flags-of-convenience

[98] "Flag States need to have a '"genuine link"' with the vessel, a controversial and poorly defined stipulation that originally intended that there must be sufficient connection with the vessel owner (social or economic) that allows the flag State to exercise its jurisdiction over the vessel in question. '"Genuine link"' was reached as a compromise between States favoring nationality requirements for the owner or crew of ships as a condition of the grant of nationality of ships (traditional maritime States) and those rejecting such requirements (States operating as open registries)." EJF, ***Off the Hook***, section 1.1.

[99] "In some situations countries have an alleged 'nationality requirement' when registering but in practice, have corporate laws that are permissive, or laxly enforced, with the result that their registered fleet may, in effect, be under close to total foreign ownership. In Ghana, for example, an estimated 90-95% of the industrial trawl fleet is believed to have some level of Chinese involvement. Typically, this is enabled through the use of joint ventures between a foreign company and local partner or government to gain access to specific fishing areas and resources. Vessels owned by joint ventures may be permitted to apply for fishing licenses in a given coastal State. These arrangements may also qualify them to register under a local flag despite being partially or even fully owned by foreign entities, with the local partner in the joint venture, in reality, acting as a local agent rather than a genuine co-owner." EJF, ***Off the Hook,*** section 1.3.

[100] EJF, ***Off the Hook.***

[101] EJF, ***Off the Hook.***

[102] EJF, ***Off the Hook.***

[103] Flags of convenience in global fishing fleets have grown dramatically - from 11 open registries in 1980 to 43 in 2024. FAO. (2003). ***Report of the Expert Consultation On Fishing Vessels Operating Under Open Registries And Their Impact On Illegal, Unreported And Unregulated Fishing***. FAO Fisheries Report No. 722. https://openknowledge.fao.org/server/api/core/bitstreams/987b6340-8259-4241-bc2a-16bff1f2b0c8/content; ITF Seafarers. (n.d.). ***Current registries listed as FOCs***. Retrieved on June 7, 2024 from https://www.itfseafarers.org/en/focs/current-registries-listed-as-focs#:~:text=Current%20registries%20listed%20as%20FOCs,Faroe%20Islands

[104] Paolo, F. S., Kroodsma, D., Raynor, J., Hochberg, T., Davis, P., Cleary, J., et. al & Halpin, P. (2024). Satellite mapping reveals extensive industrial activity at sea. ***Nature, 625***(7993), 85-91.

[105] The AIS Atlas is an initial attempt to use AIS to estimate fishing effort and intensity by examining AIS data from key FAO statistical areas. Effectiveness is highly variable by gear, region, vessel size, type of AIS unit, receiver, activity, and reception. The analysis is improved when AIS data is used with other data, like VMS, vessel

registries, and logbooks. Taconet, M., Kroodsma, D., & Fernandes, J. A. (2019). Global Atlas of AIS-based fishing activity—Challenges and opportunities. www.fao.org/3/ca7012en/CA7012EN.pdf

[106] GFW is a member of the Coalition's Steering Committee, providing expertise and input to guide the Coalition's strategy and objectives. https://globalfishingwatch.org/

[107] GFW is the first free, open-access platform for visualization and analysis of marine traffic and vessel-based human activity at sea. It combines open-source AIS, VMS data when available, and other machine learning tools and partnerships, such as using Google's powerful technology.

[108] The Norwegian Directorate of Fisheries has taken steps to enhance transparency by publishing comprehensive datasets containing position data (VMS) for Norwegian fishing vessels larger than 15 meters since October 1, 2019. These datasets, provided in CSV format, are updated daily and can be accessed through their website: https://www.fiskeridir.no/Tall-og-analyse/AApne-data/posisjonsrapportering-vms

[108] Nybygninger, S. (2023, July 18). Norway shares vessel tracking data. Fisker Forum. https://fiskerforum.com/norway-shares-vessel-tracking-data/

[110] Communication with Norwegian Directorate of Fisheries.

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[137] Photo courtesy of EJF.

[138] FAO. (2022). *Voluntary Guidelines for Transshipment*.

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[149] IUU Watch. (2020). *A comparative study of key data elements in import control schemes aimed at tackling illegal, unreported and unregulated fishing in the top three seafood markets: the European Union, the United States and Japan*. https://www.iuuwatch.eu/wp-content/uploads/2020/01/CDS-Study-WEB.pdf

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[153] Council Regulation (EC) No 1005/2008. *Establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing*. European Union, European Commission. https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1408984470270&uri=CELEX:02008R1005-20110309

[154] NOAA. (n.d.). *Seafood Import Monitoring Program*. Retrieved on June 4, 2024, from https://www.fisheries.noaa.gov/international/seafood-import-monitoring-program.

[155] Which may include, but is not limited to, the following: species, vessel name, landing date, gear, area of catch.

[156] Examples of CTEs include: date of harvest, transshipment at sea or port, processing, and domestic distribution of product to a grocery or other seller.

[157] For more information, see FAO's comprehensive list of potential KDEs and CTEs for each step in the supply chain see: Blaha, F., Vincent, A. & Piedrahita, Y. (2023). *Guidance document: Advancing end-to-end traceability – Critical tracking events and key data elements along capture fisheries and aquaculture value chains*. https://doi.org/10.4060/ cc5484en

[158] Like the GDST, who brings together seafood companies to develop a common mechanism for supply chain traceability: https://thegdst.org/about/

[159] Environmental Justice Foundation, Oceana, The Nature Conservancy, The Pew Charitable Trusts, & WWF. (2020). *Closing the net: Stopping illegal fishing on the high seas*. https://www.iuuwatch.eu/wp-content/uploads/2020/11/CDS-2020-report-EN-WEB-Nov-2020.pdf

[160] Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants. https://www.jfa.maff.go.jp/220614.html.

[161] SEAFDEC organizes Webinar on Japan's Catch Documentation Scheme (CDS). SEAFDEC http://www.seafdec.org/seafdec-organizes-webinar-on-japans-catch-documentation-scheme-cds/.

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[163] The species covered by SIMP are outlined here: https://www.fisheries.noaa.gov/international/international-affairs/seafood-import-monitoring-program

[164] As of 2022, the Japanese CDS covers squid, cuttle fish, Pacific saury, mackerel, and sardines. While not included in the CDS, Japan also regulates certain tuna species as required by their RFMO obligations. Japan Fisheries Agency. (n.d.). *Frequently Asked Questions (FAQs) on the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants (ver1.0)*. Retrieved on June 4, 2024, from https://www.jfa.maff.go.jp/attach/pdf/220614-4.pdf

[165] Hanaoka, W. (2022). Seafood Legacy Welcomes the Enforcement of the Act on Ensuring the Proper Domestic Distribution and Importation of Specified Aquatic Animals and Plants. https://seafoodlegacy.com/blog/c191

[166] This working group is called the FAO-IMO-ILO ad hoc Joint Working Group on IUU fishing. Further information may be found here: https://www.fao.org/iuu-fishing/tools-and-initiatives/joint-working-group-on-iuu-fishing/en/

[167] Some examples of why a vessel may be either denied port entry or inspected after being allowed in: It is on an IUU vessel list or has a known history of illicit activity (such vessels are given inspection priority); lack of authorization to fish as required by the flag State; transshipment without authorization; fishing in prohibited areas; contravening coastal State laws or RFMO measures; or fish on board were not caught in conformity with the flag State or RFMO regulations.

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[169] FAO. (2016). Port State Measures Agreement.

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[171] However, China has signaled its intention to accede to the PSMA. FAO. (2023). *Report of the Fourth Meeting of the Parties to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing – Bali, Indonesia, 8–12 May 2023*. FAO Fisheries and Aquaculture Report, No. 1411. Rome, item 5.

[172] PSMA definition of fishing-related activities: "any operation in support of, or in preparation for, fishing, including the landing, packaging, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea." https://faolex.fao.org/docs/pdf/ins193291Eng.pdf

[173] See, e.g., Annexes A and C, regarding data fields required for advance vessel notification and report of the results of inspection, respectively. https://www.fao.org/3/i5469t/I5469T.pdf

[174] FAO. (n.d.). *Parties to the PSMA | Agreement on Port State Measures (PSMA)*. Retrieved on June 4, 2023, from https://www.fao.org/port-state-measures/background/parties-psma/en/.

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[176] World Economic Forum. (2024). ***How Pacific countries can harness data sharing to drive down illegal fishing.*** https://www.weforum.org/agenda/2024/01/davos24-pacific-countries-drive-down-illegal-fishing/

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[182] IMO. (n.d.). ***2012 Cape Town Agreement.***

[183] IMO. (n.d.). ***2012 Cape Town Agreement.***

[184] The Pew Charitable Trusts. (2022). ***More Than 100,000 People Die Annually Across Global Fishing Sector, New Research Shows.***https://www.pewtrusts.org/en/about/news-room/press-releases-and-statements/2022/11/03/more-than-100000-people-die-annually-across-global-fishing-sector-new-research-shows

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[187] ILO. (n.d.). Ratifications of C188 - Work in Fishing Convention, 2007 (No. 188). Retrieved on June 5, 2024 from https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312333

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[190] The warning, known as a yellow card, was withdrawn in early January 2019.

[191] EJF. (2015). ***Thailand's Seafood Slaves: Human Trafficking, Slavery and Murder in Kantang's Fishing Industry.*** https://ejfoundation.org/reports/thailands-seafood-slaves-human-trafficking-slavery-and-murder-in-kantangs-fishing-industry

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[195] EJF. (2018). ***Abuse and illegal fishing aboard Taiwanese vessels let slip through the net.*** https://ejfoundation.org/news-media/abuse-and-illegal-fishing-aboard-taiwanese-vessel-let-slip-through-the-net

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[202] These laws will collectively be referred to as right-to-information laws in this report, but they are called by various names in different jurisdictions including Freedom of Information, Sunshine laws, open government and more.

[203] OECD. (2021). ***Government at a Glance: Implementation of access to information laws.*** https://doi.org/10.1787/1c258f55-en

[204] Földes, A. (2018). ***Right to Information in Asia Pacific.*** Transparency International. https://images.transparencycdn.org/images/2018_Report_RTIinAsiaPacific_English.pdf

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[206] Fisheries Transparency Initiative. (2017). ***About the FiTI Standard.*** https://fiti.global/fiti-standard

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[221] Rodriguez, K.A., Hardin, S., Kim, S. et al. (2023). A Deeper Dive: Remedy and Recruitment in the Seafood Industry. American University School of International Service. https://accountabilityresearch.org/wp-content/uploads/2023/05/Final-Paper_FGP-5-24-23.pdf

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[223] There are hopeful signs, as at a January 2024 South Pacific RFMO meeting a number of companies and countries signed a letter recognizing evidence of serious human and labor rights violations and noted that companies share responsibility for ensuring human rights are respected. They called it "fundamental to include a solid program on the RFMO's agenda to address labor issues and guarantee decent conditions for fishers and workers in the squid fleets." Perishablenews.com, January 29, 2024.

[224] For many years the Tariff Act contained what was known as the consumptive demand clause, which allowed goods knowingly made with forced labor to be imported into the US if domestic supply could not meet consumer demand. This provision was recently removed from the law. Tariff Act of 1930. 19 USC 1307. https://uscode.house.gov/view.xhtml?req=(title:19%20section:1307%20edition:prelim)

[225] The act gives the President the authority to apply economic sanctions to individuals or entities involved in "serious human rights abuse or corruption". Rodriguez et al. (2023). ***A Deeper Dive.***

[226] The U.S. Treasury Department's Office of Foreign Assets Control issued sanctions under the Global Magnitsky Act against Dalian Ocean Fishing and Pingtan Marine Enterprise on December 9, 2022, affecting 157 vessels operated by the two companies. Sanctions on Dalian and Pingtan mark the first time the US government has sanctioned a business on the Nasdaq Stock Exchange. Rodriguez et al. (2023). ***A Deeper Dive.***

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[235] EJF. (2020). ***Illegal fishing and human rights abuses in the Taiwanese fishing fleet.*** https://ejfoundation.org/resources/downloads/Taiwan-briefing-IUU-HR-2020-July.pdf

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[246] One organization currently focusing their efforts on this is Global Labor Justice: https://globallaborjustice.org/wifinowforfishersrights/

Coalition for Fisheries Transparency

Info@fisheriestransparency.net | www.fisheriestransparency.net