

Notes on SECLG bite-size meeting. 28 January 2021. Increasing transparency on fishing vessels.

This Seafood Ethics Common Language Group bite-size meeting looked at initiatives and technological developments to improve our understanding of vessel activity and patterns of behaviour at sea. This sheds light on whether vessel operators are fishing responsibly, but also the likelihood that they are treating their crew and fishery observers fairly, and complying with recognised labour rules.

Forced labour risk model. Courtney Farthing, Global Fishing Watch (GFW)

<https://www.seafish.org/document/?id=469EAFBF-B757-4D9D-B826-FAE55BDD12C9>

- GFW's Research and Innovation team has collaborated with the University of California Santa Barbara to investigate whether artificial intelligence could be applied to the predict risk of forced labour in the global fishing fleet. By cross-checking vessel behaviour algorithms with the 11 indicators of forced labour as adopted by the International Labour Organization of the United Nations (ILO), and an additional set of vessel behaviours and characteristics determined by human rights practitioners, the research team has developed a forced labour risk model. The results suggest it is likely that artificial intelligence could be used to support labour-based inspections in future.
- Five observable vessel characteristics and behaviours were identified as indicative of the risk that forced labour is being used. These were engine power, daily fishing hours, fishing hours on the high seas, the number of voyages and maximum distance from port.
- The end vision is that the model becomes a functional tool which could be used by flag, coastal and port states, or the seafood industry to assess risk. The model can only show if the vessel is behaving in a similar way to vessels that have had forced labour issues on-board. It can only provide an indication of risk.
- The GFW training data set is only 23 vessels mainly because the data is not in the public domain or readily available. Regular media investigations tend to take place in common flag states. We would like to include more data from across different flag states and gear types. The model also needs to identify what good looks like. The vessels that have been identified as possibly high risk have not been publicly identified.
- The next steps are to gather more data from vessel inspections and audit reports. To be of use these reports must include:
 - 1. Vessel identification information: Name, call-sign, MMSI, IMO Number.
 - 2. An indication of the scope of audit/inspection purpose: Which policy or regulation has the audit/inspection been conducted in relation to? Were any of the 11 ILO Indicators of Forced Labour found to be present by an appropriate government agency or accredited auditor? What period of time does the audit/inspection cover?
 - 3. Evidence the vessel was transmitting via AIS at the time of the audit/inspection?
- GFW are looking at ways of gathering this information and are talking to unions and auditors. No protected information is needed and GFW is happy to receive this under a Non-Disclosure Agreement (NDA).

Discussion

- **Q. How will you interact with Government going forward?**
A. We have approached governments that we know are inspecting under the ILO 188 regulation (with ILO help), and have asked if they will consider sharing data. There is a lot of confidential data to be considered. ILO does see the value in the model and there has been a lot of interest. But the reality is that not too many countries have implemented ILO 188 yet.
- **Q. Who do you want data from?**
A. As our base of 23 vessels is small any data will be useful including: companies that are commissioning audits of the supply chain; certification schemes who could share examples of good; governments planning to implement ILO 188; unions that have found information.

- **Q. How do we get this to you?** A. A one-page summary has been produced with details.

Further information

- For further information contact Courtney@globalfishingwatch.org
- [Global Fishing Watch](#)
- [Beneath the surface: Labour vulnerability in the UK fishing industry](#). June 2020.

Labour indicators for vessel tracking and risk assessments. Brad Soule, OceanMind <https://www.seafish.org/document/?id=AB63D9B1-6658-48FC-B492-762394F03853>

- There are lot of different ways to consider forced labour and human trafficking. Labour indicators inherently linked to vessel activity, which are identifiable through tracking data specifically on fishing trip length, transshipment and working hours.
- When it comes to working hours it is possible to identify activities automatically using machine learning, to assign timings to individual activities, to sum timings to calculate working hours and rest hours, to layer relevant rules and regulations to determine compliance, as well as ground-truthing via crew interviews.
- The key is when to assess and use this automated information on labour issues such as time at sea, transshipments, machine learning tactfully. There are also Vessels of Interest (VOIs from external reporting) such as those identified by the US Customs and Border Protection. Government can use this approach but most Governments' are not transparent yet on how they are conducting Port State Measures Agreement (PSMA) inspections. The private sector can also request copies of these PSMA inspection reports. When it comes to individual shipments the BSI PAS 1550:2017 provides a great due diligence framework for reporting.
- The key is determining which information is actionable, how to make it accessible and what is usable. Passing on information is not always good enough. There needs to be built-in processes to ensure the intelligence is actionable such as a two-tiered notification process to determine where are urgent compared what is suspicious activity. There is a need to build accountability into the information transfer process to help ensure action is taken, and there needs to be a remediation process. We start with what we can see and make it usable.

Discussion

- **Q. How do we continue the dialogue with you?**
A. Directly. Please email bsou@oceanmind.global
- **Q. How are you engaging with Government?**
A. We are working with the Thai Government using Vessel Monitoring System (VMS) data. We also have new projects in the Pacific and the Philippines.
- **Q. Are you working in Russia or the Barents Sea?**
A. Not yet. But these approaches are universally applicable. The aim is make this approach accessible and cost-effective.
- **Q. Do Ocean Mind and Global Fishing Watch collaborate as there seems to be overlap?**
A. Yes and we are looking at further opportunities, but we adopt different approaches. OceanMind, particularly with Government work, have to keep the information targeted and confidential and not make the information public. GFW are much more focussed on traceability and transparency.
- **Q. As mitigation is key do you engage on this process?**
A. We do this directly by facilitating the conversation. For governments we prepare evidence and testimony to aid Government prosecutions. We work with private sector to point out where improvement is needed and where there are issues. We want to enable positive collaboration.
- **Q. Do you work with the Global Dialogue on Seafood Traceability (GDST)?**
A. Not recently but we look forward to the next iteration of the standard. At the moment GDST does not really cover data transparency or compliance validation information so it can't really address these issues at the moment.

- **Q. Are sustainability labels on sea food generally associated with less slavery at sea issues?**
A. I have not seen good evidence of this. That is why we are having this conversation today. Buyers are trying to be as transparent as possible. These labels are not necessarily dedicated to social aspects, they started as environmental standards.

Further information

- **OceanMind.** For further information contact bs@oceanmind.global

The impact of failures to underpin the safety, security and well-being of fisheries observers. David Hammond, Human Rights at Sea (HRAS).

<https://www.seafish.org/document/?id=8CE85E81-7FE9-446C-9AE9-6229FD64635D>

- A lot of HRAS focus last year covered the global protection of fisheries observers, in particular in the Pacific area. HRAS worked in collaboration with others, and has a formal partnership with the University of Nottingham Rights Lab. It has spent a six-figures sum on this research work in 2020.
- Issues are insufficient dedicated focus on fisheries observers' safety, security and well-being. Dependents require better access, support and access to justice. Ongoing issues of transparency, impunity, access to data, lack of effective remedy, lack of effective policy, insurance provisions, mandated safety equipment and corporate and legal veil blocks.
- A number of reports were published (listed below) with specific cases highlighted and ten key recommendations. A survey in November highlighted key issues namely: limited pre-departure meetings; limited safety equipment access and use; labour violations – limited wages/more work than pay; limited vessel compliance and fishing violations; and harassment, abuse and interference.
- HRAS identified there is no Conservation Management Measure (CMM) in relation to fisheries observers.
- There is no change yet with regard to the issues that have been raised, but change is needed. There is insufficient dedicated focus on fisheries observers' safety, security and well-being. Dependents require better access, support and access to justice. There are ongoing issues of transparency, impunity, access to data, lack of effective remedy, lack of effective policy, insurance provisions, mandated safety equipment and corporate and legal veil blocks. HRAS is looking at arbitration as a way forward.

Discussion

- **Q. Buyers in the supply chain are aware of this as a key issue but how can the buyers support this work recognising that we rely on fisheries observers?**
A. We welcome positive support. We want to continue with what works and for us that is not necessarily one standard. We would welcome positive statements, engagement and acknowledgement from the supply chain on the need to address these issues, and collaboration is utterly key. This is a commercial industry issue.
- **Q. There has been a lot of synergy between the three presentations today. How can the supply chain more broadly engage?**
A. There is no easy answer. It is more beneficial when organisations ask to work together; otherwise organisations such as HRAS have to fill in the gaps. We need to be able to validate what commercial organisations are doing.
- **Q. A lot of the focus of this HRAS work has been in the Western and Central Pacific region. Are there any plans to widen the project?**
A. The reality is knowing what our resources are and where we can be most effective. We are overwhelmed with information. It is down to resources and we need to rationalise.
- **Q. Is the focus on certification being universally applied globally? What proportion of the global fishing fleet is subject to standards, certification and formal regulation? What percentage of the fishing fleet not being monitored and could we target them more?**

A. There is a huge bias to on where the most attention is being paid – it is most focussed where English is spoken and where there are big commercial fleets such as tuna. Thailand is a perfect example – many western countries import from Thailand and there has been a lot of press reporting. But there are issues in many other countries but we don't think about them because we don't have enough information and it has not been publicised in the Associated Press. I think we already know we need to look wider and deeper elsewhere. The focus is on perfecting what is perhaps already the better part but there are lots of other geographic areas we could focus on. Some fisheries are doing very well but with a growing global population and a static amount of fish there will be issues going forward (both environmental and on the labour side).

- **Comment.** There is a fair degree of confirmation bias. We should not assume there are less labour issues in Marine Stewardship Council (MSC) fisheries even though these are generally richer fisheries that make more money and have a more professional crew. The industry is focussed on social audits but this needs to be a continuous process, the risk still exists even after an audit. It was good to see the quick reaction from the MSC to the recent case of two exploited Indonesian fishers on the Chinese-owned, Fijian-flagged He Shun 38 (No.00359) vessel. MSC reported that the Fiji Fishing Industry Association (FFIA) has de-listed the He Shun from MSC-Certification. We need quick responses like this.
- **Differing opinions.**
 - We need to separate environmental and human rights aspects, not conflate them.
 - We would like to see environmental and social issues conflated and brought together. Auditing bodies certifying to an environmental standard can sense if it looks right, smells right, feels right and tastes right. We would like to see them looking for indicators of human rights abuse. We work with tiny bits of information which together paints a picture.
 - It was noted that many in the human/labour rights space would NOT like to see the conflation of labour indicators with environmental certifications. So far it's been shown that it's nearly impossible to monitor (in terms of certifying) or verify labour conditions on vessels, particularly for the highest-risk/most problematic vessels.

Further information

- [Human Rights at Sea](#)
- For further information contact david.hammond@humanrightsatsea.org

Fisheries Observer Publications

- https://www.humanrightsatsea.org/wp-content/uploads/2020/07/HRAS_Abuse_of_Fisheries_Observers_REPORT_JULY-2020_SP_OPTIMISED.pdf
- https://www.humanrightsatsea.org/wpcontent/uploads/2020/11/Recommendations_Policy_for_Fisheries_Observers_Health_Safety_Wellbeing_11Nov20_SP_LOCKEDOptimised.pdf
- https://www.humanrightsatsea.org/wp-content/uploads/2020/11/HRAS_RIGHTS-LAB_FISHERIES_OBSERVER_PACIFIC_SURVEYREPORT_11NOV20_SP_LOCKED.pdf
- https://www.humanrightsatsea.org/wpcontent/uploads/2020/11/HRAS_Model_WCPFC_CM_M_For_Fisheries_Observers_18Nov20_SP_LOCKED.pdf
- **WCPFC 17 Submissions December 2020.** Draft Proposal for Model WCPFC Conservation and Management Measure on Human Rights and Labour Rights Protections for Fisheries Observers' Safety, Security and Well-Being: <https://www.wcpfc.int/node/49135>
- Information Statement on CMM 2013-06 addressing potential burdens and/or requirements imposed on Small Island Developing States (SIDS) as a result of the proposed HRAS Model WCPFC CMM for Fisheries Observers: <https://www.wcpfc.int/node/49614>