

Voluntary procurement actions in support of SeaBOS commitments and goals (Task Force I)

This material could provide a basis for any company to develop its own policies for eliminating IUU fishing and forced/bonded/child labour in seafood operations.

Recognizing that:

- IUU fishing (IUU) and forced/bonded/child labour in wild capture seafood fisheries, fisheries destined for fishmeal in feeds, aquaculture operations and in processing activities associated with these activities are unacceptable;
- Many institutions are making efforts to reduce and eradicate IUU and forced/bonded/child labour from the seafood business, and SeaBOS companies wish to support those efforts;
- Yet IUU and forced/bonded/child labour persist, and are increasingly the topics of acute public scrutiny and governmental regulatory efforts;
- SeaBOS member companies wish to be, and be recognized as, enablers of solutions to these crimes and work in partnership with governments, NGOs and consumers to address these complex and persistent problems. Doing this will be fulfilling SeaBOS commitments to ocean stewardship:
 - SeaBOS companies need to get ahead of imminent regulations and show industry leadership through voluntary actions;
 - SeaBOS companies need to fulfil SeaBOS promises and demonstrate to their customers, consumers, and governments that they are part of the solution;
- SeaBOS and the Keystone actor's initiatives were created to produce transformational change, acting more quickly than governments and thereby complementing existing processes.

Proposed elements for a 'best practice' corporate policy statement

This list of voluntary actions is not prescriptive and will apply in different ways to different companies and along different timelines, depending on operational realities and contexts. It is however a robust list, based on a substantial scientific basis, experiences of individual companies and consultation with diverse stakeholders. These actions combined have the potential to substantially reduce the risk of IUU fishing and forced/bonded/child labour in seafood company operations and their respective supply chains.

1. Promoting good governance

Given the role that poor governance (and corruption) plays in sustaining illegal fishing and forced/bonded/child labour, actions that prevent, identify and punish corrupt practices and/or enhance good governance are fundamental to helping achieve SeaBOS aims. One element of this might be addressing issues raised by the use of flags of non-compliance. Likewise, identifying ports where poorer governance exists may also enable focused action to create locations where good governance is the norm.

Possible tools:

Data to support good governance. Note: this list identifies blockchain as a means to collate these data but other approaches for capturing information securely could also be used.

- 1.1 Fishing vessel captain must upload to blockchain (or similar) the vessel's entire crew list;
- 1.2 Each crewmember's passport (photo page) to be scanned and uploaded to blockchain (or similar);
- 1.3 Each crewmember's scanned facial recognition to be uploaded to blockchain (or similar);

- 1.4 Each crewmember's executed fishing labor contract to be scanned and uploaded to blockchain (or similar);
 - 1.5 When relevant, each crewmember's government issued official document proving their embarkation was duly and lawfully carried out should be scanned and uploaded to blockchain (or similar);
 - 1.6 All eligible fishing and carrier vessels must obtain and make visible an International Maritime Organization (IMO) number so they can be uniquely identified;
 - 1.7 All vessels must be properly registered in national fishing registries that are publicly maintained and participating in the FAO Global Record of Fishing Vessels;
 - 1.8 No vessels will register under "flags of non-compliance" or conduct activities in ports identified as high risk (using the science-based data platform developed by the secretariat);
 - 1.9 All vessels will scan vessel ownership (including beneficial ownership), registration and home port documentation and upload to blockchain (or similar);
 - 1.10 All vessels must scan all licenses for relevant fishing activities issued by flag and/or coastal states and/or RFMOs and upload to blockchain (or similar);
 - 1.11 No vessels will appear on current "black lists" or their equivalent maintained by RFMOs or national authorities;
 - 1.12 All vessels must make first landing in countries that are Party to, and implementing, the Port State Measures Agreement, or have equally effective port State measures in place, including with regard to vessels flagged to the port state;
 - 1.13 All vessels (and/or port state authorities) will upload to blockchain (or similar) all formal landing documents and authorizations, including results of any port state inspections;
 - 1.14 All vessels (either independent contractor or companied owned) will show demonstration of collaboration and partnership with key ports to support their ability to exercise due diligence in their operations;
 - 1.15 All vessels will undergo verification and status of country of their registration to ascertain risk status regarding the country's commitment to ILO forced labour conventions 29, 98 & 182; the ILO work in fishing convention 188; the Palermo Protocols and; and the country's application of the IMO Ship Identification Number Scheme;
 - 1.16 SeaBOS members will give full consideration to decisions of port states and market states, seeking to avoid sourcing products from vessels subject to landing or import restrictions under national regulations against commerce in IUU or MS products.
- 2. Electronic monitoring and tracking**
- Fishing activities that are 'out of sight' may contribute to illegal fishing and forced/bonded/child labour. As a result, any activity that increases the transparency of what is happening at sea may be useful and might include technologies such as cameras on deck, the physical presence of more observers, remote sensing of ship movements and blockchain (or similar) monitoring.
- Possible tools:
- The following will apply to all fishing and carrier vessels supplying fish products into SeaBOS member company supply chains:
- 2.1 All vessels will use Internet of Things (IoT) devices (i.e. GPS, AIS, VMS, facial recognition software and species recognition software);
 - 2.2 All vessels will collect their relevant data (i.e. GPS tracks, fishing coordinates, fished volume recorded, species recognition (type and % distribution));
 - 2.3 All relevant data will then be cross-checked compared with port landed data at recipient's station;
 - 2.4 All relevant data will be visualized using "Business Analytics" and user friendly Dashboards;
 - 2.5 All relevant data will be the foundation for "catch-to-plate" principles with demonstrated transparent traceability through to final market;
 - 2.6 All authorized vessels will comply with any flag State, coastal State or RFMO manual reporting arrangements in place in case of a vessel monitoring system unit malfunction or failure and will return to port immediately if the unit continues to malfunction or fail;
 - 2.7 All carrier vessels will carry a secondary/backup vessel monitoring system unit to be used in case of a primary unit malfunction or failure.
- 3. Risk based transshipment related actions**
- Transshipment refers to the practice of transferring catch and/or crewmembers while at sea from one fishing vessel to either another fishing vessel, a processing vessel or a cargo vessel. This activity may create more efficient fishing systems but can also increase the possibility that IUU fishing/fish goes undetected. From time to time transshipment is prohibited by nation states and/or regional fisheries management organizations and some companies have proposed transshipment bans for their supply chains.

Possible tools:

- 3.1 When any transshipment activity is to take place, it will be pre-authorized by relevant RFMOs and governments;
- 3.2 When any transshipment activity takes place, it will be conducted with either “observer” supervision or deck video recording of activity to be subsequently uploaded on blockchain (or similar);
- 3.3 All authorized vessels intending to tranship ensure they meet all flag State, coastal State or RFMO requirements for observer carriage and reporting;
- 3.4 All authorized carrier vessels intending to tranship within a specific RFMO shall provide electronic notification of their entry into those waters to the relevant flag State and RFMO Secretariat to include confirmation of the vessel's compliance with vessel monitoring system reporting requirements;
- 3.5 All authorized vessels intending to tranship submit electronic pre-notifications and post declarations within required timelines to the relevant flag State, port State, coastal State and RFMO Secretariat for every transshipment that occurs regardless of the location of transshipment.

From time to time, transshipment of crew takes place and has the effect of prolonging time at sea for fishers as well as making the tracing of employment harder to achieve. NGOs working on anti-slavery projects have identified that transshipment of crew is disproportionately associated with slavery.

Possible tools:

- 3.6 There will be no transshipment of crew in geographic marine areas identified as high risk (through science-based data platform/risk assessment);
- 3.7 There will be no transshipment of crews from/to vessels flying “flags of non-compliance”;
- 3.8 Before, during and after transshipment of crew, vessels must report to relevant Flag State authorities or Coastal State authorities. Where applicable to Regional Fisheries Management Organizations and governments.

4. Changing recruitment practices

Employment brokers/agents play a valuable role in linking fishers to vessels but can also be the means by which enslavement is initiated. A common practice is for a fisher to pay employment brokers for their services (often pledged from their future earnings) and this may create an enabling environment for debt bondage to emerge.

Possible tools:

- 4.1 If a company utilizes employment brokers/agents it should demonstrate that it has utilized an ‘employer pays principle’;
- 4.2 Whenever possible and relevant, company will avoid employment brokers/agents and use own HR recruiting of vessel crews;
- 4.3 All vessels (either independent contractor or companied owned) need to comply with Criteria 1.1-1.6 above;
- 4.4 Verification and status of country where crewmembers are recruited and contracted to ascertain risk status regarding the country's commitment to ILO forced labour conventions 29, 98 & 182; the ILO work in fishing convention 188; and the Palermo Protocols;
- 4.5 Company must facilitate crewmember feedback through on-line surveys at regular intervals not to exceed twice annually.

5. Developing more robust payments methods

At the heart of forced labour is the failure to make appropriate payments for work or to make payments at all. A less direct method for detecting slavery, therefore, is the tracing of wage payments to ensure that these are of the quantity that one would expect given the vessel and work in question. Moreover, making these payments secure in terms of being paid directly to a bank account that only the individual fisher can access would be further proof that slavery is not present.

Possible tools:

- 5.1 All vessels (either independent contractor or companied owned) need to comply with Criteria 1.4 above;
- 5.2 All vessels (either independent contractor or companied owned) need to demonstrate monthly payment deposit into crewmember established bank account, scanned and uploaded to blockchain (or similar). Payment deposit slip intervals should not exceed monthly intervals;
- 5.3 Where relevant, companies should seek partners for the effective ‘banking’ of fishers crewmembers (from NGOs and nation states where banking would have to be achieved).

6. Marine raw material sourcing policy

Illegal fishing and forced/bonded/child labour arise in complex supply chains that are often beyond the direct control and influence of the ultimate purchaser of fish. There are cost related arguments as to why this type of economic arrangement is useful but it does, inevitably, create the possibilities for unfree labour. Changing the nature of relationships in the supply chain offers some possibilities for combating fisheries crimes but

only if enacted in conjunction with other mitigation actions. Likewise, designing 'best in class' codes of conduct and assessing compliance with those codes in a robust fashion will provide some protection against undetected issues in supply chains.

Possible tools:

- 6.1 All SeaBOS member companies will demonstrate supply chain human rights mapping which should calculate the full path of its product's value-chain from harvest to market;
- 6.2 Company will, whenever possible, give preference to company owned/controlled fishing vessel in supply chain;
- 6.3 Company will restrict independent contractor fishing vessels to Tier 1 and Tier 2 supply chain;
- 6.4 All SeaBOS member companies will participate in, and require their supply chains to participate in, digital, full-chain traceability systems that comply with prevailing industry standards (such as those promulgated by the Global Dialogue on Seafood Traceability), and with all applicable national or international legal traceability requirements.

7. Restricting areas of operation

In order to mitigate risks, a partial or full withdrawal of operations from certain regions might be in order. Examples of this include not fishing in areas where the risk of illegal fishing and forced/bonded/child labour slavery is high.

Possible tools:

- 7.1 No vessel (either independent contractor or company-owned) is allowed to enter prohibited marine sanctuaries, prohibited marine protected areas and other internationally recognized "no-go-zones" as published by FAO. All relevant vessel data will be visualized using "Business Analytics as defined in Criteria 6.4 above;
- 7.2 Where navigation through restricted areas (7.1) is essential, then pre-advice to the relevant authority of transit should occur, and the vessel must continue to steam at a constant rate (e.g. greater than 5 knots at all times) and via the most direct route through the marine sanctuary (i.e. no stopping unless in case of emergency and again that should require notification to the relevant authority in charge of that marine sanctuary).

