



## Fishing & Aquaculture

### What is the issue?

Fish and other seafood are a hugely **important source of food and protein**, and for some, critical to food security. The demand for ocean-derived food will continue to grow as the global population and incomes rise. Yet, many of those resources are already under severe threats from **overfishing**, climate change, habitat degradation and pollution. As the recent **High Level Panel on a Sustainable Ocean Economy paper on food from the sea** notes, overfishing is caused by many factors: **illegal fishing**, **capacity-enhancing subsidies** including for **distant water fishing fleets**, a lack of alternative livelihoods, a lack of incentives to protect the underlying resource and poor institutional governance.

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**Small scale fishers (SSF)** and local communities that rely on their catches are witnessing their fishing grounds being **depleted** by distant water fleets engaged in **illegal, unreported and unregulated (IUU) fishing**; workers on fishing vessels are being exploited to maximise profit (threatened due to declining stocks, and IUU fishing is **linked to criminality, conflict** and **corruption**); and workers in fish processing facilities are subject to unsafe and dangerous working conditions.

The challenge is ensuring that businesses involved in the seafood value chain respect human rights standards across a wide range of issues including labour conditions on fishing vessels. Responsible seafood companies need to recognise and work in an **ecosystem of actors** to support sustainable outcomes for their business, the health of global fisheries and local communities.

### ABOUT THE OCEAN AND HUMAN RIGHTS PLATFORM

Led by the **Institute for Human Rights and Business** and the **Rafto Foundation**, the Ocean and Human Rights Platform is a collaborative movement to raise awareness to prevent and address adverse human rights impacts across the ocean's industries. The Ocean Platform works with a global network of business, government, human rights defenders, civil society partners, academia and national human rights institutions.

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### CASE STUDY

In November 2020, the Membertou and Miawpukek First Nations, **reached an agreement** to buy Clearwater Seafoods in a deal worth £580m, giving the Mi'kmaq communities full ownership of Clearwater's offshore fishing licences. The deal also brought more indigenous peoples into the company's ranks.

## Whose human rights are impacted?

The fishing sector can cause or contribute to adverse human rights impacts for many groups, including:

### Fishers in the commercial fishing sector

Commercial [fishing](#) is one of the most hazardous occupations in the world. Labour conditions on fishing vessels can be inherently challenging, even where vessels are well managed. Instances of forced labour and human trafficking remain high, with some calling it the [top concern for the industry](#) in 2022. [Migrant workers](#) are particularly vulnerable to such abuses. Other severe abuses include unpaid wages, unsafe working conditions, excessive working hours, and physical and sexual abuse.

### Workers in fish processing

Harsh working conditions are common concerns in the fish harvesting and processing industries. Women are mostly responsible for [processing](#) as well as marketing fish, particularly at the [local level](#) yet their contributions are [undervalued](#) and they can face systemic gender discrimination.

### Small Scale Fishers in Small Scale Fisheries (SSF)

Small-scale fisheries are an [absolutely vital](#) source of food, nutrition, employment and livelihood for millions of people around the world (more than [90% of all small-scale landings are destined for local consumption](#)). They face numerous [threats and challenges](#) due to restrictions on access, lack of tenure rights to coastal areas and displacement to make way for other sectors such as tourism, energy or industrial fisheries. In many parts of the world, the commercialisation of fisheries is [discriminating and marginalising](#) small-scale artisanal fisheries. This includes through disproportionate subsidies for industrial fishing, privatisation of access to marine fisheries, corruption and crime including through IUU fishing, as well as exploitative trading practices in value chains.

### Indigenous fishers

[Indigenous fishers](#) are often marginalised and excluded from decision-making. The allocation of fishing rights to commercial users in traditional marine territories may violate rights to “their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used .. waters, coastal seas and other resources and to uphold their responsibilities to future generations” [provided under UNDRIP](#).

## Which businesses should pay attention?

Seafood [value chains](#) tend to be [long and complex](#). The two ends of the value chain – the fishing vessels at the beginning of the chain and the supermarkets and hospitality industries delivering to the end consumer – have relatively paid the most attention to human rights impacts. However, there are many additional types of businesses along the [whole value chain, with different roles](#). They can be the source of or contribute to negative human rights impacts, but they can also become part of the solution and have a role to play in ensuring respect for human rights within the value chain. They include businesses involved in:

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### 🗣️ CASE STUDY

Many international seafood brands [refuse to pay their suppliers more](#) to protect workers from labour exploitation and ensure that working conditions are humane. Particularly for Thai seafood workers, the suppliers are struggling with rising production costs with little or no financial help from the large brands.





- **The capture and supply of seafood and seafood products.** This includes companies owning, managing and/or operating fishing vessels/fleets, primary and secondary processing, etc.
- **Providing goods and services to the sector.** This includes ports, seafood markets, auctions/brokers, storage, logistics, equipment suppliers, and professional service providers (such as accountants and lawyers), etc.
- **Providing financial services to the sector.** This includes insurance, banks, and investors (see box: *Finance*).
- **Providing seafood for human consumption (88% of production).** This includes supermarkets and the hospitality/tourism industry, distributors, retailers, and wholesalers.
- **Providing fish products for non-production (12% of production).** This includes companies involved in aquaculture, animal feed, agriculture, etc.
- **Aquaculture.** The aquaculture feed industry consists mainly of global companies. However, the aquaculture supply chain is long and complex (including suppliers of raw materials such as fish meal, fish oil, soy, maize etc), meaning that companies need to carry out effective due diligence to identify salient human rights risks. Human rights issues in aquaculture mainly involve labour rights abuses, adverse community impacts, and impacts on indigenous peoples.

## What should businesses do?

Businesses operating in the seafood sector, like businesses in other sectors, are expected to respect human rights. The [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) provide a globally accepted framework to help companies “know and show” that they are respecting human rights. Businesses should seek to implement rights-respecting practices sooner rather than later, as hard law instruments such the prohibition of [market access](#) for seafood linked to abuses and criminal law are being considered. Businesses should:

- **Address the structural drivers.** As much of the spotlight has been on abusive labour practices on commercial fishing vessels, the risk is that discussions and action ends there. Addressing working conditions on fishing vessels is critical, but research has clearly shown that these conditions are often related to broader, more systemic challenges in the sector that need to be addressed, such as [IUU fishing](#) and [structural inequalities](#) in seafood value chains that need to be considered by businesses as well. The [Monterey Framework](#) provides a valuable starting point for understanding the “bigger picture”.
- **Engage with organisations** involved in addressing and improving social responsibility in the seafood sector. There are numerous organisations operating at all levels and jurisdictions that work on fisheries (see box: *Resources: initiatives*). Developing [collaborative solutions](#) can be an effective way to address systemic issues. It can help shift mindsets and actions from merely avoiding potential liability for abuses in the supply chain, to actively promoting socially responsible outcomes that benefit fishers and the business.

### FINANCE

Fisheries require finance. Billions are invested in fisheries annually and it is increasingly [clear](#) that too much of it is undermining sustainable outcomes. Subsidies that support the construction of vessels and operational costs (such as fuel), increase fishing capacity and lead to overfishing. There have been on-going negotiations in the [World Trade Organisation \(WTO\)](#) for decades to eliminate subsidies, including [subsidies provided to IUU fishing](#). It is estimated that [over half of high-seas fishing would not be economically viable without government subsidies](#).

Positive momentum and sustainable financing examples include:

- **Denying finance for illegal activities:** The insurance sector has recently turned its attention to [denying insurance](#) to vessels involved in IUU Fishing. Other parts of the financial sector need to take similar action.
- **“Blue bonds”** are emerging as a new source of financing for ocean sectors. The biodiversity crisis has shifted attention to supporting nature-based solutions. [Principles](#) and [tools](#) cataloguing risk factors unique to fisheries are being developed to encourage mainstream banks and investors to engage in the sector.
- **Development Finance Institutions:** DFIs have recently developed programmes to finance the Blue Economy that include sustainable fisheries (see separate [Ocean Finance briefing](#)).
- **Impact Investors** are increasingly examining the simultaneous financial returns and sustainability impacts across a [range of fishery types](#) – from SSF through to industrial fishing.

- **Efforts to distinguish market-based approaches from human rights approaches.** The economic rationale behind transferable quotas can and has led to the exclusion of SSF and indigenous peoples. Relying on a transactional system that rewards the highest bidder threatens the livelihoods, food security and cultural life of coastal communities. Instead, the human rights based approach at the heart of the [FAO Guidelines on SSF](#) aims to [ensure that](#) appropriate tenure systems, including clear access and user rights, are fundamental elements of securing sustainable fisheries.
- **Pricing and profit- or benefit-sharing schemes** that generate higher incomes for fishers, contribute to [the principles of equity and equality](#), as well as help ensure food and livelihood security that contributes to positive human rights outcomes.

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### RESOURCES: Some useful existing work/initiatives

#### Research reports

- IHRB, Rafto Foundation for Human Rights & The Danish Institute for Human Rights “Human Rights in the Salmon Farming Industry” (02 March 2020)
- Danish Institute for Human Rights, “Promoting Human Rights in Fisheries and Aquaculture”

#### SSF

- [FAO 2022 the International Year of Artisanal Fisheries and Aquaculture](#)
- [SSF Hub](#) – Strengthening small-scale fisheries through partnership and community.
- [International Collective in Support of Fish Workers \(ICSFW\)](#)
- [Too Big to Ignore](#)

#### Selected Multistakeholder Initiatives on Sustainable Seafood and Social Responsibility

- [UN Global Compact Ocean Stewardship Coalition](#)
- [Monterey Framework](#)
- [Global Sustainable Seafood Initiative](#)
- [SeaBos](#)
- [Fishwise](#)
- [FisheryProgress](#)
- [RISE – Roadmap for Improving Seafood Ethics](#)
- [World Benchmarking Alliance Seafood Stewardship Index](#)
- There are an ever-increasing number of organisations that work on social responsibility in the seafood sector that are too numerous to list. They operate at the international, regional, national and local levels. Some of the international organisations, governments and larger civil society initiatives are listed [here](#).

### RESOURCES: International standards & guidance

#### Business and Human Rights

- [UN Guiding Principles on Business and Human Rights \(2011\)](#)
- [OECD Guidelines for Multinational Enterprises \(2011\)](#)

#### Sustainable Development Goals

- [SDG 14 – Life Below Water](#)

#### Selected International Standards

- [FAO Code of Conduct for Responsible Fisheries \(1995\)](#)
- [FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication \(2015\)](#)
- [FAO The Code of Conduct for Responsible Fisheries and Indigenous Peoples \(2009\)](#)
- [FAO – Vigo Dialogue on social responsibility in the fisheries and aquaculture value chains \(on-going\)](#)
- [ILO Convention 188 Work in Fishing Convention \(2007\)](#)