



Fishery improvement projects: A voluntary, corporate “tool” not fit for the purpose of mitigating labour abuses and guaranteeing labour rights for workers

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ABSTRACT

The recent development of a Human Rights and Social Responsibility Policy for fishery improvement projects (FIPs) has accelerated industry and NGO-led initiatives to address human and labour rights violations in seafood supply chains through FIPs. However, this brief communication demonstrates that FIPs' social requirements, as currently constituted and reported, suffer from many of the same problems as other voluntary, market-based initiatives that fail to mitigate labour abuses. Examples of these shortcomings include the voluntarisation of what should be binding, international conventions and standards; moving benchmarks that lack meaning for workers; an absence of worker-defined remedy and recourse processes; and confusion around what actually constitutes a human rights due diligence process. In addition, social responsibility imperatives in FIPs present a new threat to the fight against labour abuses in supply chains in that they embrace and risk institutionalizing an ideology that moving towards, rather than complying with, fundamental human rights is acceptable.

1. Introduction

In the context of weak or absent regulatory environments, private sector, market-based initiatives (e.g., buyer commitments, certifications, and labelling) have increasingly been touted as an alternative mechanism for mitigating a range of labour and human rights abuses in seafood supply chains [1]. Therefore, the recent addition of a ‘social’ component and remit as a fundamental objective of fishery improvement projects (FIPs) – on equal footing with improvements in stock biomass or fishing gears used [2] – may sound like a necessary change to achieve a truly sustainable fishery. However, in this short communication, we highlight why FIPs, as currently constituted and reported [3], will not be an effective part of the fight against labour exploitation and abuses in global industrial fisheries.

2. Background

Fisheries Improvement Projects (FIPs) in seafood supply chains are multi-stakeholder initiatives (MSIs) typically led by NGOs, engaging industry, retailers, importers, processors, and other stakeholders to

bring about improvements in a fishery, primarily related to environmental governance criteria such as to improve policy making and management [3], [4]. Their origins date back to around 2010, when major retailers claimed they would commit to selling only sustainable seafood. Most notably was US-based Walmart, the first to require “all of its fresh and frozen seafood products to be third-party certified by the Marine Stewardship Council (MSC) or the Global Aquaculture Alliance’s Best Aquaculture Practices (BAP)” or else be sourced from fisheries working towards certification through demonstrable progress against key targets [5].

FIPs differ from certification schemes in that commercial market access is conditional on a fishery making progress towards sustainability, as opposed to meeting qualifying standards. This progress is measured in a five-stage approach: Stage 1 – assessment of fishery, scoping and recruitment of stakeholders; Stage 2 – public launch including stakeholder meetings and development of work plans; Stage 3 – implementation; Stage 4 – improvements in fisheries practice and management such as vessel inspections or port data collection; Stage 5 – environmental improvements (e.g., biomass increases) [6]. Many FIPs will go through these stages of improvement to then attain certification

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or accreditation (e.g., Marine Stewardship Council) or ratings (e.g., Seafood Watch ‘Best Choice’ or ‘Good Alternative’), though this is not always the objective [7].

FIPs have expanded rapidly around the world, increasing from two in 2006 to 2169 in 2022 [7,8,9], and have become a key trade and marketing tool for companies to meet sustainability requirements in their sourcing policies. This growth can, in part, be attributed to philanthropic support from actors such as the David and Lucile Packard Foundation and the Walton Family Foundation [9]. Notably, the latter is a charitable arm of Walmart, suggesting potentially concerning corporate partnerships that lack independence between the NGOs leading FIPs and the companies benefitting from the ‘market assurances’ associated with FIPs [10].

Despite a ‘sustainability’ imperative, FIPs began with environmental objectives and have historically only considered environmental sustainability at the expense of the social and economics dimensions of sustainability [8]. However, efforts to incorporate a “triple-bottom line” approach (purportedly balancing social, economic, and environmental sustainability performance) in FIPs have emerged in recent years [8].

The range of social issues in fisheries span human rights abuses and wider labour issues around terms and conditions of employment, in addition to the broader notions of wellbeing, food security, gender equality and health impacts at the community level [3], which are more frequently the focus of FIPs in small scale fisheries. Underpinning the emergent social agenda in FIPs is the Monterey Framework [11,12]— a framework developed and advanced by NGOs, companies, and academics that notably failed to engage trade unions, workers’ representatives, and human rights authorities in its development and thus cannot be understood as a tool grounded in a labour and human rights context. The Monterey Framework defines socially responsible seafood as: (1) Protecting human rights, dignity, and access to resources; (2) Ensuring equality and equitable opportunities to benefit; and (3) Improving food and livelihood security [12]. Attempting to unify a continuum of social issues experienced in the seafood sector, its original intent was to elevate social issues at the 2017 UN Oceans Conference via *voluntary* commitments and inform a social scientific agenda to influence policy and practice [12]. Since then, it could be argued that the Monterey Framework has been used to avoid human and labour rights policies and legally binding commitments to benefit workers [1].

In 2020, 26 FIPs sought to address human well-being in fisheries through self-reporting on FisheryProgress, while some have been self-reporting for longer [8]. FisheryProgress also recently launched a ‘Human Rights and Social Responsibility Policy’ for FIPs [13], supported by millions of dollars in available funding to incentivize FIPs’ uptake [14]. This policy includes an operationalization of the Monterey Framework, identified as the ‘Social Responsibility Assessment Tool for the Seafood Sector’ (SRA Tool) [11], to assess the risk of social issues to be addressed in a FIP workplan [13] and to purportedly advance decent work – fairly paid, productive work carried out in conditions of freedom, equity, security, and human dignity [15].

Even before the push to integrate social considerations into FIPs, both the rapid proliferation and evolution of FIPs into a broader, more flexible framework created confusion amongst stakeholders and led to criticisms about inconsistencies, moving targets, and difficulties assessing FIPs on standardized and comparable outcomes across such diversity [8]. This evolution also has seemingly created a growing dissonance between the implementation of FIPs in primarily small-scale fisheries and the more globalised import/export supply chains that provide the market-based incentive [8]. Meanwhile, this diversity [4], broadening, and potential dissonance are likely only going to increase with the addition of social measures, particularly considering the range of social issues the SRA Tool attempts to cover and the notable diversity in terms of the scale and type of fisheries and associated employment variability (subsistence, self-employed / shares of catch, employed / waged contracts) [16].

Due to the persistence of reported occurrences of forced labour

onboard fishing vessels (e.g., [17]), the mitigation of a spectrum of labour and human rights violations remains at the forefront of most social sustainability initiatives. However, while other non-binding, non-governmental initiatives (e.g., buyer commitments, certifications, and labels) in seafood supply chains have been critically examined, and ultimately criticized for their inability to yield improvements for workers [1], the nascency of social measures in FIPs has limited their critique. FIPs, though, share many of the same features that make these other voluntary measures ineffective, namely they restrict the application of international standards by “voluntarising” them, rely on self-reporting or flawed third-party social audits, lack enforcement mechanisms and pathways to remedy harm to workers, and fail to center the workers themselves in governance and remedies, choosing instead to simply report on them.

3. Problems with the FIP model when it comes to labour

3.1. Progress or compliance – a false dichotomy

FIPs are differentiated from certifications in that market incentives are delivered and distributed for progress toward a benchmark, not just when the benchmark has been attained – this further weakens what FIPs could achieve as minimal progress (however measured) that would suffice. This is the foundational, conceptual problem: a fishery or buyer cannot make progress or demonstrate continuous improvement or movement toward [18] upholding fundamental human rights – you are either compliant or non-compliant. Freedom from slavery and servitude is specifically articulated in Article 4 of the Universal Declaration of Human Rights [19] – and thus progress towards a ‘best practice’ of eliminating forced labour, debt bondage, human trafficking, or modern slavery in a supply chain is in contravention of this and other international conventions. Further, the notion of movement towards human and labour rights improvements creates artificial benchmarks that facilitate colonialist and oppressive comparisons (i.e., FIP A in Europe has less forced labour than that FIP B in South America) and prioritizations. This begs the question of how much forced labour is a supply chain actor willing to tolerate in the name of progress? If a FIP reduces the number of cases of forced labour from 50 to 49 cases per year that could arguably constitute progress; yet, at the same time many supply chain actors will declare they have zero tolerance for forced labour. It is impossible to have both zero tolerance and continuous improvement policies, again a false dichotomy.

While there are other elements of human and labour rights considered under the umbrella of social responsibility that one could presumably demonstrate meaningful progress towards, for example, ensuring fishers’ earn a living wage – there appear to be no mechanisms in FIPs (as currently structured) to evaluate this progress through sustained interactions with workers. Indeed, applications of the SRA Tool seemingly use desk-based reviews, secondary data, stakeholder opinion (which may be biased from invested interest), and limited, if any, worker or worker representative engagement for the purposes of risk assessment [20]. Though recognized as a limitation in these early applications of the SRA Tool [20], it is likely that the routine monitoring and evaluation purportedly required of a FIP would encounter even bigger challenges. And an overuse of data not from workers, could potentially discredit worker’s experiences. Additionally, none of the five evaluation stages consider the needs of workers in the fishery, workers’ terms and conditions, or what ‘progress’ or ‘improvement’ means for them in terms of their employment on board and rights at work. Therefore, the FIPs and buyers cannot reliably evaluate the impact on fishers. ‘Referencing’ standards from international conventions developed through tripartite processes does not automatically imbue worker approval or empowerment, nor engagement with the SRA Tool or a FIP’s social responsibility and human rights policy. Without the involvement of workers, true workers organisations (i.e., not just NGOs with social scientists), and unions, these ‘improvement projects’ are only improving

the situation for retailers who can continue to buy from fisheries that have a plan to improve, without any evidence directly from workers about improvements in terms of the reality of their conditions at work.

Improvements over time have also notably threatened the attainment of stated FIP environmental goals, as it is well documented that many FIPs plateau in a progress mode without ever achieving their stated outcomes [8]. Evidence of shortcomings with regards to environmental outcomes further highlights the risks of this conceptualization of ‘improvement’ when it comes to human and labour rights which are more complex and resource (e.g., cost, knowledge, and skill) intensive to monitor and less binary when it comes to determining the presence or absence of the outcome.

To identify forced labour requires an in-depth assessment process that involves the multi-dimensional construction of the absence or presence of various combinations of 11 indicators [21,22] versus environmental changes which can be more objectively measured (e.g., did the vessel use less damaging fishing gear). If the improvements fail to deliver aspired environmental outcomes, then there is little hope for labour and the potential for more harm to human wellbeing.

3.2. Voluntarisation

The Monterey Framework, which is the basis of the SRA Tool, refers to international conventions and agreements, but these require ratification and implementation through legislation in addition to public enforcement and cannot be ‘voluntarised’ into non-binding commitments undertaken purely in the private sphere. There are currently no sanction mechanisms in FIPs to address problems around working conditions or labour abuses. Without legally binding and enforceable sanctions in place, suppliers and retailers are not required to address problems and cases of labour abuse, they simply acknowledge their occurrence. Arguments that FIPs could be effective with proper enforcement, are merely hollow-person arguments without these legally enforceable sanction mechanisms.

The RISE seafood platform [23] is a good example of this – the decent work agenda is well referenced, explained and the website provides links to international agreements and conventions, but the platform ends with the options for voluntary commitment from companies, learning, assessments, and opportunities to collaborate – while these may be welcomed by some, they are not legally binding. Voluntarisation is not a substitute for ratification, implementation, and enforcement of laws and policies pertaining to human and labour rights.

3.3. Introspection at the expense of worker scrutiny

Exacerbating this voluntarisation is an over reliance on self-reporting. Even concerning the environmental dimensions, self-reported changes in FIPs have historically conveyed exaggerated improvement or over-optimistic claims about progress [8]. While the SRA Tool is described as a “risk-assessment tool for conducting human rights due diligence (HRDD) in seafood supply chains” [20] it is not a HRDD tool, but rather a limited risk assessment tool for companies, not workers, and cannot be treated as equivalent to the full process of HRDD and the inclusion of workers and their representatives under HRDD [24]. The SRA ‘Qualifications for Conducting Risk Assessments and Creating Social Workplans’ states:

“Fishery trade unions, social auditors, or workers rights organisations are the preferred party to lead the human rights risk assessment and workplan development. However, a technical support organisation or non-profit actor participating in or leading the FIP may undertake the assessment and develop the workplan” [25].

This statement provides a false and misleading equivalence between trade unions, NGOs, or technical support organisations. There is no requirement for trade union involvement, it is an option that is preferred – one that in many instances is unlikely to be chosen. For industrial

fisheries employing (frequently migrant) fishers, the inclusion of trade unions and worker organisations is essential and cannot be sidestepped by engagement with fishing associations in small scale fisheries (while these may represent those with the means of production, they do not represent the views of an employed workforce offshore). The parallels between small and large scale fisheries that are given a false equivalence in the framing and language surrounding FIPs is also problematic, ignoring the different terms of employment and extent of labour exploitation and abuse.

3.4. Fish or fisher first in FIPs?

FIPs are often applauded for the diversity of their geographic scales [4], but this actually creates challenges for labour and human rights governance. Because FIPs always start from a boundary of the fishery, with human and labour rights being added-on, a FIP is typically not tied to labour governance models and regimes as their governance model follows fish, not people. The foundational International Labour Organization’s Work in Fishing Convention (ILO C188) provides a comprehensive framework for regulating work on fishing vessels [1]. While a flag state does have to ratify C188, and uptake has been slow, a buyer can still request that a vessel owner provide working conditions equivalent with ILO C188’s minimum standards under the United Nations Convention on the Law of the Sea (UNCLOS) article 94’s obligations of conduct, which is widely ratified [26,27]. Instead, FIPs make no such demand from buyers. They are neither aligned with, nor seek to enhance mechanisms to ensure that the flag state is compliant with its social responsibilities under UNCLOS.

This may actually be perpetuating the aforementioned voluntarisation of binding international conventions, weakening access to labour justice. Without being tied to established labour governance models, this further limits opportunities for remediation – a guaranteed labour right and requirement of ILO C188, not a voluntary or best practice option [28]. For example, on the RISE platform, remediation is exclusively linked to the commitment to repatriate fishers after their contract, at the expense of the company. There is no support mechanism for fishers who have been repatriated for when they return home (especially in cases of severe abuse, where returning fishers may struggle to re-integrate due to shame or perceived failure or struggle to find employment as a result of injury). Repatriation is not a remedy and this approach actually risks doing more harm than good, as the focus is exclusively on repatriation at the expense of failing to protecting legal routes to claims for remedy, compensation, or alternative forms of justice. Within the RISE platform, there is no proposed mechanism(s) to enable the recovery of unpaid wages or denied medical attention [23], common requests from fishers globally. Additionally, FisheryProgress has distinguished between basic and best practices; yet is only requiring basic practices at this time, which can be so rudimentary as using a suggestion box as a grievance mechanism [28].

By starting with the fishery and not the worker, and only focusing on risks, there is the potential to wrongfully assume that all workers on a particular vessel are working under the same terms and conditions, whereas, in our collective experience directly working with fishers, this is often untrue and a harmful assumption. Fishers on board an individual vessel are not a homogenous group. Starting with the fishery also leads to an ignorance of the structural drivers and systemic issues behind labour abuses (e.g., lack of opportunities, racism, and discrimination). Focussing on risks will likely create incremental change, but this will mainly be through ‘profiling’ specific vessels according to characteristics (ownership, gears, etc.) [29] rather than dealing with the causal structural drivers in seafood supply chains necessary to drive true transformation of the power imbalances that perpetuate all abuse.

Lastly, the intentional broad and flexible structure of FIPs and their social responsibility imperatives fails to consider the inherent differences between debt bondage, forced labour, human trafficking, and modern slavery, widely considered some of the most egregious human

rights violations, and other social dimensions in terms of severity and impairment to health and well-being.

4. Conclusion

FIPs seek to incentivize sustainable fishing through enhanced commercial market access, effectively to benefit retailers, importers, processors, and others in seafood supply chains – but with little or no, involvement of workers or labour unions. The beneficiaries are the private sector and the producers with direct links to supply chains, rather than those working onboard the vessels. NGOs also benefit through reputational and financial gains if FIPs are successful. At present, FIPs cannot contribute to a *decent work* [15] agenda since there is no current mechanism for the inclusion of the needs or necessary improvements in conditions for workers or the input of labour unions into the improvement of the fishery in a legally binding manner. FIPs have no tripartite structure and are voluntarising hard fought human and labour rights, providing a ‘get-out’ for seafood buyers.

Interventions that solely focus on increasing fishing profitability can actually increase fisher/worker vulnerability. FIP proponents must broaden the scope of benefits delivered directly as part of a decent work agenda, going beyond the scope of what is considered ‘rational investment’ by private sector actors in the supply chain. There is no business case for ending exploitation, so this is not the correct means to approach the problem [30].

Market-based pressures can be effective (see worker-driven social responsibility programs [31]), but they cannot be effective as currently conceived in FIPs because they are not binding on retailers and lack fixed benchmarks. Instead of investing in more FIPs, financial investments from retailers would be better used supporting price premiums that are guaranteed to be passed to workers’ wages. While all businesses must be required to engage in HRDD [24] in a way that is meaningful for and inclusive of workers, a voluntary FIP option distracts from that requirement. The need for a structure wherein actors at the top of the supply chain financially and logistically support improvements throughout, cannot be conflated with FIPs’ false notions of continuous progress. FIPs, as currently designed, will only yield benefits for companies and their NGO partners – not the fishers they purportedly intend to help.

CRedit authorship contribution statement

Jessica L. Decker Sparks: Conceptualization, Writing – original draft, Writing – review & editing. **Chris Williams:** Conceptualization, Writing – original draft, Writing – review & editing.

Competing Interests

All authors declare no competing interest.

Data Availability

No data was used for the research described in the article.

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