

Distant Water Fishing

“Distant water fishing is a lesser-known, lesser-scrutinized area by brands, investors, and consumers, and yet it engenders human rights risks across major global supply chains.” – Institute for Human Rights and Business, [“Distant Water Fishing Fleets - Preventing Forced Labour and Trafficking”](#) meeting report.

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What is Distant Water Fishing?

Distant Water Fishing (DWF) refers to fleets that operate outside their own countries' exclusive economic zones (EEZs), often traveling long distances and spending long periods of time at sea to fish. DWF allows countries to catch valuable or higher volumes of species than are typically found within their own EEZs. [Historical data shows tuna to be the primary seafood group caught by DWFs, followed by mackerel, sardines, and cod.](#)

Distant water fishing is regulated, in part, by regional fisheries management organizations (RFMOs). RFMOs are established international agreements focused on regulating commercially valuable fish stocks and are made up of coastal states and distant water fishing nations that fish for specific, often highly migratory species, such as tuna. RFMO regulation and enforcement of compliance vary by region and require consensus of member states, which can slow decision-making and deter enforcement. Some areas still lack RFMO presence, including the Arctic, and Central and Southwest Atlantic. High seas governance is of even greater concern as regulation of fishing in the open ocean outside of any country's jurisdiction is left to the discretion of the [flag State](#), i.e., a vessel's country of registration.

Despite its prevalence, various critiques of DWF exist:

- **Subsidies and profitability:** Because of the increasing need to travel long distances at sea, these fisheries are often heavily reliant on fuel or other subsidies. [Some research has estimated that half of high seas fishing would be unprofitable without large government subsidies.](#)

- **Fishing practices:** Illegal or destructive fishing practices may target vulnerable species or contribute to declining fish stocks. Examples include poorly monitored or managed fish aggregating devices (FADs) or bycatch of key species groups.
- **Lack of supply chain transparency and oversight:** DWF fleets are criticized due to the complexity and lack of transparency in seafood supply chains—including limited traceability, shell companies that obscure true ownership, and vessels that may be registered to different flags of convenience.
- **Monitoring and enforcement:** It is challenging for authorities to monitor and enforce laws on the high seas due to the remote nature of fishing and the capabilities of a vessel's flag state. Additionally, workers on DWF vessels may spend long periods of time at sea, unable to request support from advocates or authorities, which increases the workers' vulnerability to human rights and labor abuse. Even if illegal activities are detected, the challenges of cross-border litigation and prosecution may lead to them occurring with impunity.
- **Data availability:** DWF is often associated with overexploitation of resources and illegal activities, including human rights abuses. However, due to monitoring and enforcement challenges listed above, causal data is either lacking or not well distributed and these connections can be challenged.

At-sea transshipment, the practice of transferring fish and other supplies from vessels that catch fish to cargo vessels outside the port area, may exacerbate the risks associated with DWF. When unmonitored and unregulated (or poorly monitored and regulated), transshipment may facilitate various practices that limit traceability and may place workers at risk:

- **Time spent at sea:** If vessels transship catch at sea instead of unloading at port, their time spent at sea may extend from multiple months to even years, furthering risks to workers.
- **Reporting of transshipment events:** [Transshipped catch that goes misreported or unreported contributes to illegal, unreported, or unregulated fishing](#) in seafood supply chains.
- **Mixing of fish:** Although not unique to transshipment, or even at-sea work, the mixing of fish caught by different fishing vessels—both landing on the transshipment vessel—may make it more challenging to understand whether the final fish product is associated with illegal activity (e.g., 80% of product in a can of seafood may come from a vessel fishing legally, while 20% may come from a vessel fishing illegally).

Learn more about Distant Water Fishing:

- Pew Charitable Trusts: [Global Transshipment: Working to make transfers of catch transparent, legal, and safe.](#)
- CEA Consulting: [Distant Water Fishing: Overview of Research Efforts and Current Knowledge.](#)

Distant Water Fishing and social responsibility

Workers on vessels, particularly DWF fleets, face difficult and dangerous labor conditions due to the at-sea location of the work. Accessing timely grievance mechanisms, improving their own living and working conditions, and the ability to switch jobs are all complicated when working on a vessel far out at sea. Unchecked, these challenges may contribute to human trafficking and forced labor.

- **Accessing timely grievance:** Due to potentially long periods of time spent at sea, and limits to workers' communications to land, workers may not be able to access timely grievance mechanisms.
- **Two-tier work permit systems:** [Two-tiered work permit systems](#), in which national fishers receive greater protections than migrant fishers on a vessel at sea, contribute to greater exploitation of migrant workers. Countries using two-tier permit systems include Taiwan, South Korea, and the U.S.
- **Safety on vessels:** Already hazardous conditions at sea can be made even more dangerous without properly constructed vessels. Additionally, workers may face exhaustion and impairment due to long or unpredictable hours.

The U.S. government's focus on human rights abuses associated with DWF has increased in recent years, reflecting a growing awareness of this issue. Between 2019 and 2021, four detention orders were issued for imported products associated with forced labor and tuna vessels. Even so, despite increased enforcement related to the import of foreign seafood products, additional work is needed to improve conditions on U.S. vessels because the U.S. continues to utilize a two-tiered system.

References and resources:

- U.S. Customs and Border Protection: [Withhold Release Orders and Findings](#).
- Institute for Human Rights and Business: [What's the Catch? Forced Labour and Trafficking in the Taiwanese Distant Water Fishing Industry](#).

Industry actions to improve social responsibility in Distant Water Fishing fleets

“Not one company disclosed having found a single worker in modern slavery in their supply chains. This is despite recurrent reports of abuse.” – Out of Sight, [Modern Slavery in Pacific Supply Chains of Canned Tuna](#).

To improve human rights, companies should first understand the problems that exist within DWF fleets. A few measures may improve transparency and oversight into the practices and working conditions of DWF fleets in your supply chains.

- **Transshipments:** When conducting at-sea transshipments, utilize best practices that enable monitoring, oversight, and data collection by relevant authorities.
 - [Greenpeace](#), [Pew Charitable Trusts](#), and the members of the [NGO Tuna Forum](#) (within which [FishWise](#) participates) have developed best practices for at-sea transshipment.
- **Time spent at sea:** Adopt a health and safety-oriented policy on rest hours. [International guidelines for maritime operations](#) set maximum hours of work at 14 hours in any 24-hour period or 72 hours in a seven-day period. Additionally, seafarers are entitled to annual leave. As such, workers should not spend more than 11 months at sea without repatriation to their own country or a country with which they have a substantial connection.
 - Advocacy organizations and some companies have set shorter limits to the maximum time spent at sea, with [Greenpeace advocating for three months](#) and [Thai Union committing to nine months](#). Greenpeace also states that crew should have unfettered access to port services for a minimum of 10 days.
- **Port inspections:** Source from vessels subject to effective port state labor inspections, especially inspections related to the requirements of the [Port State Measures Agreement](#) or the [Work in Fishing Convention](#).

Additional practices are needed to support worker welfare on DWF vessels:

- **Food and medical care:** Ensure all fishers receive, at no cost, food and water of sufficient quality and quantity. Support the establishment of a designated hospital boat scheme.
- **Safety at sea:** Only operate and/or purchase fish from vessels in strict compliance with the safety provisions and standards of the [2012 Cape Town Agreement](#).
- **Equality and non-discrimination:** Ensure all migrant fishers are treated equally to national fishers regardless of the applicable law in the flag state. This means that migrant fishers in DWF fleets must be paid at least the national minimum wage and provided with equivalent social protections even if the flag state excludes them from coverage.

Reference:

- Greenpeace: [Corporate Asks](#).

In addition to the practices outlined above, companies must conduct comprehensive human rights due diligence. See the RISE [Roadmap](#) and RISE [Decent Work at Sea](#) for step-by-step guidance for your company.

Resources:

- Global Tuna Alliance: [Tuna 2020 Traceability Declaration Social Responsibility Toolkit](#).

References:

- Business and Human Rights Resource Centre: [Out of Sight: Modern Slavery in Pacific Supply Chains of Canned Tuna](#).
- Greenpeace: [Sustainability, Labor, and Human Rights, and Chain of Custody Asks for Retailers, Brand Owners and Seafood Companies](#).