



FISHERIES TRADE

WTO Ministerial close to fisheries subsidies deal but India crashes consensus at last minute

The world's trade ministers met in Abu Dhabi, United Arab Emirates from 26-29 February 2024, extending to 1 March in a push to reach agreement on new rules for subsidies contributing to overcapacity and overfishing (OCOF). This 13th Ministerial Conference of the WTO (MC13) brought in almost 4,000 ministers, senior trade officials and other delegates from its 164 members and observers. (Timor Leste became a member at MC13, which brings the total to 166.) It is a major and costly endeavour, especially for smaller developing countries such as the Pacific Group. The Pacific Group is coordinated by the Pacific Islands Forum Secretariat (PIFS) and has a united delegation of six WTO members represented by the Deputy Prime Minister of Fiji (Lead Spokesperson); Minister for International Trade and Investment of Papua New Guinea; Minister of Minister for Commerce, Industry and Labour for Samoa; Director of Trade for Solomon Islands; Minister for Trade and Economic Development of Tonga; the Deputy Prime Minister of Vanuatu.

The main business of MC13 was for ministers to reach agreement on an OCOF text to complete the 2022 Agreement on Fisheries Subsidies (AFS). The starting point was a revised Chair's text released on 16 February 2024, which was the outcome of 'Fish Month' in Geneva in January.²

The Chair's February 2024 text was – at that point – probably the closest that the WTO has been to consensus on OCOF. However, this is mainly because it is a lowest common denominator set of rules that accommodates most members' defensive interests. For the Pacific Group, for example, its defensive interests were covered by a *de minimis* provision whereby if the volume of a member's marine capture remains below 0.8% of the global total, that member is not subject to the discipline. The fisheries of all Pacific Island countries remain well below this level.

The Chair's text was pitched as an evolution of several previous texts discussed in the past year by WTO members in Geneva. The most notable change compared to prior drafts was a watering down of the sole remaining discipline that would actually reduce subsidies – the long-standing Article A.2 rule on distant water fishing in Areas Beyond National Jurisdiction (ABNJ). Prior to MC13, the chair had proposed that the ABNJ rule should be subject to a sustainability defence.³ This proved too much for the distant water fishing nations (DWFNs). The ABNJ rule was made into a best endeavours provision during MC13, which would mean that DWFNs could not be held to the rules by the WTO.

As this example indicates, the negotiation is dominated by the underlying interests of the world's major subsidisers, which also happen to be the main DWFNs; notably China, the EU, Japan, South Korea, Taiwan, amongst others. This is an outcome of two related factors: the politics of the WTO, wherein the most powerful members and most significant commercial interests tend to be most heard; and, the pragmatism of needing to align on rules that all countries can actually accept as a result of the WTO's consensus decision-making rule.

As noted, the ambition of the text going into MC13 was already very low, with the main gain to do with transparency notifications and their scrutiny in the new AFS Fisheries Committee. This did not reflect the offensive interests of those members wanting to see the WTO 'prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing', which world leaders had agreed in SDG 14.6.

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Tuna Price Trends

MC13 began with a low ambition text that favoured distant water fishing nations

The Pacific Group resisted the status quo and demanded action at MC13, calling for the developed and DWFN members to refrain from introducing more OCOF subsidies (as per SDG 14.6) and to reduce the total amount of their OCOF subsidies handed out each year over a clear timeframe. This 'stand-still and roll-back' proposal was tabled by the Pacific Group at the beginning of the week and socialised.⁴ Several versions of the proposal had been tabled by Pacific members or outlined in negotiations during the previous year. It drew on earlier proposals made by Fiji and the Pacific in 2023.

Ultimately, the Pacific Group proposal did not gather momentum quickly enough, but Pacific solidarity and action shaped the negotiation so that by 1 March the draft text that was circulated by the chair contained a wide-ranging review clause as a fall-back. This clause commits members to assess, after five years, the impacts of the agreement on subsidies to OCOF and to distant water fishing, and whether there are increased benefits to LDCs and small island developing states. If not, the clause requires the strengthening of disciplines, including the option of quantitative reductions. The clause also recognised Small Island Developing States as a group. Another major shift in the text through the week was the removal of geographical and other limits on subsidies for artisanal and small-scale fishing, which gave comfort to several developing countries who were concerned that the 12 nautical mile limit and exclusion of commercial fishing would be too constraining.

However, these negotiated gains risk being lost due to last minute brinkmanship by India, which refused to agree to the text, largely for domestic political reasons. Much of this was predictable. As reported in *FFA TIN* in September-October 2023, on the one hand, the historic subsidisers such as the EU and Northeast Asian countries are reluctant to curb their support to OCOF, and on the other, India continues to push for maximal special and differential treatment (SDT) without any serious attempt at compromise. India was also prepared to link the outcome in fisheries to the outcome of negotiations in other areas.

Going forward, many WTO members are now seeking to hold on to the progress made at MC13 and to conclude the OCOF negotiations quickly (e.g. by using the WTO General Council).⁵ There may be a window of opportunity between the national elections in India and in the USA.

FISHERIES MANAGEMENT

UN launches new Sub-Committee on Fisheries Management

The UN's Committee on Fisheries (COFI) is a central inter-governmental forum developing guidance on fisheries and aquaculture issues for governments and RFMOs. To increase COFI's capacity to address important and emergent issues in fisheries management, it has established the COFI Sub-Committee on Fisheries Management.⁶

The inaugural meeting of the Sub-Committee was in January 2024 and began by establishing key agenda items. These include best practices and approaches for the effective management of fisheries resources and improvements in the FAO methodology for estimating the state and health of the world's marine fish stocks, which FAO has published bi-annually since 1971 in *The State of the World Fisheries and Aquaculture* report. Additional agenda items for the new Sub-Committee include: the fight against IUU fishing, promotion of adaptive responses to the climate crisis, and mainstreaming biodiversity in fisheries in the context of other international agreements on the subject (e.g. Convention on Biological Diversity).

As the week progressed, the balance of the text shifted further in favour of DWFNs

Pacific solidarity and tenacity led to a new clause to examine if implementation actually effects OCOF and distant water fishing and benefits LDCs and SIDS, and if not, actions will be taken



The first meeting included specific attention to small-scale fisheries, building from recent FAO work to quantify the contributions of small-scale fisheries to sustainable development in the 'Illuminating Hidden Harvests' project.

The body indicates that the new COFI Sub-Committee on Fisheries Management's main function will be 'to provide technical and policy guidance on fisheries management, identify global challenges and opportunities, and promote collective solutions to ensure the environmental, economic and social sustainability of a sector that is crucial for global food security and nutrition'.⁷ It will identify major trends and issues to recommend to COFI and to help advance the implementation of the FAO Code of Conduct on Responsible Fisheries, as well as to achieve the visions of FAO's strategic framework (2022-2031). Environmental advocacy group Pew, welcomed the move, indicating that the new subcommittee would enable more in-depth discussion on technical aspects of fisheries management.⁸ Several elements of the work plan are relevant for Pacific Island countries and the tuna industry, and the Sub-Committee could serve as an outlet for FFA member countries to continue to press the international agenda on key initiatives. Particularly relevant are small scale fisheries and food security, IUU fishing and climate change adaptation.

TUNA INDUSTRY

China expands footprint in tuna industry with new international tuna trading centre

A new International Tuna Trading Centre opened in January 2024 in Shenzhen, the burgeoning city located in southern China's Guangdong province adjacent to Hong Kong. With a population of just over 17.5 million in 2020, Shenzhen covers 1,997.47 km² and is said to be the third most populous city by urban population in China after Shanghai and Beijing.⁹ Shenzhen's growth was accelerated as a result of economic reforms introduced in the early 1980s, with portions of the city becoming the first 'Special Economic Zone' (SEZ) in China due to its proximity to Hong Kong and the government's desire to attract foreign investment. In 2010, Shenzhen's SEZ was expanded to cover the entire city. Businesses that operate within the SEZ enjoy a wide range of tax exemptions, grants and loans, and various reduced government rates.¹⁰ As an example, the top 50 enterprises with transactions at the Shenzhen International Tuna Transaction Centre reaching 10 million yuan (USD 1.44 million) annually will each receive a subsidy equivalent to 1% of the total sales, capped at 1 million yuan (USD 144,000).¹¹

The tuna trading centre is said to rely on Shenzhen's industrial advantages and its position as a centre of finance and online payments. The concept was first presented in 2022 as part of Shenzhen's Modern Fishing Industry Development Plan 2022-2025. Ambitious plans were also announced at the time to build a national distant water fishing base to develop modern ocean port operation and production facilities, processing and logistics, trade and exhibition, marine science and technology research and development, as well as marine tourism.¹²

The first phase of the centre's fishing base operation began in March 2023 with the delivery of 327 mt of ultra-low temperature tuna by two Chinese distant-water longliners. The vessels had been at sea for two years, transshipping their catch at sea and then delivering the final load to Shenzhen. Their arrival inaugurated a new dedicated tuna wharf at Dachan Bay, Shenzhen. Previously, it was necessary for vessels returning to Shenzhen to unload at Yantian, a port in a different part of Shenzhen. The new wharf is closer to Shenzhen's international airport, facilitating

**New COFI
Sub-Committee
will focus
on effective
management,
improved stock
status estimates,
IUU fishing,
and climate
adaptation**

**China's
Shenzhen has
established
a Special
Economic Zone
that covers the
entire city**



more efficient logistics. Clearance of the vessels and their cargo was reported to have been done quickly and efficiently, the result of streamlined procedures introduced by port authorities.¹³ In May 2023, an online tuna auction platform commenced operation. The objective of the centre was described at the time as ‘building Shenzhen as a global high-end aquatic products trading, settlement and pricing centre, providing services such as cross-border trade, warehousing and logistics, and third-party settlement’.¹⁴

The centre’s opening in January 2024 followed a trial period that commenced in November 2023. It is notable that Shenzhen is the operational headquarters of Luen Thai Fishing Venture (LTFV) and its associated companies. LTFV operates longline fishing bases in Palau, Yap, Pohnpei and Majuro. LTFV already has a processing plant in Shenzhen that receives some fish from their western Pacific operations with production said to be primarily destined for the domestic market in China. The development of Shenzhen as a major tuna hub was referenced in remarks made to a reporter at the recent National People’s Congress by delegate Wang Heng Li, LTFV’s Vice Chair who noted that ‘the municipal government of Shenzhen has big plans for the tuna industry’.¹⁵

MSC extends implementation of new Fisheries Standard by two years

In October 2022, the Marine Stewardship Council’s (MSC) new Fisheries Standard (Version 3.0) was published which came into effect for new fisheries entering fisheries certification in May 2023; existing certified fisheries were given six years to transition to the new standard. As reported previously in *FFA Trade and Industry News*, the new standard was developed following a comprehensive four-year long review period involving consultations with over 1,000 stakeholders. However, less than one year after its launch, effective 1 February 2024, MSC is applying a derogation (Derogation 10) to extend the implementation timeframes by two years for both new and existing fisheries certifications. New fisheries are now able to use the existing fisheries standard (Version 2.01) until 1 February 2026 and already certified fisheries have until 1 November 2030 to transition to the updated Version 3.01 which MSC intends to release in July 2024. Fisheries that wish to proceed now with using Version 3.0 may also do so.

Updates to MSC’s Fisheries standard include: implementation of stock-wide harvest strategies for RFMO-managed tuna fisheries; strengthened requirements on shark finning whereby all MSC-certified fisheries retaining sharks must have a fins naturally attached policy; use of a new method for classifying endangered, threatened and protected species (ETP); strengthened requirements for lost or discarded fishing gear to minimise ecosystem impacts; and, streamlined requirements to make MSC assessments less complex, while still requiring the same level of performance.¹⁶ However, MSC admits that introducing the new standard without ‘hardcore’ testing on actual fisheries has identified shortcomings, with complaints received globally from the fishing industry and conformity assessment bodies (CABs).¹⁷ Having an additional two years will enable MSC to make and thoroughly test refinements to the standard that will reduce complexity and provide clarity on some terminology (particularly where discrepancies exist between requirements in the standard vs. guidance requirements associated with the standard). Following the July 2024 release of the updated standard, an independent review will then be conducted of the new Evidence Requirements Framework (ERF) by fisheries assessment experts, in an effort to determine whether the framework can be applied more efficiently, leading to less complexity for assessors and in turn, less cost for fisheries certification clients. The ERF is in a toolbox associated with the standard and is a new

Shenzhen’s International Tuna Trading centre has a tuna wharf with streamlined procedures implemented for efficient vessel unloadings

MSC will revise its new Fisheries Standard (Version 3.0) to address shortcomings which have emerged during its initial roll-out; the implementation timeframe is now extended by two years

methodology for assessing the quality and accuracy of evidence provided about a fishery's management system – it was already scheduled for external review, but this has been bought forward by three months.¹⁸

While the conservation community has been critical of MSC's decision to extend the new standard's implementation timeframes and make amendments to the new standard, MSC has stressed that these amendments will ensure consistent application of its requirements and will deliver the expected sustainability outcomes; that is, making sure that the new standard works in practice. MSC also wants to avoid new fisheries being disincentivized to join the program and existing fisheries exiting the program due to frustrations with the complexity and cost of the new standard.

New study explores persistent presence of mercury in tuna

Questions around mercury levels in seafood, including tuna, have long been a source of controversy in the industry. A range of organizations offer consumption guidelines – particularly for pregnant women and infants – to limit harmful health effects of exposure to mercury, while the tuna industry promotes the safety and healthiness of its products. However, many questions about mercury concentrations remain, including if emission declines over the last several decades and commitments to mercury phase-outs and phase-downs via the 2013 Minamata Convention (2017 entry into force) will reduce exposure via seafood.

A recent study provides openings for these questions by exploring concentrations of mercury in tuna over time.¹⁹ The research team analysed tuna samples that had been collected between 1971-2022, collecting and combining previously published findings with their own data on mercury levels for a total of almost 3,000 samples from tropical tunas – skipjack, bigeye and yellowfin – caught in the Pacific, Atlantic and Indian Oceans. Findings indicated stable long-term trends of tuna mercury concentrations that contrast with an overall decline in global anthropogenic mercury emissions and deposition since the 1970s. Skipjack caught in some parts of the north-western Pacific were found to have increased in the late 1990s, likely a result from increase mercury emissions in Asia.

Authors theorize that the stable presence of mercury in the face of global reductions in emissions may be caused by upward mixing of 'legacy' mercury from deeper ocean water into the shallower depths where tropical tunas feed. These legacy contaminants may have been emitted decades ago.²⁰ Study authors suggest that their findings indicate a need to massively cut mercury emissions before seeing a change in tuna mercury levels. Signatories of the 2013 Minamata Convention have committed to eradicating use of mercury. However, the Convention permits use of mercury in small-scale gold mining where it is used to amalgamate small pieces of gold. Small-scale gold mining is the sector demanding the largest quantity of mercury, with virtually all of the mercury used released into the environment.²¹

The study also raises further questions: how much time will be required for emissions reductions to translate into reduced concentrations in seafood; how climate change, which is warming the oceans, will affect how mercury circulates in the oceans; and, whether the Minamata Convention can be a tool for strengthening restrictions on mercury including for ending its use in gold mining. At the time of writing, the tuna industry had not commented on the study.

*Global declines
in mercury
emissions have
not translated
into reductions
in mercury in
tuna products*

Coalition lobbies satellite communications firm to cease engagement in FAD buoy sector

Traditionally, lobbying efforts of environmental groups against use of drifting fish aggregation devices (dFADs) for tuna purse seine fishing have targeted two key nodes in the canned tuna supply chain – fishing and retail. Concerns have centred around overfishing, particularly incidental catches of juvenile bigeye and yellowfin and increased fishing pressure on vulnerable tuna stocks; by-catch and entanglement of endangered, threatened and protected species (e.g. dolphins, sharks, turtles, rays); and marine pollution and ghost fishing caused by lost and abandoned FADs. Lobby groups are now also starting to turn their attention to technology service providers who are involved in the manufacture and operation of satellite buoys – a floating device attached to the structure of drifting FADs which provides GPS tracking, tuna biomass and oceanographic data.

For example, in January 2024, a coalition of 118 signatories consisting of environmentalists, scientists, academics, global law makers and UK-based media personalities amongst others, called on global satellite communications provider, Iridium to ‘show environmental leadership by agreeing not to enter into any new contracts with companies that use Iridium Short Burst data services inside harmful dFAD satellite beacons’. The coalition expressed concern specifically about the role of dFADs in the overfishing of yellowfin tuna in the Indian Ocean and their contribution to plastic and hazardous electronic waste pollution of marine ecosystems. Given Iridium’s engagement in numerous sectors besides maritime operations (e.g. telecommunications, logistics, polar exploration, transportation, space aviation, energy etc.), the Coalition suggests that their purse seine satellite buoy-related business must only account for a small fraction of the company’s entire revenue and that withdrawal from this sector would have minimal impact on the company’s profitability.²² Iridium’s response to lobbying efforts by the UK-led coalition is yet to be revealed. However, according to the company’s Environmental Sustainability Policy Statement, ‘environmental sustainability at Iridium means conducting our business in a manner that acknowledges, measures, and takes responsibility for our direct and indirect impacts on the environment.’²³ The lobbying coalition itself applauds Iridium on some of its corporate social responsibility (CSR) activities, including its engagement in the Outlaw Ocean Project (a non-profit investigative journalism organisation focussing on ocean-related human rights, labour and environmental concerns), as well as scientific research work to help address the poaching and illegal trade of wildlife. It remains to be seen if Iridium would cave to lobbying and cease its commercial involvement in satellite buoys for purse seine FADs. However, it is fair to assume that the company will at least expand its CSR program to include sustainability initiatives in future related to FAD management, if it is not already doing so. Iridium’s experience may also prompt other satellite technology companies to follow suit.

Already, companies supplying satellite buoys for FADs are incorporating FAD-related sustainability projects into their CSR programs. For example, Spanish satellite buoy provider, Satlink launched Project ReCon in 2022 – a circular economy program to recover and refurbish lost/abandoned satellite buoys for reuse for scientific research and environmental endeavours such as marking and monitoring marine debris, flood prevention and disaster relief.²⁴ In Palmyra, a small Pacific Island atoll, several satellite buoy provider companies are project partners in a drifting FAD recovery program coordinated by The Nature Conservancy, where lost FADs are removed from sensitive marine areas and donated for reuse in sustainability, conservation and food security-related projects in the Pacific Islands.²⁵

**Satellite
technology
service
providers are
the latest to
be targeted by
lobbying efforts
against drifting
FADs**

**Calls have
been made for
Iridium to not
enter into any
new contracts
with companies
using their
services in
satellite buoys
used with
drifting FADs**

Outlaw Ocean Project documents North Korean forced labour in China's seafood processing industry

Investigative reporter Ian Urbina and the Outlaw Ocean Project team recently released their third report detailing elements of forced labour in the Chinese seafood processing sector. The first two instalments explored forced labour on board Chinese flagged longline vessels and of ethnic-minority Uyghurs in seafood processing plants in China. Both stories linked vessels and processing plants to suppliers in the United States and Europe, and led to several companies severing ties with suppliers or opening more detailed investigations into their supply chains.²⁶ In the wake of prior Outlaw Ocean articles, US lawmakers and a formal filing from an NGO that requested anonymity each urged the US government to impose sanctions on Chinese processing companies named in the reporting, making use of the Global Magnitsky Human Rights Accountability Act process.²⁷

The most recent instalment documents seafood companies in China that rely on a program of forced labour from North Korea that is run through North Korean government entities.²⁸ In this labour transfer program, the North Korean government sends workers to China and then takes a portion of their salaries, providing foreign currency to the isolated government and cheap labour that lowers costs for Chinese companies and the clients that they supply.

The Outlaw Ocean Project reviewed leaked government documents, promotional materials, satellite imagery, online forums, local news reports, social media posts, interviews with North Koreans who had spent time in Chinese factories, and trade data to document the existence of North Korean workers in seafood plants and trace products to markets. The reporting describes North Korean working conditions as dire: a female workforce confined in compounds under the watch of security guards, long shifts with little time off, beatings and sexual violence, as well as a lack of freedom to return home and salaries withheld. North Korean workers are reportedly paid a quarter of what Chinese employees earn and are generally excluded from government services such as medical treatment, work-related injury and maternity leave.

In addition to these concerns, United Nations sanctions prohibit foreign companies from using North Korean workers. These sanctions followed from a series of weapons tests that the North Korean government undertook in 2017. The US also passed legislation that categorizes work by North Koreans as forced labour (unless proven otherwise) and fines companies that import goods tied to North Korean workers. Despite these moves, the US State Department estimates that up to 100,000 North Koreans are working in China in a range of sectors including construction, textiles, software and seafood. In 2022, an estimated 80,000 North Koreans were in Dandong, a seafood industry hub.

The investigation revealed fifteen seafood processing plants utilizing North Korean labour and documented that products are exported to major retailers, restaurant chains and food service companies in the US (e.g. Walmart, ShopRite, McDonalds and Sysco), as well as to the EU. Some US companies (Trident, High Liner and Sysco) said that they would sever ties with identified plants while conducting their own investigations, though Trident indicated that audits did not reveal evidence or suspicion of North Korean labour at one of their supplier plants identified in the reporting.²⁹

Use of North Korean labour saves costs for Chinese processors and their clients

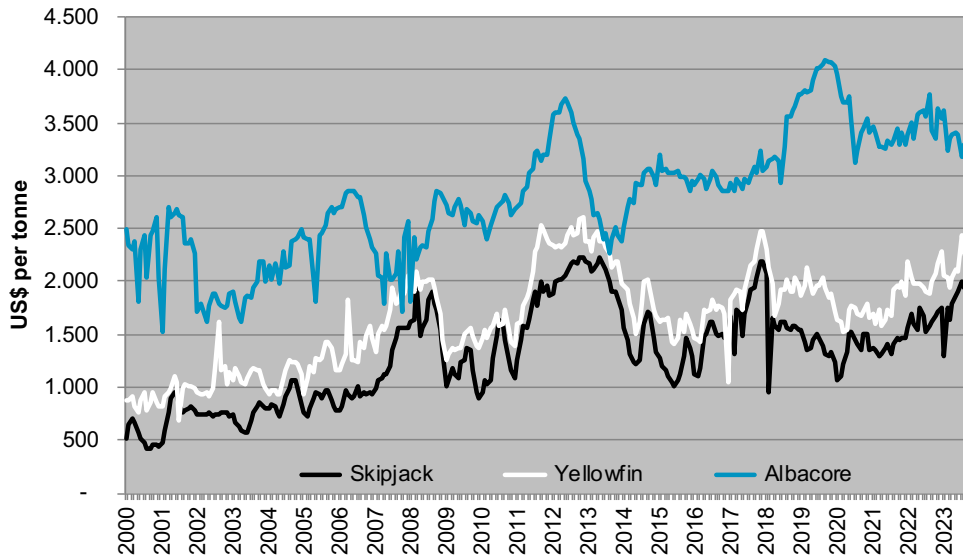
Demand for tools to reliably identify and monitor labour throughout seafood supply chains is likely to grow



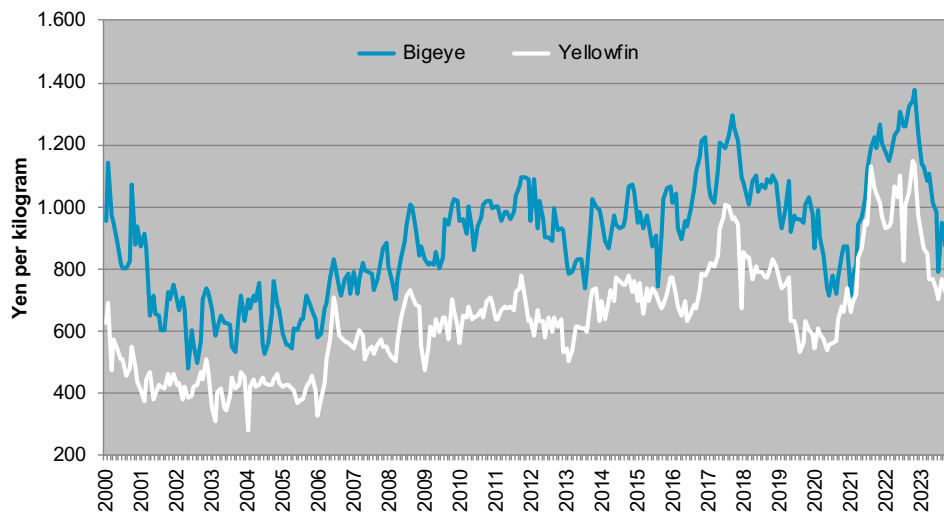
Half of the plants that the investigation identified also had MSC certification. The MSC does not set standards on labour. However, MSC does require that MSC chain-of-custody certified processing plants complete a labour audit with a third-party labour scheme or, for lower risk sites, submit a self-assessment of the risk of forced or child labour in their supply chain to their Conformity Assessment Body and allow the MSC to commission a third-party audit if called upon to do so.³⁰ Overall, audits are under growing scrutiny for their inability to detect problems and the reality that auditors can be reluctant to blow the whistle on the companies that have hired them. The US State Department has said that social audits in China are generally inadequate for identifying forced labour, and US Customs and Border Protection advised US companies that a credible third-party assessment would require unannounced, independent audits and interviews conducted in the native language of workers. More broadly, the reporting and government and industry responses to it, suggests that attention to labour conditions and demand for reliable tools for identifying and stemming labour abuses throughout seafood supply chains will continue to grow.

TUNA PRICE TRENDS³¹

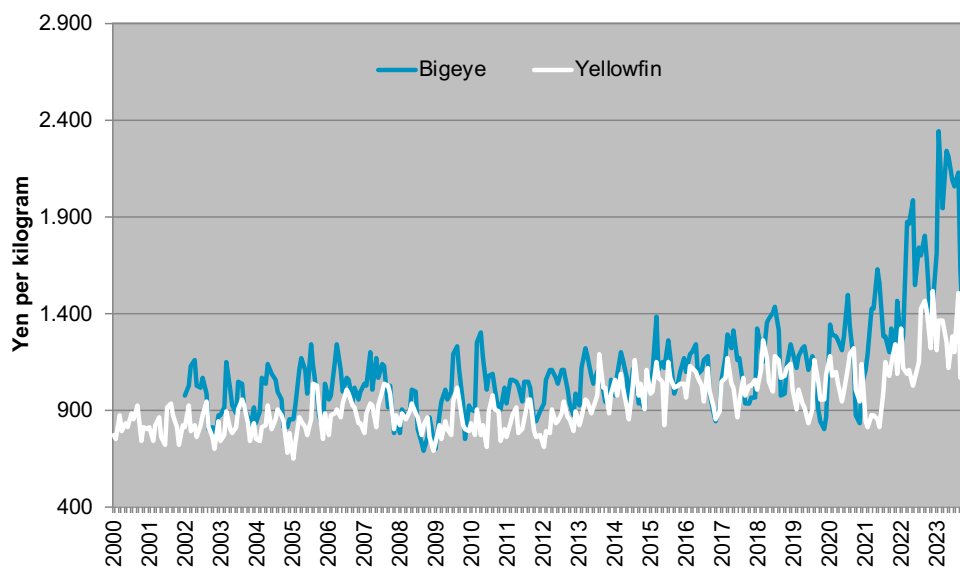
Bangkok canning-grade prices to February 2024³²



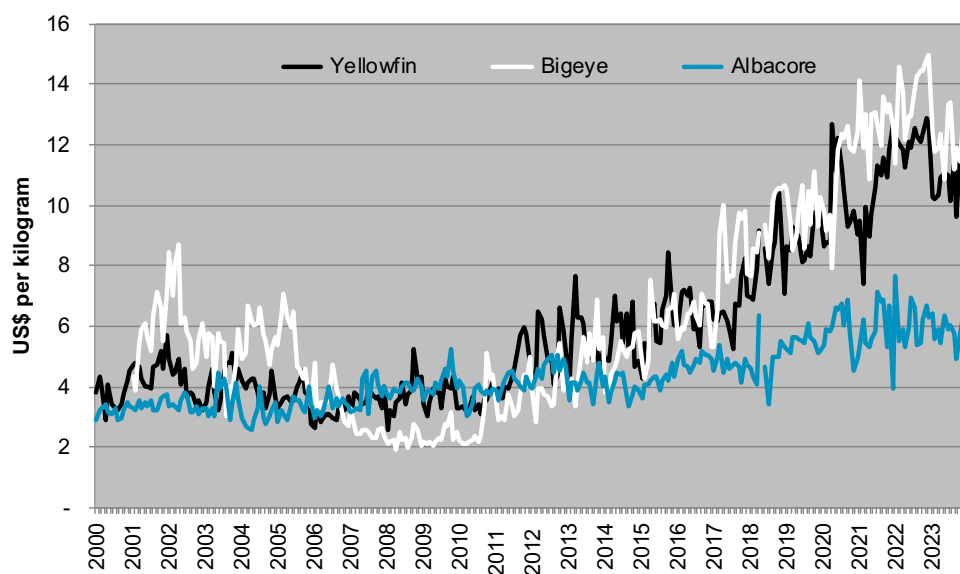
Japan frozen sashimi prices (ex-vessel, Japanese ports) to February 2024³³



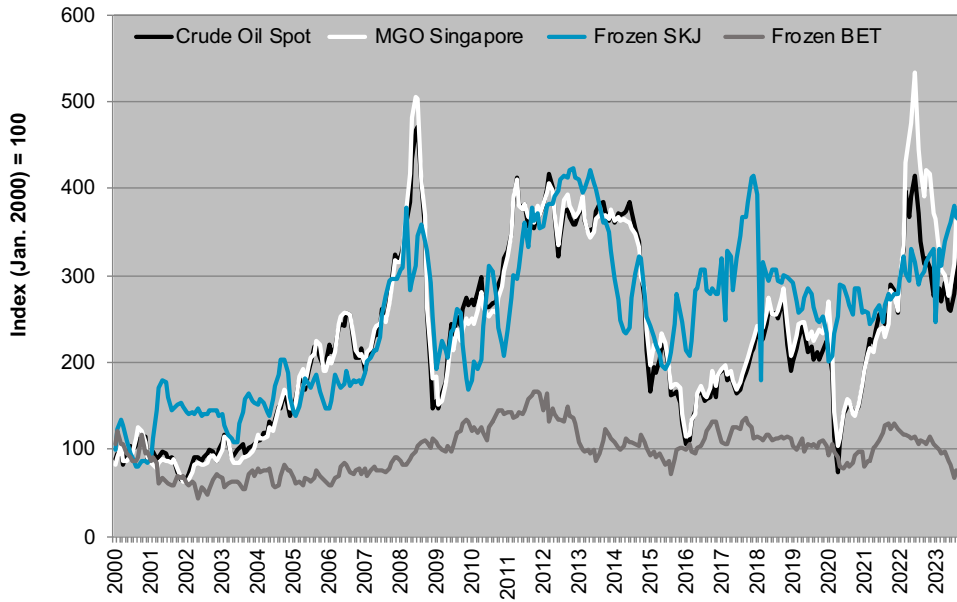
Japan fresh sashimi prices (origin Oceania) to February 2024³⁴



US imported fresh sashimi prices to February 2024³⁵



Crude oil, canning-grade frozen skipjack (SKJ) and frozen bigeye (BET) price index to February 2024 ³⁶



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- ³⁶ Y Charts: https://ycharts.com/indicators/average_crude_oil_spot_price; Ship & Bunker: <https://shipandbunker.com/prices/apac/sea/sg-sin-singapore#MGO>