

Chinese authorities castigate Outlaw Ocean report, as US lawyers advise importers to scrutinize Chinese products

By Mark Godfrey

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China is requiring its entire distant-water fleet to implement electronic monitoring on its ships from 2024 onward, according to a new government whitepaper that comes soon after the release of a [bombshell Outlaw Ocean report](#) focusing on [alleged worker abuses](#) that occurred on some of the nation's distant-water trawlers.

The report links specific Chinese processing companies to state-run labor programs that [have subjected the Uyghur ethnic minority group](#) to what the U.S. government has labeled as illegal forced labor.

Soon after the report's publication, the Chinese government released the whitepaper, titled "China's Distant-Water Fisheries Development," committing the country to "systematically" and "scientifically" surveying and monitoring distant-water fishery resources in cooperation with coastal states in order to "sustainably" develop the country's fisheries activities.

The swift action taken by the Chinese government to address the actions of its distant-water fleet is likely due to the fact that firms named in the report are likely to face increased scrutiny from U.S. and other countries' authorities.

Amanda K. Levitt, a lawyer at law firm Sandler, Travis, and Rosenberg LLC, and an expert in international trade and customs law, told SeafoodSource the U.S. government will likely take a deeper look at the allegations in the Outlaw Ocean report.

"Although the reportage may not have an immediate impact on the processors concerned, we expect it will be investigated further by FLETF [the U.S. government's Forced Labor Enforcement Task Force]," she said.

Similar allegations within other sectors, she said, "have caught the attention by FLETF before, and next, we saw detentions made under the authority of the UFLPA [Uyghur Forced Labor Prevention Act] for those products and companies identified by NGOs."

"It is important to note many shipments are detained under UFLPA, even though not connected to a publicly named entity; entities do not have to be publicly named on a formal UFLPA list before shipments are impacted," she said. "As such, this ... report may be the only advance warning the industry gets."

Levitt said her law firm is "advising U.S. companies to consider due diligence on the [Outlaw Ocean] report by first mapping its supply chain past its tier one supplier to better understand what entities may be involved in its various processes or sourcing operations."

"Only once a company has that visibility into their supply chain can it make a more realistic assessment of the risk that their supply chain may capture the attention of Customs and Border Protection," Levitt said.

This would not be the first instance of American authorities targeting Chinese seafood imports on the basis of labor abuse.

In 2021, the U.S. Customs and Border Protection [imposed a withhold release order on products from Dalian Ocean Fishing](#), effectively barring the company's products from entering American ports after a review of what it deemed credible evidence of forced labor in the company's operations. The decision forced many importers to prove their imports were unrelated to the release order.

Now, due to the effects the Outlaw Ocean report might have on Chinese processors, researchers and fishery associations within the country have publicly castigated the report; the New Yorker, which published the article; the report's author, Ian Urbina; and the U.S. government.

Liu Ming, the head of the Ocean Strategy Research Center at Shanghai Ocean University, and Zhang Huiqin, an associate professor at the Ocean Culture and Law School at the Ocean University of China, both told Chinese media that the extensive reporting was part of a Western effort to smear China and lessen its competitive advantages related to distant-water fishing.

Ming said, without specifying or providing refutations of specific allegations in the report, that it was "neither objective nor rigorous," suggested the author "lacked a basic understanding" of fisheries, and alleged that the U.S. as a whole was using the "so-called illegal fishing issue" to discredit China and drive a wedge between China and other countries.

Similarly, the China Aquatic Products Processing and Marketing Association (CAPPMA) claimed the article was "without factual basis" in presuming that hiring ethnic workers equated to forced labor. The CAPPMA statement also accused the New Yorker of inciting American and European clients of Chinese seafood processors to cancel their orders from Chinese factories.

The rebuttals from Chinese representatives focus on the Outlaw Ocean report, but Chinese vessels are facing several other accusations of engaging in [illegal, unreported, and unregulated \(IUU\) activities](#) in countries around the world, ranging from [Ecuador](#) to [Guinea](#).

Photo courtesy of Sandler, Travis, and Rosenberg LLC



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