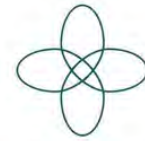




**SALT**

SEAFOOD ALLIANCE FOR  
LEGALITY & TRACEABILITY



Virgil Group

September 2022

**SALT Summary of the Report:**

# **OVERCOMING Institutional Barriers to Implementing Digital Traceability**



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## Introduction

[Illegal, unreported, and unregulated \(IUU\) fishing](#) depletes global fish stocks, depriving communities that depend on healthy marine ecosystems for their livelihoods. Illegal fishing can be linked to human and labor rights abuses, such as forced [labor](#), undermining global and local economies through illegitimate trade. That global economic loss estimated to be between USD 26 billion and USD 50 billion [annually](#). For these myriad reasons, IUU fishing is a major concern for governments, the private sector, and other stakeholders.

**Seafood traceability is a tool for governments and seafood companies to prevent illegally caught seafood from entering markets. It can help companies comply with legal requirements related to seafood traceability and support seafood company's transparency policies since the demand worldwide for legal, socially responsible and sustainable seafood is growing.**

Seafood traceability is an interdisciplinary process that requires storing and processing a large amount of data. Therefore, government agencies must work together to leverage the required data flows for implementing successful seafood traceability programs.

The [Seafood Alliance for Legality and Traceability \(SALT\)](#), a USAID project implemented by [FishWise](#), acknowledges that government agencies often encounter barriers to communicating, collaborating, sharing information, and implementing seafood traceability programs. SALT partnered with [Virgil Group](#) to identify and expand on four types of barriers that may limit interagency collaboration—Legal, Behavioral, Budgetary, and Procedural—and make recommendations to tackle these barriers for improved adoption and execution of seafood traceability programs. This summary report, prepared by SALT, offers an abbreviated summary of those findings for SALT community use.

Table 1 describes the four barriers to interagency collaboration addressed throughout this report.



**Table 1.** Barriers to interagency collaboration for the implementation of seafood traceability programs.

Legal Barriers	Behavioral Barrier	Budgetary Barriers	Procedural Barriers
The scope of an agency’s authority is established by legal instruments. Without legal authority, agencies may be unable to lead or contribute to seafood traceability programs.	Lack of collaboration or cooperation caused by the culture of the organization. Lack of trust or lack of leadership’s trust in collaboration.	Interagency collaboration requires each agency to contribute funding and human resources to the traceability program.	Lack of a solution process or standardized manner to achieve tasks, for example inconsistent terminology that hinders communication.

### Legal Barriers to Interagency Cooperation:

Legal authority provides agencies with missions, roles, and responsibilities to implement seafood traceability programs. On the other hand, a **lack of authority** can be a severe barrier to interagency collaboration which requires overcoming a new or amended law. For example, when an agency has authority over imported seafood, but not domestic products, hindering the implementation of a well-rounded traceability program that integrates domestic and imported seafood.

Agencies may also **lack jurisdictional clarity**, creating confusion between agencies’ responsibilities and distributing already limited resources across multiple agencies. Lack of jurisdictional clarity can result from agencies’ responsibilities overlapping or shifting, especially when new agencies are created that hold redundant responsibilities. For example, when a new agency is created and assigned responsibilities that overlap with an existing agency.

In other cases, agencies have **divided authority** and can only implement some aspects of a program. Divided authority can be found, for example, in permitting overlaps in which two or more agencies have authority on a specific topic like environmental assessments.

When an agency’s **jurisdiction or mission conflicts** with other agencies, it can delay consensus on shared priorities and create conflict over jurisdiction control and use of resources. For example, a fisheries management agency and a law enforcement agency may have different priorities and goals when using a seafood traceability program’s data and resources. [see Annex A]

Several legal barriers restrict **interagency data sharing**. Laws may require using a specific type of technology, limiting the data-sharing process between agencies. **Security clearance** may restrict the transfer of data between security agencies and other non-security-focused agencies. Enforcement agencies may classify information with some level of secrecy, making traceability information inaccessible.

**Confidentiality requirements** could also restrict interagency data sharing. Access to information may be restricted to certain employees depending on the nature of their contract. Enforcement agencies may classify information with some level of secrecy, making traceability information inaccessible.

Implementing seafood traceability programs can also be hindered by difficulties in sharing data **between different levels of government**, such as local, state/provincial and federal. Finally, **regulatory constraints** can arise when existing regulations refer to the use of specific technology. Given the rapid evolution of technology, such regulations can prevent the logical or best course of action in the future.

Seafood-producing countries need to identify the legal barriers in collaborating with other government agencies when designing and implementing seafood traceability programs. Understanding what barrier exists helps determine the level of difficulty in and finding solutions to address it. See recommendations for how to overcome legal barriers in Table 2. [see Annex B]

**Table 2.** Recommendations to address legal barriers.

<b>Recommendations to Address Legal Barriers:</b>	Map agency jurisdictions to ensure there is a fit between the desired outcome of interagency collaboration and the agencies involved.
	Verify if any aspects of collaboration will require security clearance to ensure the correct stakeholders are engaged.
	Have each agency list their data confidentiality restrictions for discussion and planning purposes.
	When identifying a legal barrier, ensure the appropriate decision-makers are aware. Determine if changing a law or regulation is warranted, as such changes can take years.

## **Behavioral Barriers to Interagency Cooperation:**

Behavioral barriers arise from an agency's culture. These barriers can reduce or block the opportunities for agencies to collaborate with each other.

**Behavioral barriers** can stem from either a lack of political will or from a lack of staff or leadership buy-in. Agency leaders and staff who do not support interagency collaboration on this issue for any number of reasons may not prioritize understanding the problem or advancing proposed solutions.

Behavioral barriers to interagency collaboration also include a **lack of trust** between agencies, which can result from leaders’ failure to make transparent decisions or choices aligned with multi-agency objectives.



Changes in leadership over time are known as **‘leadership churn.’** When a new government leader enters the interagency cooperation process, for example after an election, the cooperating government agencies must help educate that new leader on shared priorities. Increasing engagement with incoming leadership on the purpose, goals, shared priorities, and useful work of this interagency body can help prevent changes in agency leadership from becoming a barrier to cooperation.

Shared priorities serve as an important platform for overcoming behavioral barriers. If not already present, shared priorities can be cultivated through a task force, directive, or other mechanism directly by leadership above the agency level. **Inclusive scoping and pre-decisional conversations** between leaders and subject matter experts (SMEs) are necessary to develop shared priorities and promote collaboration between agencies.

Identifying behavioral barriers will help develop and promote agency culture toward interagency collaboration. See recommendations to overcome behavioral barriers in Table 3.

**Table 3.** Recommendations to address behavioral barriers.

<b>Recommendations to Address Behavioral Barriers:</b>	Educating and engaging leadership, cultivating political buy-in, and identifying goals and shared priorities are critical to supporting interagency efforts and long-term success.
	Where there is a lack of trust between agencies, look to expand on small relationships that are functional, and address the root causes of the lack of trust by generating principles for engagement.



## Budgetary to Interagency Cooperation:

**Limited resources** (e.g., a lack of funding, staff, equipment, or training) can negatively affect the implementation of new traceability programs. If insufficient funding is allocated, work may be assigned to existing staff with already-existing job duties. Without financial relief, **staff can become overburdened** and unable to focus on the new work as adding new duties to an existing job is typically ineffective.

Low budgets, budget cuts, and financial uncertainty can shift agency culture towards competition, power hoarding, and self-benefit, also known as **territorial behavior**. Limited funding overall may cause agencies to focus more on sustaining themselves rather than on assisting with collective priorities of interagency programs.

If agencies at multiple levels of government are involved in interagency cooperation, there may be a **mismatch in which agency has resource management authority and which agency disburses funds**. This type of situation can create a challenging power dynamic where the agency with legal authority does not control the money and therefore cannot control the **action**. See recommendations to overcome budgetary barriers in Table 4.

**Table 4.** Recommendations to address budgetary barriers.

<b>Recommendations to Address Budgetary Barriers:</b>	Allocate sufficient resources for agencies to achieve their objectives. Consider that unfunded mandates are the first activities to be cut during lean budget times.
	Overburdening staff is not a sustainable use of resources, but realigning existing resources is an option when new funding is not provided.

## Procedural Barriers to Interagency Cooperation:

Procedural barriers lack a process to operate or communicate between agencies. Procedural barriers may appear superficial when compared to the other types of barriers discussed here, but in practice cause significant disruption and can be enduring because these kinds of barriers are difficult to find and resolve. This section identifies and provides solutions to common procedural barriers.

Language used in laws or regulations may contribute to procedural barriers such as **inconsistent terminology**. For example, agencies may have different definitions of “small vessels” that affect the transfer and comparison of data between agencies. Aligning terminology across agencies during the design of new programs can help alleviate this barrier.

In some cases, agencies collect data and information in systems inaccessible to other agencies, resulting in **incompatible technology or information management systems**. This inaccessibility could be from legal or regulatory restrictions, such as confidentiality issues cited previously, or agency standard practice.

**The USAID Ocean eCDT project in the Philippines recognized a similar case caused by the failure to integrate smaller, localized data collection systems with the national database. One of the lessons learned from that project is the need to develop an integration protocol to aid this interoperability. In this case, the USAID Ocean eCDT project recommended including in the protocol “criteria for the review, evaluation, and integration of new technologies as they emerge.”**

**This recommendation can help address the ever-evolving technology solutions for interagency data sharing. Developing systems that can communicate with each other to transfer data will facilitate the implementation of traceability programs.**

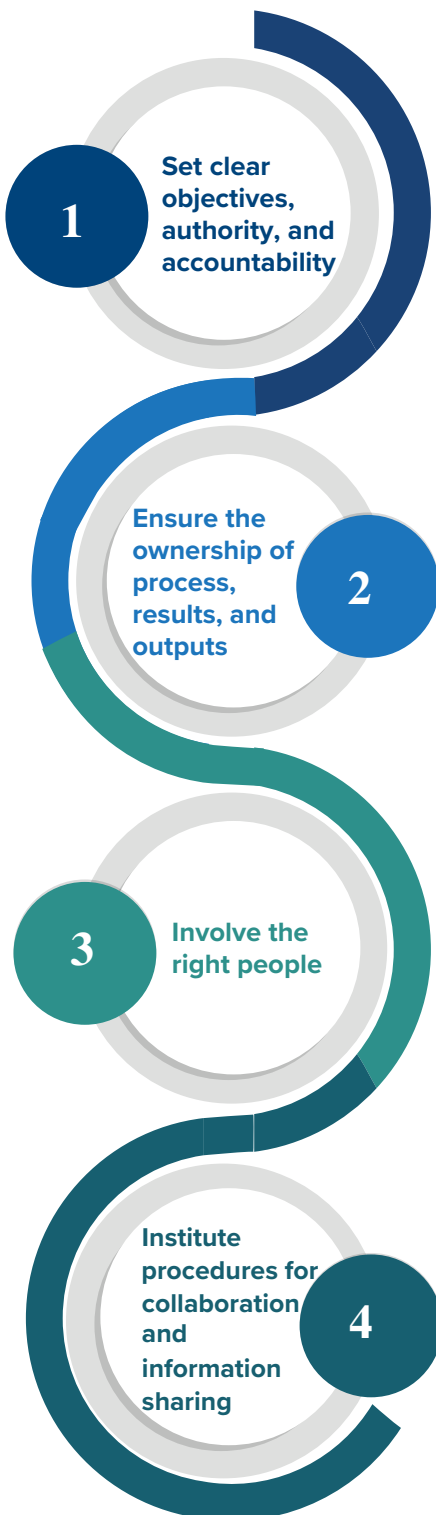
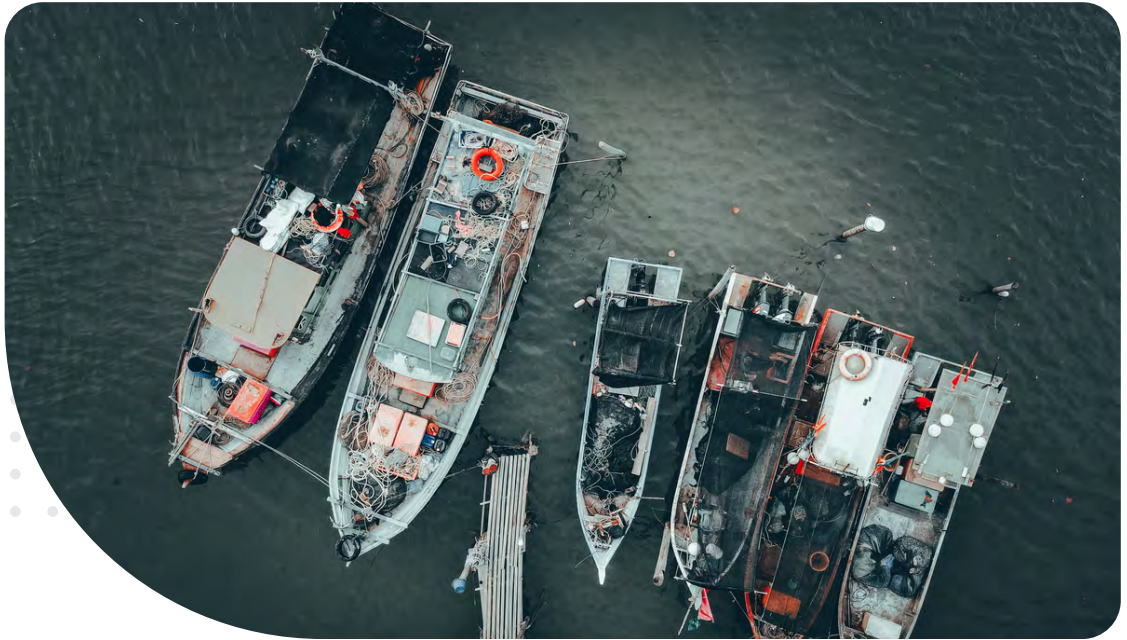
**Lack of effective communication** can also negatively affect interagency collaboration. This barrier results from an absence of effective pathways for communication and cross-agency relationships. Sometimes, professional relationships between staff or leaders of different agencies do not exist or may not function well. See recommendations to overcome behavioral barriers in Table 5.

**Table 5.** Recommendations to address procedural barriers.

<b>Recommendations to Address Procedural Barriers:</b>	Design or modify policies to achieve consistency in the use definitions and technology.
	Develop and foster professional communication and relationships between agencies for collaboration.
	Develop protocols to integrate technology and facilitate the exchange of data across agencies.
	Provide shared definitions to inconsistent terms.

## Solutions for Interagency Barriers to Cooperation:

Interagency barriers to cooperation can obstruct meaningful action and progress toward government seafood traceability systems. The solutions to these barriers are as varied as the problems agencies face, ranging from high-level political engagement to staff-level communication improvements. The solutions described below are not an exhaustive list, nor are they mutually exclusive, but rather they are meant to serve as guidelines of what might apply within governments to improve interagency cooperation on a case-by-case basis.



The responsibility of any government entity is to execute its legal mandates, and without leadership direction, it is difficult to add new and relevant projects to its agenda. Therefore, it can be effective to require relevant agencies to cooperate on seafood traceability through a directive from a higher authority (e.g., President, Congress, Parliament, Chief Executive, overarching budget office). This mandate to cooperate could take the form of a presidential memorandum or interagency guidance that establishes a working group, task force, council, commission or amends an existing interagency group.

Involve all relevant agencies in pre-decision discussion, scoping interagency solutions, receiving stakeholder comments, and developing and endorsing solutions to create agency buy-in.

A scoping process that involves all the relevant agencies can help solidify agency buy-in and may help to develop interagency working relationships. Incorporating agencies' recommendations into the seafood traceability system will create a sense of ownership in the interagency working group.

Include people with an appropriate level of expertise and decision-making authority from each relevant agency. Agency leaders with decision-making authority should participate in interagency groups with the support of agency subject matter experts who are familiar with specific issues and processes.

A task force can include subgroups to work on specific tasks and involve additional subject matter experts from each agency. These subgroups will expand staff's participation and allow them to build relationships in addition to the work conducted by the agency and task force leaders.

With or without new funding, agencies (especially the lead agency) should dedicate staff and resources to the interagency group to accomplish the objectives.

Regarding collaboration and information sharing, agencies can designate a central coordinating agency to receive and disseminate program information. If this idea is not feasible, agencies can establish agreements, such as a Memorandum of Agreement (MOU), data sharing agreement, or other mechanism. Agencies can also develop performance plans and reporting systems that demonstrate their work on shared goals and interagency work.



## Conclusion

Overcoming barriers to interagency cooperation can be a challenging task that starts by identifying the types of barriers in place. The implementation of seafood traceability programs is a multi-dimensional task that requires alignment and collaboration between different agencies in the government. The recommendations presented in this summary report help identify these barriers and facilitate improvements in interagency collaboration to implement a successful seafood traceability program.

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## Contact Us

For more information on the design and implementation of electronic seafood traceability systems, please reach out us or send us your questions at [SALT@fishwise.org](mailto:SALT@fishwise.org). If you are interested in more resources on traceability and technology, check out SALT's traceability resource repository: [Dive Deeper](#)



## Annex A

# ASSESS AGENCY MISSIONS FOR CONNECTIONS TO SEAFOOD TRACEABILITY

This section walks through the landscape of agencies with authorities over food harvest, production, labeling, transit, trade, and those that oversee the welfare of workers that may be of value in analysis of traceability data and addressing interagency barriers. To maximize the applicability of this section, we have identified thematic government functions that can be mapped to the specific agency structure of any producer country.

### ***SEAFOOD HARVESTING & PROCESSING AGENCIES***

#### **1. Mission Areas May Include:**

Managing and authorizing domestic commercial, recreational, subsistence and artisanal harvesting of wild caught fisheries and aquaculture production.

#### **2. Key Roles in Seafood Traceability:**

- Licensing of vessels
- Regulation of gear types
- Setting harvest limits
- Recording landing dates and volumes
- Managing observer programs
- Permitting aquaculture farming operations

#### **3. Interagency Collaboration Challenges and Opportunities**

**Data for fisheries management:** Information collected by these agencies may be **critical to the agency mission of resource management**, such as estimating species population size and total allowable catch, in addition to being useful for product traceability.

**Locked data:** Data collected for fishery management purposes is usually **not accessible to other government agencies or publicly available**. Foreign buyers and importers typically do not have access to fishery management data.

**Data for enforcement:** At a minimum, the **fisheries enforcement agency should have access** to some or all fishery management agency data. Sometimes fisheries enforcement is a branch within the same fisheries management agency, which in theory should make interagency cooperation easier.

**Multi-level fishery management agencies:** Fisheries management may be conducted at multiple levels of government: regional, federal, provincial, and local. These many **government agencies with differing authorities make the exchange of information and traceability data difficult**.

## ***TRADE, COMMERCE, CUSTOMS AGENCIES***

### **1. Mission Areas May Include:**

To ensure the smooth transition of the global trade of goods into and out of a nation, negotiate free trade agreements or tariffs, ensure productive trade discussions, and protect consumers from buying fraudulent or illegal products by stopping those products from entering the country.

### **2. Key Roles in Seafood Traceability:**

- Seafood chain of custody records
- Product tariff codes (may align with a species name)
- Country of origin

### **3. Interagency Collaboration Challenges and Opportunities**

**Compliance with world trade rules:** Trade agencies are interested in ensuring that seafood traceability requirements, no matter which agency makes those requirements, do not violate international trade agreements. For example, the US Trade Representative took a strong role in developing SIMP in order to ensure that the program was not a non-tariff trade barrier, and that agency had to work with NOAA to both understand SIMP and also to develop a unified US position.

**Key Partner Agency for Multiple Agencies:** Customs agencies can be essential in implementing seafood traceability requirements on imported seafood. Customs can collect import product data needed by other agencies, including social and labor agencies, commerce agencies, food safety agencies, and fisheries or natural resource agencies. Depending on which agencies store this data, the customs agency could become a key repository of traceability data in seafood fraud investigations, proper labeling, and consumer product awareness.

## ***HEALTH, SANITATION & FOOD SAFETY AGENCIES***

### **1. Mission Areas May Include:**

To ensure seafood product safety, quality, and proper labeling whether that seafood is exported, imported, or harvested and consumed domestically, permit or inspect processing facilities, conduct investigations and enforcement actions, and certify domestically harvested or processed seafood products for export.

### **2. Key Roles in Seafood Traceability:**

- Collecting key data such as species name, country of origin, chain of custody information and handling and processing information
- Processing Permits
- Managing transit of product
- On-site inspections

### **3. Interagency Collaboration Challenges and Opportunities**

**Product recall:** Processing and seafood production information may be collected by sanitation and food safety agencies to recall food, and **interagency cooperation may be required for enforcement or data sharing.**

**Food safety information in traceability:** Health, sanitation and food safety agencies may independently collect seafood traceability data elements, especially for seafood certified for health and safety. If seafood is certified before exportation from producer countries, that **data could be fed into the importer country's traceability system.**

## ***LAW ENFORCEMENT, INTELLIGENCE & DEFENSE AGENCIES***

### **1. Mission Areas May Include:**

To enforce domestic fisheries and aquaculture laws and regulations.

### **2. Key Roles in Seafood Traceability:**

- Monitoring and collection of data including vessel name, history violations, beneficial owners and foreign partners
- Review of financial information
- Making connections to non-fisheries criminal activity
- Sharing information for security purposes

### **3. Interagency Collaboration Challenges and Opportunities**

**Enforcement data sharing:** Domestic enforcement agencies of fisheries and aquaculture law may use traceability data other agencies collect if available. Enforcement agencies typically do not collect seafood traceability information outside of an investigation. They do not share that information with other agencies once it is part of an investigation or is classified.

**Traceability for crime detection:** National defense agencies securing borders may be interested in seafood traceability data because it indicates possible criminal activity. Defense agencies may see seafood traceability systems as a resource to track vessels, investigate fishing companies, access records, and prosecute bad actors. Rarely do defense agencies share seafood traceability data with other agencies because that data is classified as secret for national security purposes.

**Vessel tracking:** Defense agencies could potentially provide data on vessel movements and the legality of harvest activity. This data could contribute to the body of seafood traceability information. However, these agencies do not usually share this information with other agencies.

## ***DIPLOMATIC & INTERNATIONAL AFFAIRS AGENCIES***

### **1. Mission Areas May Include:**

Support the negotiation and maintenance of regional and bilateral agreements on fisheries management and enforcement. Lay the diplomatic groundwork for applying new programs to imported goods and international programs, including seafood traceability or fair labor requirements on imported seafood.

## **2. Key Roles in Seafood Traceability:**

- Negotiation with foreign counterparts
- Capacity building and training
- Legal defense against challenges
- Understanding of government perspectives and limitations

## **3. Interagency Collaboration Challenges and Opportunities**

**Data is not sharable:** Diplomatic agencies typically do not collect data specific to fisheries or aquaculture that could be used in product traceability. However, notable exceptions exist, such as the US State Department's shrimp fishery turtle bycatch reduction program.

**Capacity building and support:** A nation's approach to the foreign affairs of fisheries may include supporting foreign countries in fishery management capacity through funding or training, assisting in maritime security cooperation with other countries through treaties or regional agreements, and serving as a key advisory agency to domestic-facing agencies regarding foreign fishing and trade practices.

**Lists of Goods and Countries:** Diplomatic agencies may generate lists of goods or countries that require improvement on some aspect of production. For example, the Trafficking in Person report produced by the US State Department is used in diplomatic talks and for influencing policy, not for banning goods.

## ***SOCIAL WELFARE & LABOR AGENCIES***

### **1. Mission Areas May Include:**

To regulate workplace and workers, ensure fair worker treatment including seafood harvesting and processing laborers who are national citizens and foreign or migrant workers.

### **2. Key Roles in Seafood Traceability:**

- Collection and tracking of data including the nationality of workers, number of workers, and working hours
- Setting requirements for pay and pay equity
- Awareness of labor unions and grievance processes
- Support for recruitment and hiring practices

### **3. Interagency Collaboration Challenges and Opportunities**

**Grievance process:** Labor agencies typically receive and investigate worker grievances, and that information may or may not be made public after adjudication. Grievance process results are sometimes summarized and made public in annual agency reports. This format is not timely and may not be particularly useful in seafood traceability programs other than to observe trends.

**Weak agency relationships between labor and other agencies:** Labor agencies are typically not in close communication with fisheries and aquaculture management agencies, fisheries enforcement agencies, or national defense agencies. Labor agencies do not usually share their data about the seafood workforce with fisheries management agencies.

## Annex B

### Producer Country Best Practices for Interagency Cooperation:

To implement a government seafood traceability program or system in a producer country, multiple agencies must collaborate. A collaborative structure can take the form of a new task force, but it could also be a working group, council, commission, or an existing interagency body. Task force members usually consist of agency leaders supported by agency subject matter experts.

The details in this annex will help producer countries assess the feasibility of developing a seafood traceability program. The initiate, design, and implement phases will provide guidance for engaging the appropriate agencies and creating the right structure and process for their context.

#### Initiate

How do agencies come together and start working on shared solutions to a challenging issue, such as traceability? First an **initial assessment of agencies and legal statutes** should be conducted. This initial assessment will identify the agencies with missions that touch on traceability. An assessment should include a **description of the core constituency** of each key agency to understand how agencies will be influenced by their stakeholder groups.

Government agencies might already be preparing to act on traceability, transparency or upgrading to digital systems when a forcible event highlights the need for interagency work. This may determine the government's readiness to start a traceability program.

The following are questions for producer countries to consider in initiating interagency cooperation:

##### 1. Assess the lay of the land

- *Should a new task force be created to address this issue or could an existing interagency group be utilized? Which agencies should be involved?*
- *Will the personnel at the table also have the authority to make commitments on behalf of the agency?*

##### 2. Frame the issue with respect to the agency mission

- *What aspects of traceability do the relevant agencies care about?*
- *What Key Data Elements (KDEs) can those agencies contribute to an interagency system?*
- *How much capacity and resources can be applied to the problem by each agency?*

##### 3. Readiness

- *Is this a high-profile problem?*
- *Is there agency willingness to act on the issue?*
- *Will there be public facing communications or will the work products feed into some other process?*

## Design and Implement

At this stage, the task force should describe agency roles, define the group's outcomes, deliverables, and timeline for deliverables. The next step for agencies may be to establish agreements to share information and responsibilities and agreements can focus solely on data sharing. Public engagement is an important action that should happen while the task force is scoping solutions, in addition to internal task force meetings. Even if public consultations are not a requirement in a producer country, it remains good practice to allow for public input in a written or in-person meeting format.

Allocating resources to conduct the business of the task force is an essential factor in making real progress on the work of the task force by the agencies. Finally, a task force should report on progress. The following are questions for producer countries to consider in the Design & Implement phase of interagency cooperation:

### 1. Set up a structure for agencies to work together

- *Who can form a task force? What is the task force directive? What is the timeline for results?*

### 2. Develop mechanisms for cooperation and input

- *What is the timeline for meetings and objectives?*
- *Would a written agreement between agencies be helpful?*
- *Should the task force have sub-groups to work on pieces of the directive?*

### 3. Interagency discussion and public input

- *How can space be created for pre-decisional discussion by the task force?*
- *Should there be public input and how should it be received (e.g., meetings, listening sessions, written comments)?*

### 4. Resources

- *Will the agencies support the work of the task force?*

### 5. Reporting

- *Who will the task force report to?*
- *What is the schedule for that reporting?*
- *Will the results be shared with the public, and does that require a communication plan?*