

# **International Symposium on Ocean Governance, Environmental Rights and Sustainable Development in the Anthropocene**

**21-23 September, 2022**

**Hosted by Nankai University School of Law, Tianjin, China**

## **Panel II. Non-traditional Maritime Security Cooperation in the Post-Pandemic Era, Wed 21 Sep 2022**

### **MARITIME SECURITY COOPERATION TO COMBAT SLAVERY AT SEA ON FISHING VESSELS**

**Robert Beckman**

Although the treatment of some seafarers on fishing vessels in East and Southeast Asia is a modern form of slavery, the international community has been unable to effectively address the issue.

Flag States have exclusive jurisdiction over ships on the high seas that fly its flag, but there are no generally accepted international regulations governing labour conditions on fishing vessels that must be complied with by flag States.

Fishing vessels are able to remain at sea and avoid inspection in ports by transferring their catch to reefer vessels and relying on bunker vessels for fuel and supplies. Because the fishing vessels remain at sea for extended periods it is impossible for crew members that are being held in slave-like conditions to escape or to report the conditions aboard the fishing vessels.

There is no convention making modern slavery aboard fishing vessels a transnational organized crime. The major reason that this issue has not been addressed is that it is a cross-cutting issue that is not solely within the mandate of any of the agencies or bodies responsible for labour, fisheries, shipping or international crimes at the national, regional or global levels.

Recommendations:

1. States in Southeast whose nationals are being recruited to work on foreign fishing should impose strict requirements on labour recruitment agencies in their States.
2. Governments in East and Southeast Asia should cooperate with NGOs to identify and track the location of fishing vessels suspected of engaging in modern slavery at sea.
3. If evidence exists that particular fishing vessels in the region are engaged in a modern form of slavery at sea, coast guard vessels from cooperating States should exercise the "right of visit" under 1982 UNCLOS and board them at sea to determine if they are involved in the transport of modern slaves. If evidence of modern slavery is found, the slaves should be taken aboard the coast guard vessels and freed.
4. In addition, States that import fish from fishing vessels and reefer vessels in the region should refuse to accept fish from vessels if there is evidence that the fish were caught by fishing vessels engaged in modern slavery at sea.
5. These recommendations should be implemented in East and Southeast Asia through cooperative arrangements under the ASEAN plus Three mechanism.