Piracy, Fishing and Human Trafficking: A 21st Century Problem?

Prof Erika J Techera  
Dean of Law  
Oceans Institute  
University of Western Australia
Overview

• The Problem
• Persistence of Piracy
• Fishing Issues
• Slavery at sea
• Legal responses
• Way forward
POOR FISHERIES MANAGEMENT
Weak Monitoring, Control and Surveillance

OVER-FISHING

IUU FISHING

DECLINING CATCHES
Fishing vessels fish further away and spend longer periods at sea

Increased pressure to reduce costs
Ineffective and fewer inspections
Labour shortage

HUMAN TRAFFICKING AND FORCED LABOUR
International Maritime Bureau
Global piracy report January-June 2013

KEY
- $\$: 10 crew members held for ransom
- \[\times\] : 10 hostages
- \[\phantom{\times}\] : 10 kidnappings
- \[\bigcirc\] : 10 attacks
- \[\bigstar\] : 1 death
- \[\bigstar\bigstar\] : 2 hijackings

Slavery was abolished 150 years ago...

and yet there are more people in slavery today...

than at any other time in our history.
Legal Responses

**FAO**
- Code of Conduct for Responsible Fisheries
- Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
- International Plan of Action on IUU Fishing (IPOA-IUU)

**UNODC**
- Migrant Smuggling Protocol
- Human Trafficking Protocol

**IMO**
- International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel, 1995 (STCW)
- Torremolinos Protocol 1993
- Capetown Agreement 2012
- Convention on Facilitation of International Maritime Traffic, 1965
- International Convention for the Safety of Life at Sea (SOLAS)
- Maritime Labour Convention (MLC)

**ILO**
- Forced Labour Convention 1930 (No 29)
- Work in Fishing Convention, 2007 (No. 188)
- Work in Fishing Recommendation (No. 199)
Recommendations

• Recommendations are clear
  – Ratify existing international law
  – Strengthen the legal framework for fisheries
  – Enhance monitoring and enforcement

• Key challenge
  – Implementing law
  – Operationalising recommendations
By reconceptualising IUU fishing as a form of transnational organized crime, we greatly enhance our ability to tackle this global threat.
Technology

- Vessel monitoring + geo fences + drones + satellite tracking
Way Forward

• Legal Governance
  – FAO expanded jurisdiction to include fisheries crime
  – IMO regulations on merchant shipping extended to fishing vessels
  – ILO treaties at the intersection of fishing and slavery ratified
  – Harmonised agenda

• Monitoring & Enforcement
  – Multi-lateral use of drone, VMS, geo-fence and tracking technology
  – Cooperative policing through bi-lateral and shiprider agreements
  – Organised crime task force
References

- Slide 1 - New Shark Fin Pictures Reveal Ocean “Strip Mining”
- Slide 3 – EJF Slavery at Sea Report -
- Slide 8 – Pirates of the Caribbean -
  http://resources0.news.com.au/images/2007/06/15/va1237252066853/Pirates-5527929.jpg
- Slide 9 – Indonesia continues to fight illegal fishing -
- Slide 11 - GIS to inform about overfishing and track fishing activity in the ocean -
- Slide 12