

BC's Tales of the Pacific | Slavery is alive and well in the Pacific



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TO regular readers of this column, the Outlaw Ocean Project is a familiar term. That group of journalists works hard to expose injustice and inhumanity on the high seas, and the primary culprit of so much misery is the Chinese fishing fleet.

Dr. Ian Ralby at the Center for Maritime Strategy has written a piece that is getting attention, not only for his own work but also for the Outlaw Ocean Project. Many people in diverse sectors are starting to take notice of what we have been shouting about for a while. I include portions of his article here:

“As states and institutions come to terms with their historic roles in perpetrating slavery, new investigative reporting indicates that, today, the Chinese fishing sector is engaged in widespread enslavement of human beings. The question is: are we ready and willing to do something about it? The New Yorker’s striking new investigation chronicles a pattern of human rights violations by the Chinese fishing sector — the largest in the world.

“These violations are happening not just within one company or on a single ship, but evidently, across the entire, largely state-run Chinese fleet. By establishing the consistency and severity of these crimes, the reporting indicates this dynamic is not one of a few isolated matters of unfair labor practices or even human trafficking, but rather, the systematic exertion of ownership over the lives of human beings. That revelation brings the matter into the realm of slavery, and in doing so, raises a critical operational consideration for navies and coast guards around the world.

“While many organizations have begun to refer to human trafficking as ‘modern slavery,’ the two offenses, despite being almost impossible to distinguish on sight, are treated very differently by international maritime law. Under Article 110 of the United Nations Convention on the Law of the Sea, participating in slave trade is a crime of universal jurisdiction, meaning that it can be stopped by anyone outside of the territorial sea (the first 12 nautical miles from a state’s shore). Labor violations and human trafficking, by contrast, are domestic offenses which can only be stopped within the territorial sea or by the law enforcement of the state whose flag a vessel is flying. This distinction, therefore, has major operational implications for enforcing these two different laws.

“If a Chinese flagged vessel is suspected of having enslaved persons onboard, a ship from any country can board it anywhere outside of the territorial sea and check whether the people onboard are actually enslaved. That means, whether the vessel is 300 miles off Brazil or 12.1 miles off China, any state can stop slavery on that ship. That is not true of human trafficking. If that same Chinese-flagged vessel is suspected of being involved in human trafficking, the only country that can board the ship and free the trafficked persons is China. And given that the examples found in the reporting all indicate either direct or indirect involvement by the Chinese state, that is likely never going to happen.

“The Outlaw Ocean Project’s four-year investigation involved boarding Chinese fishing vessels all over the world. It revealed systematic treatment of workers on hundreds of these vessels that suggests the workers had no freedom. They had effectively become the property of the fishing companies such that even their access to life saving medical treatment was at the discretion of their masters.

“While many around the world are concerned about the historical horrors of slavery, this new reporting reveals how pervasive it is in today’s maritime world. Sadly, however, the world’s navies, coast guards, and marine police forces are not ready to deal with this reality, legally or operationally. That needs to change quickly. Hopefully, The Outlaw Ocean Project’s work will serve as a catalyst for doing so, by helping states recognize the need for both swift legislative action to ensure statutes that criminalize slavery at sea and operational guidance to help their navies and coast guards identify and interdict this most reprehensible of crimes. If we are serious about universally condemning slavery, we must all be willing and able to do something about it.”

BC Cook, PhD lived on Saipan and has taught history for over 30 years. He is a director and historian at Sealark Exploration



BC Cook

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