

Netting People: Treaties Reducing Illicit Fishing and Human Trafficking

Prepared statement by

Mark P. Lagon

*Professor in the Practice of International Affairs, and Global Politics and Security Chair,
Master of Science in Foreign Service Program, Georgetown University*

*Adjunct Senior Fellow for Human Rights
Council on Foreign Relations*

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Chairman Markey, Senator Rubio, Members of the Committee, it is a privilege to testify here. I served at the Committee as a staffer, assisting then Senator Sam Brownback and the late Senator Paul Wellstone in finalizing the Trafficking Victims Protection Act of 2000. The Committee seven years later supported my confirmation to serve as Ambassador at Large directing the Office to Monitor and Combat Trafficking in Persons the Act created, where I named the State Department’s annual award for the U.S. bilateral ambassador doing the most to combat trafficking after Senator Wellstone.

Thereafter, I became CEO of the leading U.S. anti-trafficking non-profit, Polaris Project, and in 2012 Founding Board Member (uncompensated, to be clear) of the Global Business Coalition Against Human Trafficking (gbcath.org), which includes Carlson, Coca Cola, Delta Airlines, Ford Motor Company, Hilton Hotels, Microsoft, and NXP Semiconductor among its members. This coalition of thought leaders promotes best practices to shut the windows of vulnerability to human trafficking tainting vital, legitimate business—through means like those I will recommend today.

My tenure from 2007 to 2009 as Ambassador at Large involved rebalancing the focus on human trafficking toward that based on exploitation for *labor* – in addition to that horrifically based on *commoditized sex*. Labor trafficking is a broader phenomenon, yet still prosecuted today globally less than one-sixth as often as sex trafficking, according to the 2013 Department of State *Trafficking in Persons Report*.¹ That tenure also

witnessed the revelation of how often human trafficking occurs in the seafood sector—from the victims of forced labor in seafood processing I met in Thailand in 2007, to boys fishing in Ghana’s Lake Volta so vividly depicted in the documentary film on child trafficking, *Not My Life*,² which we at the State Department Office lent advice to get made.

The focus of today’s hearing is on illegal, unreported and unregulated (IUU) fishing, the Port States Measures Agreement (PSMA), as well as three other international fisheries agreements. My testimony will center on human trafficking as it relates to fishing vessels and illegal fishing worldwide. I ask that my written testimony please be entered into the hearing record.

It is important to state from the outset that there is limited information available on the relationship between illegal fishing, human trafficking, and other criminal activities. These activities can occur independently. Obviously only some fishing vessels are engaged in illegal fishing, and human trafficking. However, the available data suggests that the confluence of these activities at sea does occur all too often, requiring a strong response from the United States. These illicit activities impact economically disadvantaged and vulnerable people, global commerce, and the health of our ocean environment, and merits your action. I strongly urge this committee to support and advance the Port States Measures Agreement in particular as soon as possible.

Human trafficking is not limited to activities on land, and increasingly evidence indicates that labor and even sexual exploitation are occurring at sea, and particularly on fishing vessels that exist largely unnoticed by the rest of the world. In 2013, the Maritime Labor Convention (MLC) came into force to protect the rights of seafarers on merchant vessels and passenger ships, but unfortunately, no comparable legal measures exist for workers rights aboard fishing vessels worldwide. Further, fishing vessels are generally exempt from the vessel safety standards and monitoring requirements of the International Maritime Organization (IMO). As a result, a range of fishing vessels of all sizes and seaworthiness are regulated solely by the country from which the vessel is registered, the vessel’s “flag” state, and they can operate across wide swaths of the ocean for months or years at a time with relative autonomy. Enforcement actions have traditionally been left to the states where the boats are registered, or “flagged,” rather than the “port” states where they bring their cargo to shore, where they would be more likely to be caught doing something illegal.

Moreover, fishing boats are much less carefully regulated than other ships. Because fishing vessels are not required to have identification numbers, enormous ships are known to change names and flags of registration to stay a step ahead of authorities. Interpol issued two worldwide alerts last year for vessels that had done just that.³ Fishing vessels are not required to carry satellite transponders, which makes it easy for them to evade surveillance. This all amounts to a governance “black hole.” Let me say that I have found the Pew Charitable Trusts, as a nonprofit with expertise on IUU, working to address international enforcement challenges, a particularly useful resource for policy-making.

This weak regulatory environment impacts a global fishing industry with annual revenues of \$80-85 billion that seeks to meet the increasing demand for seafood.⁴ These financial and regulatory conditions create an opportunity for traffickers to seize maximum gain with little risk, at the expense of fellow human beings who they in effect enslave. A 2011 report of the United Nations Office on Drugs and Crime (UNODC), *Transnational Organized Crime in the Fishing Industry*, concluded:

Perhaps the most disturbing finding of the study was the severity of the abuse of fishers trafficked for the purpose of forced labour on board fishing vessels. These practices can only be described as cruel and inhumane treatment in the extreme... A particularly disturbing facet of this form of exploitation is the frequency of trafficking in children in the fishing industry.⁵

We lack robust statistics of the full extent of human trafficking abuses associated with the global fishing industry, but a growing list of examples highlights the severity of the problem. *Bloomberg Businessweek*

conducted a six-month investigation into debt bondage schemes in Indonesia where men, desperate for work, were exploited on Korean-flagged fishing vessels operating off the coast of New Zealand. Fishing company agents rushed men into signing misleading contracts that allowed the fishing company to withhold salaries, and they collected collateral assets from workers' families. Further, crewmembers were required to work to the company's loosely defined "satisfaction," or be sent home without pay and charged \$1000 for airfare.⁶ Though the crew lived in cramped, unsanitary conditions with the daily threat of physical violence and rape, the contract terms assessed fines for any worker who ran away from the job. Workers were forced to work, knowing their families would ultimately be held responsible.

A 2011 report from the International Organization for Migration (IOM) entitled *Trafficking of Fishermen in Thailand* provides detailed information on the scale and scope of the human trafficking in the Thai fishing industry.⁷ Citizens of Southeast Asian countries are subjected to human trafficking on Thai vessels that fish on longer voyages in foreign waters far from enforcement (as compared to vessels that fish in their Exclusive Economic Zone, or EEZ, waters and return to port frequently). Workers are vulnerable due to their limited potential to leave the ship. In 2012, National Public Radio produced a special report⁸ exposing significant human trafficking of men from Cambodia and Myanmar on Thai fishing vessels. Thailand has a large fishing fleet but is chronically short on fishermen—short by up to 60,000 per year—and foreign labor makes up 40% of the men working at sea. The report indicates that human traffickers travel inland to remote villages in Cambodia and Myanmar and recruit men who they move with the complicity of corrupt border police to be sold into bondage at sea.

The NPR story follows a man named Vannak Prum as he looked for a short-term fishing job to pay for his pregnant wife's hospital bills, but was sold to a Thai fishing vessel, subject to 20-hour work days in dangerous and unsanitary conditions, and held without pay for three years at sea. Prum's account documents illegal fishing inside of Indonesian waters and his vessel evading gunfire before slipping into Malaysian waters. Prum eventually escaped by jumping overboard while fishing near an island off Malaysia, but once ashore, he was sold into indentured servitude on a palm oil plantation by a local police officer. This case reflects archetypical human trafficking: vulnerable groups of people robbed of their autonomy because they lack any access to justice.

Fishermen trapped at sea are subjected to violent, and sometimes deadly, abuse while aboard Thai vessels. A 2009 survey by the United Nations Inter-Agency Project on Human Trafficking (UNIAP) found that 59% of interviewed migrants trafficked aboard Thai fishing boats reported witnessing the murder of a fellow worker.⁹ Accidents, dangerous working conditions and the fear of being physically abused are common, but reports suggest that most vessels had little to no medical supplies and would not stop work to seek medical attention for the crew.¹⁰ In 2013, the Environmental Justice Foundation (EJF) interviewed 14 Myanmar men rescued from Thai fishing vessels who reported beatings by the senior crew, and in two cases, the victims reported seeing a fellow crewmember tortured and executed for trying to escape, as well as the murder of five others.¹¹ Further, EJF interviews with rescued victims confirmed that the vessels often fished illegally in foreign waters.¹² In 2013, 150 Cambodian and Burmese victims were rescued from Thai fishing vessels in ports around the world, but the U.S. State Department reports that this is likely only a fraction of the total number of Asian men victimized by trafficking on fishing boats.¹³

The State Department's *Trafficking in Persons Report* for 2013 suggests that the connection between human trafficking and the fishing industry is not limited to Thailand, and there are numerous examples involving victims—including woman and children trafficked for prostitution—from poor and developing countries across the Pacific, Asia, and Africa.¹⁴ In July 2013, a humanitarian organization reported that a foreign fishing firm based in Sierra Leone trafficked girls for purposes of sex, leaving port with the girls onboard before they were rescued by the local authorities.¹⁵ Many other woman and children are not as fortunate.

The same circumstances that make fishing vessels opportune for human trafficking also make them susceptible to other forms of transnational organized crime, including drug trafficking. For instance, a State Department report notes that drug smuggling is often aided by fishing boats moving drugs through the Bahamas, Jamaica and Florida.¹⁶ The 2011 UNODC report *Transnational Organized Crime in the Fishing Industry* that I previously mentioned addressed the extent to which criminal activities within the fishing industry were a threat to the law-abiding and legitimate fishing industry, local fishing communities, and the public at large. The study confirmed labor abuses aboard fishing vessels, as well as the links between illegal fishing, and transnational organized crime, and drug trafficking. Specifically, it found that fishing vessels are used for smuggling migrants, drugs (primarily cocaine), and weapons, and committing acts of terrorism. Fishing vessels are used as “mother ships” serving as base stations from which criminal activities are coordinated, as supply vessels for other vessels engaged in criminal activities, or simply as cover for clandestine activities at sea and in port. The study also found that some transnational fishing operators are engaged in marine living resource crime. These fishing operations are highly sophisticated and employ complex incorporation and vessel registration strategies to avoid tracking. They coordinate at-sea vessel support services to aid in moving illegally caught fish to market, often supported by fraudulent catch documentation.¹⁷

As stated at the outset, the data that explicitly connects illegal fishing, human trafficking, and other criminal activities is limited, but mounting evidence suggests that fishing vessels engaged in one of these illicit activities are likely to also engage in the others. There is evidence of widespread IUU fishing occurring in the Asia-Pacific region, estimated at 3.4-8.1 million tons per year,¹⁸ costing countries in that region significant annual revenue losses (losses estimated, for instance, at \$2.5 billion in 2007¹⁹) and resulting in overexploited fisheries. The presence of IUU activity overlaps with human trafficking abuses aboard fishing vessels and *also* within communities that service the fishing vessels in port. The coincidence of these activities indicates that these problems are related, and are being driven by the global demand for fish and fish products.

There is a significant variation of compliance and enforcement, as with many issues, within national fishing fleets, with the U.S. fleet generally considered highly compliant with domestic and international laws, while others, such as Thailand have a poor record, implicated in cases of illegal fishing, human trafficking abuses, and human smuggling. Despite the high compliance rates within the U.S. fleet, illegal fishing by foreign vessels poses problems for the United States, particularly along the U.S.- Mexico border where there has been a drastic increase in recent years in the number of incursions of illegal Mexican fishing vessels called “lanchas” into U.S. waters. Local U.S. Coast Guard officials describe these illegal Mexican fishing vessels as a “persistent challenge to U.S. sovereignty,”²⁰ and recent reports suggest that these same vessels are also used to smuggle drugs and humans from northeast Mexico into Texas.²¹ Likewise, small boats that would typically be used for fishing are a common mode of transport for undocumented migrants attempting to enter the United States, using California beaches as a landing point. Smugglers are paid up to \$9,000 per person for these dangerous voyages that often end in deaths.²²

Human trafficking in particular is a complex, international problem that must be addressed through a variety of legal and diplomatic channels. Once entered into force, the Port State Measures Agreement will strengthen port inspections, enhance communications, and deny port entry—including port services and supplies—to suspected illegal fishing vessels. The PSMA is a cost-effective enforcement mechanism that will begin to change the economic incentives—increasing the cost associated with illegal fishing because it will be more difficult for illegal vessels to access global markets. Once a suspected illegal fishing vessel is identified, countries will coordinate enforcement efforts to ensure that the suspected vessel is refused entry at other ports until the vessel agrees to be inspected or is prosecuted. The increased accountability and economic incentives in the PSMA could help to erode other criminal activities that are often associated with illegal fishing, including human trafficking. Currently, the European Union and eight other nations have ratified the agreement, and twenty-five nations must ratify for the instrument to go into force. The world is waiting for the United States to act, and many nations will undoubtedly follow.

In 2000, Congress enacted the Trafficking Victims Protection Act which defined trafficking for the purposes of labor or sex and provided critical measures to protect human trafficking victims. This law was reauthorized for the fourth time in March 2013 with bipartisan support as strong as I witnessed as a staff member of this Committee in 2000. The Port State Measures Agreement in particular complements this widely supported law, and institutes standards that are consistent with existing U.S. practice, and could pay big dividends globally through enhanced accountability, monitoring, communication, and enforcement of suspect fishing vessels that may be engaged in human trafficking or other criminal activities. The Port States Measures Agreement provides a pathway to beginning to address the complicated problem of human trafficking on the high seas. I strongly urge the U.S. Senate to demonstrate leadership and immediately ratify and implement the Port State Measures Agreement, sending a message to the world that we will not tolerate illegal fishing and its associated human rights violations.

A 2009 peer-reviewed scientific study estimated that the worldwide annual value of losses from illegal and unreported fishing could reach \$23.5 billion.²³ Yet, vessels engaged in illegal, unregulated fishing not only steal precious food resources off the coasts of poor countries and damage marine ecosystems. They engage in drug smuggling. Most serious, they also prey on human beings. Illicit fishing worldwide appears to be rife with human trafficking. All the treaties and agreements under consideration at this hearing would regularize and shed sunshine on that fishing. As a result they would not only prove more stewardly for *marine ecosystems*, and more fair to *businesses* playing by the rules – as reflected by my fellow panelists – but helpful to prevent vulnerable *people* from being utterly dehumanized, violated, and even killed in that illicit fishing. Thank you for inviting me to testify.

¹ US Department of State. (2013). *Trafficking in Persons Report--June 2013*. See <http://www.state.gov/j/tip/rls/tiprpt/2013/>.

² See <http://notmylife.org/fishing-boys-lake-volta>.

³ See <http://news.msn.co.nz/nationalnews/8767033/nz-goes-to-interpol-over-rogue-trawler>.

⁴ Dyck, A.J. and Sumaila, U.R. (2010). “Economic Impact of Ocean Fish Populations in the Global Fishery.” *Journal of Bioeconomics*, DOI: 10.1007/s10818-010-9088-3.

⁵ United Nations Office on Drugs and Crime (UNODC). *Transnational Organized Crime in the Fishing Industry-- Focus on: Trafficking in Persons, Smuggling of Migrants, and Illicit Drugs Trafficking*. (2011). See http://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf.

⁶ Skinner, E. Benjamin. (February 23, 2012). “The Fishing Industry’s Cruellest Catch,” *Bloomberg Businessweek*. See <http://www.businessweek.com/printer/articles/22538-the-fishing-industrys-cruellest-catch>.

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- ⁷ International Organization for Migration (IOM). (2011). *Trafficking of Fishermen in Thailand*. See <https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Trafficking-of-Fishermen-Thailand.pdf>.
- ⁸ Service, Shannon, and Palmstrom, Becky. (June 19, 2012). "Confined to a Thai Fishing Boat, For Three Years." *NPR*. See <http://www.npr.org/2012/06/19/155045295/confined-to-a-thai-fishing-boat-for-three-years>.
- ⁹ United Nations Inter-Agency Project on Human Trafficking (UNIAP). (2009). "Exploitation of Cambodian Men at Sea." See http://www.no-trafficking.org/reports_docs/siren/siren_cb3.pdf.
- ¹⁰ International Organization for Migration (IOM). (2011). "Trafficking of Fishermen in Thailand." See <https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/thailand/Trafficking-of-Fishermen-Thailand.pdf>.
- ¹¹ Environmental Justice Foundation. (2013). "Sold to the Sea--Human Trafficking in Thailand's Fishing Industry." See [http://ejfoundation.org/sites/default/files/public/Sold to the Sea report lo-res-v2.pdf](http://ejfoundation.org/sites/default/files/public/Sold%20to%20the%20Sea%20report%20lo-res-v2.pdf).
- ¹² *Ibid.*
- ¹³ US Department of State. (2013). *Trafficking in Persons Report--June 2013*. See <http://www.state.gov/j/tip/rls/tiprpt/2013/>.
- ¹⁴ *Ibid.*
- ¹⁵ Voice of America. (July 19, 2013). "Sierra Leone: Government Targets Human Trafficking." *Voice of America*. See <http://allafrica.com/stories/201307200024.html>.
- ¹⁶ U.S. Department of State. (2012). *International Narcotics Control Strategy Report (INCSR)*. See <http://www.state.gov/j/inl/rls/nrcrpt/2012/vol1/184098.htm>.
- ¹⁷ United Nations Office on Drugs and Crime (UNODC). (2011). *Transnational Organized Crime in the Fishing Industry--Focus on: Trafficking in Persons, Smuggling of Migrants, and Illicit Drugs Trafficking*. See [http://www.unodc.org/documents/human-trafficking/Issue Paper - TOC in the Fishing Industry.pdf](http://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf).
- ¹⁸ Asian-Pacific Economic Cooperation Fisheries Working Group. (2008). "Assessment of Impacts of Illegal, Unreported and Unregulated (IUU) Fishing in the Asia-Pacific." *APEC Singapore*. See http://www.imcsnet.org/imcs/docs/apec_2008_iuu_fishing_assessmt_se_asia.pdf.
- ¹⁹ United Nations Food and Agriculture Organization (FAO). (2007) "Fishing Capacity Management and IUU Fishing in Asia." Bangkok.
- ²⁰ Mendoza, Jesse. (September 6, 2013). "U.S. Coast Guard Seizes 1,000 Pounds of Illegally Caught Fish." *Valley Morning Star*. See http://www.valleymorningstar.com/news/local_news/article_a1a39b6a-1772-11e3-a961-001a4bcf6878.html.
- ²¹ Tompkins, Shannon. (June 11, 2013). "Gulf Poachers Threaten to deplete Fisheries." *Houston Chronicle*. See <http://www.houstonchronicle.com/sports/outdoors/article/Gulf-poachers-threaten-to-deplete-fisheries-4589290.php>.
- ²² Carcamo, Cindy. (September 14, 2012). "For Illegal Immigrants, Ocean is the New Desert." *Orange County Register*. See <http://www.ocregister.com/articles/san-371399-people-smuggling.html>.
- ²³ Agnew, David J., *et al.* (February 25, 2009). "Estimating the Worldwide Extent of Illegal Fishing." *PLOS ONE*. See www.plosone.org/article/info:doi/10.1371/journal.pone.0004570.
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