



HIGH SEAS, LOW DEEDS

Words – Vanessa Baird

The high seas can be a bit like the old Wild West – a vast lawless zone, where poor seafarers may toil in factory ships or rust-bucket trawlers, trapped in dangerous, filthy and unhealthy conditions, unable to contact or send money back to the families they are meant to be supporting.

Where crime, including rape or murder, may go unpunished on ships sailing under flags of convenience. But also, increasingly, where governments may seek to punish those trying to follow the law of the sea and save the lives of refugees left to drown aboard unseaworthy crafts.

For the past six years, the maritime NGO Human Rights at Sea (HRAS) has been trying to draw attention to this gap



in international human rights awareness. In April this year, it published the first Geneva Declaration on Human Rights at Sea.¹

Read on for a few cases investigated by the charity that shine a light on this murky area.

(Top left) Burmese worker Ko Htay complained of long working hours and lack of food on a Thai trawler. Workers report 20-hour shifts; some are given amphetamines to keep them going.

PHOTOGRAPH © EJF

(Top right) Missing observer Keith Davis.

KEITH DAVIS

(Bottom right) The abandoned crew of the Azraq Moiah.

THE MYSTERIOUS DEATH OF KEITH DAVIS

Marine fishing is worth billions – especially in the Pacific. Illegality and criminality are rife. The job of observers, who are both scientists and regulatory enforcers on-board fishing vessels, can be tricky and dangerous.

US-born Keith Davis was a prominent figure in the observer community. He chaired the Observer Professionalism Working Group and was instrumental in drafting the International Observer Bill of Rights.

On 10 September 2015, he was declared missing while carrying out his duties on board the *Victoria No 168*, an Inter-American Tropical Tuna Commission transshipment vessel. This Chinese-operated, Panama-flagged ship accepts fish from the Taiwan-based Gilontas Ocean Group and delivers to Rocmar Seafood SA in Panama.

Many unanswered questions surround Keith's disappearance. Why did it take so long – 24 hours – for the US coastguard to be notified, delaying search efforts? Just before he vanished Keith had been monitoring the transshipment of fish, the *Victoria* coming into contact with another ship, the *Chung Kuo No 818*. Why was this second vessel

and its crew never called to port or properly investigated? Possible murder suspects could have escaped the scene.

Elizabeth Mitchell, of the Association for Professional Observers, described Keith's disappearance as having sent 'trepidations throughout the observer community'. Keith's colleagues continue to fight for improved observer safety. Six other observers have gone missing. Friends say Keith was building up a dossier of serious human rights abuses at sea and was preparing to blow the whistle. In November 2018, a crowdfunding appeal was launched to re-open the investigation into his death.



'LIKE SLAVES'

'They are treating us like slaves and our basic rights have been denied,' said Bharath Haridass, one of the 40 crew members stranded in three vessels owned by the same shipping company, Elite Way Marine Services EST, based in Dubai.

'We are feeling like we have been hijacked on our vessel by our own management,' was how AB Aniket Deulkar, on the *Al Nader*, put it.

The seafarers had been trying to leave their ships since their contracts ended, at various stages, in 2017. They were abandoned, some for over 30 months without pay, at the anchorage site of Sharjah, United Arab Emirates (UAE). They had scant means of subsistence and no medical assistance. Sanitary conditions were abysmal, with food and water in short supply. Vikash Mishra, Second Engineer on board *Tamim Aldar*, told HRAS: 'Last time we received fresh water was 75 days ago. This is not sufficient for even one month and we only have about two litres water a day! Food is also very limited. We have health issues and we are in deep depression.'

Their travel and identification documents were confiscated by the UAE authorities, and communication with their families was virtually impossible. Their ships lacked fuel

and lights at night.

HRAS got involved after receiving an urgent call from the captain of one of the ships, Ayyappan Swaminathan on the *Azraq Moiah*. Earlier this year, with help from the charity, some of the seafarers were repatriated to India and received about half of their overdue wages. Others were left behind. Finally, in June, two Indians and two Eritreans managed to fix the only lifeboat that might make the perilous sea journey to shore and escaped the deteriorating ship after bunkers, oil, potable water and other supplies promised by the company failed to materialize. 'We were very frightened,' said Vikash Mishra, 'but we had no other option to save our lives.'



'PUNISH THE RESCUERS'

In late June 2019 a Dutch-flagged humanitarian rescue ship, *Sea-Watch 3*, entered the Italian port of Lampedusa without authorization following a two-week stand-off between the charity ship's captain and Italian authorities. German Captain Carola Rackete was arrested as the boat docked, with 40 migrants remaining on board.

Italy had refused entry to the German rescue ship after it picked up 53 migrants who were floating on an inflatable raft off the Libyan coast on 12 June. After waiting at sea for an invitation from Italy, or another EU state, to accept the ship, Rackete headed to Lampedusa, where she was blocked by Italian government vessels.

The 31-year-old captain challenged the authority of far-right Interior Minister Matteo Salvini, who has closed Italian ports to non-government rescue ships. Salvini is effectively interfering with the long-established duty to assist people in distress at sea, as stated in the 1982 United Nations Convention on Law of the Sea, the 1979 Search and Rescue Convention and the 1974 Safety of Life at Sea Convention.

And there are other cases. Last year



Captain Carola Rackete, arrested by the Italian authorities, speaks to the media.

GUGLIELMO MANGIAPANE/REUTERS

the Italian authorities said they would not support the activities of the rescue ship *Aquarius*. Chartered by the NGO SOS Méditerranée, and operated in partnership with the Amsterdam-based branch of Médecins Sans Frontières, the *Aquarius* had assisted more than 29,000 people in distress at sea since 2016.

The Gibraltar Maritime Administration, under which the vessel was registered, de-flagged the *Aquarius*. It was then re-registered under a Panamanian flag. But the Panama Maritime Authority followed suit and the *Aquarius* was once again de-flagged. In both cases the de-flagging followed direct requests from the Italian government.

'As a collective incident, it... has set a worrying precedent in the area of human rights and maritime law,' writes David Hammond, founder of HRAS. 'Meanwhile, hundreds, possibly thousands, of migrants' lives continue to be at imminent risk in the Central Mediterranean Sea.' ●

1 Human Rights at Sea nin.tl/Geneva-Declaration

WHAT CAN I DO?

Personal efforts are definitely worthwhile, but the scale of the problem requires action at a national and international political level, too.

Personal action...

Give eating fish a miss or eat less. Be picky about sustainability (mcsuk.org has a useful 'good fish' guide) and whether your food is the product of slavery at sea. Eating more meat won't help fish stocks – at least a fifth of fish feeds industrial farm animals like pigs and chicken. Farmed fish also uses fishmeal and chemicals, but some fish farming ranks high in terms of sustainability.

Avoid goods wrapped in plastic wherever possible. Urge stores to stock non-plastic options and governments to legislate against plastic waste.

Cut back on your own CO₂ emissions, through low carbon transport and dietary choices and consumption habits.

These groups can help you take it to another level...

INTERNATIONAL

Greenpeace International
greenpeace.org/international
Research, campaigns, action.

Sea Shepherd Conservation Society seashepherd.org



Practical action on illegal fishing and marine wildlife protection.

Human Rights at Sea
humanrightsatsea.org

The only international human rights organization of its kind.

Deep Sea Conservation Coalition savethehighseas.org

Umbrella for 70 organizations worldwide working to protect cold-water corals and vulnerable deep-sea ecosystems.

High Seas Alliance

highseasalliance.org
Has a useful online tracker on state of ocean treaty talks.

Stop Illegal Fishing



stopillegalfishing.com
Global South-based grassroots action, campaign and research.

AOTEAROA/NEW ZEALAND

Our Seas Our Future osof.org
Aims to protect the country's coastal and marine ecosystems.

AUSTRALIA

Australian Marine Conservation Society
marineconservation.org.au
National charity dedicated solely to protecting ocean wildlife.

BRITAIN

Marine Conservation Society
mcsuk.org
Scientists and others passionate about creating a sustainable future for our seas.

Friends of the Earth

friendsoftheearth.uk
Calling for plastics law to stop ocean pollution.

CANADA

Oceana oceana.ca
Established to restore Canadian oceans to be as rich, healthy, and abundant as they once were.

US

Ocean Conservancy
oceanconservancy.org
Working for the protection of special marine habitats and to reducing the human impact on ocean ecosystems.

