

Q&A

The founder of Aquarius Lawyers and Aquarius Education, Katherine Hawes holds a degree in Maritime Law and has a unique perspective on fish farming. She is legal counsel for the Association of International Seafood Professionals, as well as a director for the World Aquaculture Society Asia-Pacific chapter. Hawes spoke with FFI about the biggest issues and obstacles that aquaculture faces today and how to overcome them in an efficient and sustainable manner.

Avani Nadkarni



KATHERINE HAWES
AQUACULTURE LAWYER

Q What are the biggest issues you see in your work as an aquaculture lawyer?

A In relation to aquaculture there are a number of issues facing the industry: (a) Making people understand the complexity of the legal environment in which aquaculture operates and understanding the legal requirements for not just establishing the business but also the ongoing operation of the business. Aquaculture can be practiced on land, in coastal waters and offshore, each of these different environments have different legal requirements and challenges. For instance, there is currently the development of aquaculture offshore, which means that aquaculture will need to compete with the other users of that environment, including shipping, gas and mining. The issue relating to the use of seas beyond the territorial boundary of the country then raises the issue what laws apply to the offshore site, including employment laws and regulating of the development of aquaculture. The maritime jurisdiction is complex, regulated by the UN Law of the Sea Convention. There are the coastal waters, which are regulated by the country up to 12 nautical miles, then there is the exclusive economic zone in which the country can regulate some activities, including fishing and placement

of structures. Using the Law of the Sea it is possible for the country to regulate the development of offshore aquaculture

(b) The importance of the industry to meet the food security challenges of the future, as population grows there is an increasing pressure to find food sources.
(c) The fractured nature of the industry and lack of industry voice when governments and policy makers are developing laws in relation to aquaculture. Aquaculture is also placed with fishing – it is not fishing!
(d) The selling of the product and labelling issues. The confusion regarding the labelling of seafood as there as so many third-party certifiers of the products. The lack of government regulation about labelling of seafood.
(e) The misunderstanding in the community about the products produced through aquaculture as somehow are of less quality than wild caught fish

Q What are your thoughts on the state of sustainability in aquaculture today? What could be improved and how?

A Aquaculture today is an infant industry when compared to other industries producing meat products and should be in a position to learn from the mistakes of those other industries. Aquaculture is a sustainable industry, however

it needs to unite as an industry to have a voice not only in the market place but also in the development of government regulations. There are a number of areas in which aquaculture needs to improve to be sustainable:

(a) The use of wild-caught fish as food for caged fish. The concept of aquaculture should be to protect and preserve current levels of wild-fish stock (which also assists the other industry of recreational fishing) rather than still catching wild fish.
(b) The conditions of workers in the industry. Sustainability is not just about the fish but should also focus on the worker conditions and the human rights abuses that occur, including the trafficking of labor to work on the farms. The practice of using child labor should also be wiped out from the industry
(c) Investment in education for the workers. There are few aquaculture courses, which means there is a knowledge gap in the industry.
(d) The need to combat disease in some of the farmed seafood, particularly shrimp, without using products that endanger the natural environment or human health
(e) To work with other industries within the marine environment to ensure the continued protection of the water – aquaculture also requires clean water.

Q How did you come to be in the field of marine and aquaculture law?

A I decided that Australia is surrounded by water and it was a field that few lawyers were engaging with. I also like to eat seafood and would like to continue to have seafood affordable and sustainable. I decided to commence reviewing the law relating to fisheries prosecutions and how technology can assist in prosecuting breaches of fisheries laws. I have a keen interest in the Law of Sea and saw how the law of the sea would affect the development of aquaculture.

Q What are the 3 biggest obstacles in aquaculture today? How can they be overcome?

A a) Disunity within the industry and lack of cohesion between the different groups. There needs to be established a voice for the industry, so that it is not just placed under fishing as a side issue.
b) Consumer misunderstanding of the products. Consumers are confused regarding the difference between wild and farmed. Consumers need to be informed correctly, which should come from the industry body
c) The need to grow the industry whilst protecting the environment – so to ensure that the industry is managed sustainably for the future.