

Co-Chairs' Summary Report
ARF Workshop on Illegal, Unregulated and Unreported (IUU) Fishing
Bali, Indonesia, 19- 21 April 2016

Introduction

1. Pursuant to the decision of the 22nd Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Kuala Lumpur, Malaysia on 6 August 2015, the ARF Workshop on Illegal, Unregulated and Unreported (IUU) Fishing was convened in Bali, Indonesia on 19 - 21 April 2016. The Workshop was co-chaired by Mr. M. Chandra W. Yudha, Director for ASEAN Political-Security Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, H.E. Isilio Coelho, Director-General for Bilateral Affairs, Ministry of Foreign Affairs and Cooperation of the Democratic Republic of Timor-Leste, and Ms. Sarah Riedel, Senior Political and Economic Officer, United States Mission to ASEAN.
2. Representatives from several ARF participants, namely Australia, Cambodia, the European Union, India, Indonesia, New Zealand, Singapore, Timor-Leste, the United States, and Vietnam attended the meeting. Representatives from the ASEAN Secretariat, UN Office on Drugs and Crime (UNODC), INTERPOL Fisheries Crime Working Group, and Sub-Regional Fisheries Commission (SRFC) of West Africa were also present. The List of Participants is attached as **ANNEX 1**.

Opening Session

3. In the opening remarks, the three co-chairs welcomed all delegations to Bali, Indonesia and stressed the importance of the Workshop to address the issue of IUU fishing in the region. The co-chairs shared the view that the IUU fishing is a major threat to global fisheries, the security of the marine environment, and the sustainability of marine resources. There are regional and global instruments to address the issue of IUU Fishing; however, challenges remain and have become even more complex. It was acknowledged that there could be linkages between IUU Fishing and other forms of transnational organized crime, such as money laundering, drug trafficking, forced labor and trafficking in persons. The convening of the Workshop reflected the collective effort of ARF Participants to explore ways of better addressing the challenge and threat of IUU Fishing, especially by taking into account its transnational nature and its nexus with transnational organized crime.
4. A keynote address was conveyed by H.E. Djauhari Oratmangun, Senior Advisor on Strategic Issues to the Minister for Foreign Affairs of the Republic of Indonesia. He highlighted that the major marine fish stocks or species were depleted due to overfishing and IUU Fishing driven by the increased demand for global fish consumption. The socio-economic and political-security impacts of IUU Fishing are massive. IUU Fishing has caused a loss of around USD 20 billion per year in Indonesia alone and is strongly correlated with other forms of

transnational organized crime, such as drug trafficking and trafficking in persons. He explained that the various existing international and regional instruments, including the 1982 UN Convention on the Law of the Sea (UNCLOS), were not sufficient to address the challenges posed by IUU Fishing. Against this backdrop, the co-chairs prepared the draft ARF Statement to Prevent, Deter and Eliminate IUU Fishing as the outcome document of this Workshop and the ARF Workshop on Improving Fisheries Management in Honolulu, Hawaii, 22-23 March 2016. He hoped that the ARF Ministers could adopt the draft statement at the 23rd ARF in Luang Prabang, Lao PDR, in July 2016. His keynote address appears as **ANNEX 2**.

Agenda Item 1: Overview of Efforts in Combating Illegal, Unreported and Unregulated Fishing (chaired by Indonesia)

5. H.E. Arif Havas Oegroseno, Deputy Minister for Maritime Sovereignty, Coordinating Ministry of Maritime Affairs of the Republic of Indonesia, highlighted that in the Regional Fisheries Architecture, several mechanisms have existed. It includes the Southeast Asian Fisheries Development Center (SEAFDEC), the Regional Plan of Action to Promote Responsible Fishing Practices including Combating IUU Fishing in the Region (RPOA), the Western and Central Pacific Fisheries Commission (WCPFC), the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and the Indian Ocean Tuna Commission (IOTC). Despite their existence, overfishing in the Indian Ocean remains rampant as indicated by the under-stock of some marine species, such as the yellowfin tuna and striped marlin. A number of factors were identified, particularly the lack of strong, legally-binding international instruments and law enforcement mechanisms by countries in the region, the constraints in resources faced by the maritime agencies of the members of the Indian Ocean Rim Association (IORA), and the vast network of IUU Fishing criminals.
6. He introduced possible measures to address the issue. Countries in the region should ratify the Port State Measures Agreement (PSMA) and its provisions should be promoted and adopted as regional norms. Regional instruments should also be established by focusing on combating the IUU fishing, enhancing coordination and information sharing, as well as building cooperation in law enforcement. Moreover, a regional forum for fisheries inspectors is needed as an avenue for building networks and deepening cooperation, as well as enhancing their capacity and thoroughness of training. It was also emphasized that the whole process should be inclusive by involving fishing entities and other actors in the fisheries value chain. The presentation appears as **ANNEX 3**.
7. H.E. Francisco Fontan Pardo, European Union Ambassador to ASEAN conveyed a presentation on the European Union Action towards the International Fight against IUU Fishing. He underscored that prevention, deterrence, and elimination of IUU Fishing is one of the EU's priorities because it is the largest importer of fishery products in the world. It is essential for the EU to ensure that the fishery products traded to/from the EU are not derived from IUU Fishing activities. International tools and cooperation have been activated, but still insufficient to

address the issue of IUU Fishing. Some tangible results of cooperation with third countries were observed, including improved governance, strengthened monitoring, control and surveillance, as well as improved traceability throughout the supply chain. In particular, the cooperation against IUU Fishing in Southeast Asia is perceived to be going in the right direction, which is important for the EU's security and development. To combat IUU Fishing, certain issues that need to be addressed, among others are the full implementation of the UN Food and Agricultural Organization (FAO) International Plan of Action (IPOA) to Prevent, Deter and Eliminate IUU Fishing, the establishment of Global Catch Certificate and the addition of the International Maritime Organization (IMO) members. The presentation appears as **ANNEX 4**.

8. Mr. Babacar Ba, Head of Monitoring, Control and Surveillance, Sub-Regional Fisheries Commission (SRFC) of West Africa, briefed the Workshop on West African Efforts in Addressing IUU Fishing. He highlighted that a number of consequences from IUU Fishing activities in the region include overexploitation of some marine species, destruction of biodiversity, and unemployment. The Sub-Regional Fisheries Commission (SRFC) was established in 1985 to harmonize the policies of its Member States in the preservation, conservation and exploitation of their fisheries resources. Political, legal, and operational measures have been taken to find solution to the problems, including the establishment of the Surveillance Operations and Coordination Unit (SOCU). One of the most prominent SOCU activities is a joint surveillance operation in the sub-region. Although the tools are already in place, there is still room for improvement, including the establishment of a sub-regional vessel monitoring system (VMS) and the enhancement of regional network communications. The presentation appears as **ANNEX 5**.

Agenda Item 2: National Efforts to Combat IUU Fishing (chaired by the United States)

9. The Workshop noted the presentations delivered by Australia Delegation regarding Australia's Measures to Combat IUU Fishing. It was noted that Australia has made serious efforts to combat IUU Fishing at the national and international levels. They are equipped with robust domestic tools, such as fisheries and relevant legislation, monitoring, control and surveillance system, as well as the National Plan of Action on IUU Fishing. To fill the gap between existing national legislations and international instruments, Australia has strengthened its international cooperation and collaboration, including continued engagement with Regional Fisheries Management Organizations. The presentation appears as **ANNEX 6**.
10. Thailand Delegation also delivered a presentation on Thailand's Fisheries Reform: Fighting IUU Fishing and Forced Labour. It was elaborated that Thailand has made some measures at the national level in order to respond to IUU Fishing and protect workers in the fisheries industry. It includes the establishment of the Command Center for Combating Illegal Fishing, formulation of a strategic approach, application of Port-in Port-Out Controlling Centers, and the

improvement of a labor protection scheme. The presentation appears as **ANNEX 7.**

11. The delegation of Viet Nam conveyed a statement highlighting its national efforts and perspective on IUU Fishing. It was underscored that Viet Nam has fulfilled its due diligence and obligation to combat IUU Fishing by undertaking specific measures to prevent, deter, and eliminate IUU Fishing, such as educating fishermen not to conduct IUU Fishing in other states' waters. Viet Nam also underscored its willingness to cooperate with other countries, because it too is a victim of IUU Fishing conducted by foreign vessels. On the criminalization of IUU Fishing, Viet Nam emphasized this activity is not as dangerous as other transnational organized crimes. The link between IUU Fishing and transnational organized crimes should be studied carefully to prevent undesirable human consequences on the economic and social aspects of the community. Viet Nam noted the prevention, deterrence and elimination of IUU Fishing should be undertaken through a step-by-step approach, and reiterated the importance of treating fishermen in the most humane manner possible.
12. The Workshop also discussed the importance of making clear distinctions between IUU Fishing and fisheries crime when factually evident. Some participants are of the view that IUU Fishing is not necessarily a crime or a transnational organized crime. The term IUU Fishing itself consists of three elements, namely: illegal, unregulated and unreported. It is difficult to process the unregulated and unreported aspects of IUU Fishing in the criminal justice system. Thus, a proposed term, "fisheries crime," is a broad term to encapsulate the various types of crimes that may be linked to the illegal aspect of IUU Fishing, so as to enable the prosecution of factually linked crimes in the appropriate criminal justice systems of those involved in illegal act.
13. Since awareness on the issue of IUU Fishing remains low in some countries, the workshop viewed that a step-by-step approach is required to educate people, especially the fishermen, on the negative consequences of IUU Fishing practices, and to improve their standards of living to address the root causes of IUU Fishing in a holistic manner.

Agenda Item 3: Criminal Trends and Issues in Illegal, Unreported and Unregulated Fishing (chaired by Indonesia)

14. The Workshop noted the briefing by Mr. Mas Achmad Santosa, Coordinator for Special Advisors of the Indonesia Presidential Task Force to Combat Illegal Fishing, on Fisheries Crime in Indonesia and Transnational Organized Crime Elements. He outlined the need to regard fisheries crime as a serious crime that may be linked to other types of transnational organized crime (TOC). He highlighted that most of IUU fishing activities constitute fisheries crime because they endanger and threaten the global marine ecosystem and fish stocks. This type of crime involves illegal activities, such as fishing without licenses and violation of fishing ground, and may also be related to other types of crime, including immigration and customs-related crimes, money laundering, drug

trafficking, and abuse of human rights. Based on those characteristics, fisheries crime can meet the international definition of TOC. The definition of TOC requires the collaboration of more than two people suspected of committing serious criminal offences and operating at an international level in an indefinite period of time for pursuit of profit and/or power. He also underlined the importance of a multi-door approach to fighting fisheries crimes since they are cross-sectoral and require multiple domestic and international laws to enable their effective law enforcement. The briefing appears as **ANNEX 8.**

15. The Workshop also noted the briefing by Mr. Gerald Heuett JR, Director for the US Department of Justice, International Criminal Investigative Training Assistance Program (ICITAP) Indonesia, on the Use of Analytics to Increase Maritime Domain Awareness and Inter-Agency Response. He underlined the role of intelligence in approaching the issue of IUU fishing. Information and intelligence analysis is utilized to help resource constrained actors to deal with the current and potential security issues. Intelligence processing can be applied to any types of crimes, including those related to IUU fishing. It seeks to identify potential threats, determine the status of suspicious activities, and provide indicators of criminality so that operational units can develop responses. It was acknowledged that intelligence analysis is a useful tool to combat IUU fishing with relatively low trade-off costs. The briefing appears as **ANNEX 9.**

Agenda Item 4: Exploring Models of Cooperation in Combating Illegal, Unreported and Unregulated Fishing (chaired by Timor-Leste)

16. Mr. Giovanni Broussard, Regional Coordinator for the Global Programme for Combating Wildlife and Forest Crime, Regional Office for Southeast Asia and the Pacific, UN Office on Drugs and Crime (UNODC), delivered a presentation on Fisheries Crime and Transnational Organized Crime. He underscored that IUU Fishing is a multi-sectoral problem, encompassing the trade, environment, and rule of law aspects. UNODC has been working to address the rule of law aspect of this issue, including by conducting a study focusing on transnational organized crime in the fishing industry in 2011. The study demonstrated, among others, that the fishing industry is highly vulnerable to transnational organized crime, and that transnational organized crime groups are involved in high value – low volume illegal harvesting of fish species. He further elaborated that the protection of the fishery sector requires responses that transcend the mere use of administrative and regulatory instruments. A criminal justice based approach should be used to combat forms of transnational organized crime within the fishery industry. A number of legal and policy reforms are also necessary to mount an effective response at the national, regional, and global levels. He also stressed the importance of this workshop in raising awareness and common understanding among national and international stakeholders on the seriousness of fisheries crimes. The presentation appears as **ANNEX 10.**
17. The workshop also contained a presentation by Mr. Gunnar Stølsvik, Chairperson of the INTERPOL Fisheries Crime Working Group, on INTERPOL's Fisheries Crime Working Group. He conveyed that the Fisheries Crime Working Group has

the mandate to assist policy formulation and implementation regarding the prevention, deterrence, and suppression of fisheries and related crime. He stressed the importance of cooperation and capacity building through criminal justice and crime prevention organizations, such as UNODC and INTERPOL, to effectively combat transnational organized fisheries crime. He further elaborated that some developing states in Asia, Africa, and Central America require assistance to deal with transnational organized fisheries crime throughout the full criminal value chain. He also underlined the need to distinguish between IUU Fishing (FAO's responsibility) and fisheries crime (UNODC's responsibility), by looking at the whole criminal chain of the fisheries crime offences (from planning to staging the operation, through its conduct). The presentation appears as **ANNEX 11**.

18. Mr. L. Amrih Jinangkung, Minister-Counsellor of the Embassy of the Republic of Indonesia to Austria and Slovenia/Permanent Mission of the Republic of Indonesia to the United Nations and Other International Organizations in Vienna, briefed workshop participants on the Mission's efforts in mainstreaming dialogue and cooperation to combat illegal fishing in the multilateral setting. He underscored the Mission's focus on raising awareness and building a common understanding of IUU Fishing, particularly by keeping the issue at the forefront of UNODC and CCPCJ deliberations. He also mentioned the establishment of the Friends of Fisheries, as an avenue to engage countries in dialogue and cooperation on this issue. The presentation appears as **ANNEX 12**.
19. The Workshop also noted the presentation on Sea Scout by Mr. Luke Slivinski, U.S. Coast Guard Liaison to the U.S. Department of State Office of Marine Conservation and NOAA Office of Law Enforcement., The Sea Scout program is a global initiative aimed at strengthening all aspects of the fight against IUU Fishing. This initiative includes the identification, interdiction, and prosecution of criminals engaged in IUU Fishing. This initiative is based on pilot projects and an enduring framework of strengthening monitoring, control and surveillance (MCV) activities and improving coordination and information sharing of enforcement actions and training. Since it is an inclusive initiative, the Sea Scout welcomes all international partners to collaborate together in combating illegal fishing. The presentation appears as **ANNEX 13**

Agenda Item 5: ARF Statement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (chaired by Indonesia)

20. In general, the workshop welcomed the draft ARF Statement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing to be adopted by ARF Ministers in July. The workshop noted that the draft statement is comprehensive and serves as a manifestation of the regional commitment to combat IUU fishing. The workshop also noted some suggestions, such as the need to incorporate the notion of fisheries crime as a serious canopy of crimes, the need to address the three aspects of IUU fishing in a balanced manner, as well as truncating of the draft statement to be more concise. Some participants also requested that the co-chairs circulate the revised draft highlighting the

already submitted inputs from several ARF Participants for their further understanding of the issue. The draft statement appears as **ANNEX 14**.

Agenda Item 6: Way Forward

21. The workshop observed that the ARF Statement to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing reflects the strong political commitment of the countries in the region and provides a framework to develop practical cooperation to combat IUU Fishing. The workshop looked forward to the written inputs from the ARF Participants by 29 April 2016 and expected that the final draft Statement could be endorsed by the ARF Senior Officials' Meeting (SOM) in May 2016 and adopted by the ARF Ministerial Meeting in July 2016.

Closing Session

22. In their closing remarks, the co-chairs noted the workshop's value as a productive and fruitful forum of discussion and education of IUU Fishing. Thoughts and views on the issue of IUU Fishing were constructively exchanged, and various experiences and best practices in combating IUU Fishing were also shared. It was believed that the workshop would further strengthen the regional commitment to the promotion and enhancement of maritime domain awareness, as well as the development of concrete and effective regional responses to maritime security challenges. The co-chairs thanked all of the participants for their active contribution to the workshop and the participants reciprocally expressed their high appreciation for convening this important workshop.

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