

## **ARF Workshop and Table Top Exercise on Crimes Related to Fisheries**

(for inclusion in the ARF Work Plan on Maritime Security 2018-2020)

### Background

Fish and fish products are one of the most traded food commodities globally. Fisheries sector provide a significant source of employment and prosperity creation in coastal communities and of foreign currency earnings, particularly in developing countries. The Sector also has an important role as a generator of household income and employment throughout supply chain. However, it is regretful that this sector is still very vulnerable, especially to various organized criminal activities.

The close link between illegal fishing and transnational organized crimes (TOC) has been globally and regionally recognized. Since 2009, the UN General Assembly has expressed concern about possible connections between TOC and illegal fishing, including in the UNGA Resolution 67/79. The linkage between IUU fishing and other criminal activities has also triggered the concept of “fisheries crime” and the establishment of relevant cooperative mechanisms, such as UN Office on Drugs and Crime (UNODC) Fisheries Crime Expert Group Meeting and INTERPOL Fisheries Crime Working Group.

In 2013, the UNODC published a paper on Combating Transnational Organized Crime Committed at Sea which refers to its finding on the UNODC Report on the Transnational Organized Crime in the Fishing Industry (2011), stating further that *“it is also considered that illegal fishing represents an environmental threat”*.

The 2011 UNODC study on Transnational Organized Crime in the Fishing Industry has also found numerous cases of trafficking in persons and rights abuses aboard IUU vessels, including Vietnamese fishermen kept at sea for 18 months off South Africa. In 2012, Bloomberg reported that Indonesian fishermen held in debt bondage on fishing vessels off New Zealand. The U.S. National Intelligence Council (NIC), in their Memorandum on Global Implications of IUU Fishing also revealed case on how “Ndragheta crime boss “Fish King” Franco Muto, arrested by Italian authorities in 2016 for controlling most of the fishing vessel along Italy’s Tyrrhenian coast while engaging in drugs trafficking, extortion, and robbery. The U.S. NIC also documented the case of South Africa’s Cape Flats gangs that traffic illicit abalone with Chinese triads in exchange for drugs, drug precursors, and cash.

INTERPOL during their 1<sup>st</sup> International Fisheries Enforcement Conference, February 2013, have established a Fisheries Crime Working Group within its rank, which had its last meeting in November 2015, in Singapore. One of their findings on the most likely significant fisheries issues is that there are linkages between fisheries crimes and other crimes.

However, many, in if not all, of international instruments address illegal fishing as fisheries management issues, but not as criminal issues, let alone transnational organized crimes. This is probably the main reason why international community continues to face the threats of illegal fishing has continued to dwindle. This situation has been put into advantage by those transnational organized criminals, operating freely on the basis that countries remain outside concrete cooperation, having locked by the arguments over whether illegal fishing should be an organized crime or a mere miss-management on the fisheries sector.

Fisheries industry faces this multifaceted crimes related to fisheries, ranging from forgery to vessel’s documents, double flagging and double registering, fishing without licenses/appropriate documents, illegal modification of vessel, deactivation of vessel’s

transmitter (VMS and AIS), illegal transshipment, forgery of logbook record, violation of fishing ground, using prohibited fishing gear, to the unlawful landing of catches.

Other crimes can be related to fisheries as well, such as illegal transaction of fuel, immigration-related crime, custom-related crime, money laundering, tax crime, corruption human right abuses, even illicit drugs trafficking. Some of those crimes also related to human trafficking taking place on board fishing vessels at sea for the purpose of forced labour which involves cruel and inhuman treatment in the extreme working situation.

At regional level, The Jakarta Concord of the Indian Ocean Rim Association (IORA) has underlined the importance of strengthening cooperation to address crimes in the fisheries sector. ARF has also adopted the ARF Statement on Cooperation to Prevent, Deter and Eliminate IUU Fishing during the 24<sup>th</sup> ARF Ministerial Meeting to promote regional cooperation in addressing the issue of IUU Fishing in a comprehensive manner. The ARF Statement highlighted important elements that have been further discussed during the ARF Workshop on Improving Fisheries Management (Honolulu, Hawaii, 22-23 March 2016) and the ARF Workshop on IUU Fishing (Bali, Indonesia, 20-21 April 2016). While noting with serious concern the conservation, transnational and complex impacts of IUU Fishing on the marine environment, sustainability of marine resources, and the well-being of coastal states, the Workshops highlighted the connections between IUU Fishing and other illegal activities.

One of the most important development in ASEAN related to fisheries is the fact that the ASEAN Political and Security Community (APSC) for 2016-2025 acknowledges that IUU Fishing as a transboundary challenge. Thereby, instigating ASEAN's efforts to expand its maritime cooperation, including fisheries into political and security realms. It is noted with satisfaction that ASEAN led mechanisms such as EAS and ARF have taken actions to discuss effort to prevent, deter, and eliminate illegal fishing.

Against this backdrop, and as a follow up of the previous workshops, Indonesia proposes to convene a Workshop and Table Top Exercise on Crimes Related to Fisheries to further develop common understanding of the serious nature and extent of crime offences that take place along the entire supply and value chain of fisheries sector. This workshop and TTX serves also as a capacity building program for fisheries control and law enforcement agencies.

The workshop and TTX will contribute to Priority Area #3 (Capacity Building of Maritime Law Enforcement Agencies in the Region) and Topic # 1 (Maritime Security and Cooperation) of the ARF Work Plan on Maritime Security and the implementation of the ARF Statement on Cooperation to Prevent, Deter and Eliminate IUU Fishing.

#### Workshop Format

Indonesia, with another co-chair and a non-ASEAN ARF Participant, propose to organize and conduct a Workshop and TTX involving all relevant agencies. The outcomes of the TTX will frame the elements pointed out during the Workshop.

The Workshop Sessions will focus on the following themes:

- a. Regulation and policy
- b. Law enforcement, including the use of legal assistance in cases involving transnational criminal activities
- c. Cooperation and coordination, including port-to-port cooperation, inspection cooperation, exchange of information, catch certificate scheme
- d. Capacity building
- e. Monitoring through satellite Technology
- f. SOPs and guidelines
- g. Port State Measures to Prevent, Deter, and Eliminate Illegal Fishing

ARF Participants will contribute to the TTX and Workshop by sharing their experiences, expertise and perspectives on appropriate case studies on crimes throughout the supply and value chain of fisheries.

The TTX and Workshop outcomes will present recommendations on how to build and facilitate good working relationship between officials in various agencies and between states in order to ensure that all offences in fisheries sector are appropriately addressed and to effectively deterred. The recommendations together with the co-chairs' summary report will be presented for approval by the ARF Ministers.

### Participants

ARF Participants are encouraged to involve their relevant agencies in this workshop, especially from fisheries, customs, financial investigation, immigration, navy, coastguard, police and judicial authorities. Experts from international organizations, academia, as well as fisheries industries will also be invited to the workshop.

### Date and Venue

The Workshop and TTX will be conducted for three days, and will be held sometime in the ARF inter-sessional year 2018-2019. The Workshop and TTX will be conducted in English. The venue is informed in due course.

### Administrative Arrangements

The host will bear administrative costs of the workshop and TTX, including meeting package, welcome dinner and working lunches. International travel, accommodations, and other related cost necessary for participation will be borne by the participants.

### Comments

Any questions or comments on this proposal please contact:

Ms. Risha Jilian Chaniago (risha.jilian@kemlu.go.id)  
Directorate of ASEAN Political and Security Cooperation  
Ministry of Foreign Affairs of the Republic of Indonesia

\*\*\*\*\*