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**World crime trends and emerging issues and
responses in the field of crime prevention and
criminal justice****Outcome of the 2nd International Symposium on Fisheries
Crime, 10-11 October 2016, Yogyakarta, Indonesia***Summary*

The present document reflects the key themes and recommendations from the 2nd International Symposium on Fisheries Crime, co-organized by the Government of Indonesia, the Norwegian Ministry of Trade, Industry and Fisheries, the United Nations Office on Drugs and Crime and the PescaDOLUS network. The Symposium was convened to facilitate an understanding of fisheries crime as transnational organized crime throughout the entire fisheries value chain, and to stimulate information-sharing, awareness-raising and capacity-building around fisheries crime law enforcement. It brought together more than 250 political leaders, policymakers, representatives of law enforcement agencies and civil society from more than 45 countries. The recommendations from the Symposium are contained in Annex I. The 3rd International Symposium on Fisheries Crime will take place in Vienna at the Vienna International Centre on 25-26 September 2017.

In General Assembly resolutions 67/79 and 68/71, the General Assembly recognizes the link between illegal fishing and transnational organized crime and refers to the 2011 UNODC issue paper on Transnational Organized Crime in the Fishing Industry, which highlighted the vulnerability of the fisheries sector to transnational organized crimes. In its resolution 20/5, the Commission on Crime Prevention and Criminal Justice expressly tasks UNODC to play a lead role to help member States address transnational organized crime at sea under the United Nations Convention against Transnational Organized Crime.

* E/CN.15/2017/1.



I. Background

1. The fisheries sector is a vital global industry for human prosperity worldwide. Fish and fish products are among the most-traded food commodities globally, with the fish trade representing a significant source of foreign currency earnings for many states and providing employment to over 58 million people worldwide. The fisheries sector also makes a vital contribution to world food and nutritional security.

2. At the same time, the sector is characterised by a high degree of illegality, with crimes ranging from large-scale illegal fishing to a wide variety of other criminal offences both on- and offshore such as corruption, money-laundering, etc. As key actors in the commercial fishing sector are scattered across a number of national jurisdictions, most fisheries crime is transnational by nature. The sector is particularly vulnerable to organized crime for reasons that include gaps and weaknesses of the relevant international legal regime, particular law enforcement challenges (including the tracking of global vessel movements and identification of vessels' beneficial owners), and the overfished status of global commercial fishing stocks, which renders these resources increasingly valuable. The result is that transnational organized crime is becoming more and more prevalent in the fisheries sector.

3. To raise awareness of transnational organized fisheries crime along the value chain and share experiences of fisheries crime law enforcement, the Government of Indonesia, the Norwegian Ministry of Trade, Industry and Fisheries, the United Nations Office on Drugs and Crime (UNODC) and the PescaDOLUS network jointly hosted the 2nd International Symposium on Fisheries Crime on 10-11 October 2016 in Yogyakarta, Indonesia. The meeting was preceded by the INTERPOL Fisheries Crime Working Group and was the sequel to the 1st International Symposium on Fisheries Crime hosted in Cape Town, South Africa, in 2015. The multi-disciplinary 2016 symposium brought together more than 250 political leaders, policymakers, representatives of law enforcement agencies and civil society from more than 45 countries. The recommendations from the symposium are attached as an annex below.

4. The theme of the symposium was "Transnational organized crime in the fisheries value chain and the critical role of criminal law enforcement in addressing fisheries crime". Using examples from cross-border investigations and cases, the Symposium focused on the interface between the different types of crime at various points along the value chain, as well as their cross-border nature. It also identified key law enforcement challenges that cut across the various crime types, some of which are particular to the fishing sector, such as the use of flags of convenience, and others that are generic to organized criminal activities in different sectors. These include the difficulty of conducting successful financial investigations of suspected tax crimes, particularly with regard to following the money due to the lack of transparency surrounding corporate structures and the associated difficulty in identifying a vessel's beneficial owner, and the challenges of successful inter-agency cooperation.

5. Given the inter-connected and complex nature of fisheries crime, it was pointed out that a successful law enforcement approach to addressing these crimes cannot focus exclusively on addressing one type only; rather, what is required is a coordinated criminal law enforcement response at the domestic and international level that recognizes the wide variety of forms fisheries crime can take. This extends well beyond the scope of fishing per se and is rooted in the use of all potentially applicable laws. This facilitates the identification of the full suite of potential offences warranting further investigation. Policymakers and fisheries law enforcement officers were encouraged to use the "multi-door" or "full force of the law" approach to effectively combat fisheries crime.

6. Participants highlighted that officials traditionally involved in compliance with fisheries management rules do not necessarily have the capacity to identify the various forms of fisheries crime, nor do they have the criminal law mandate to engage in the necessary law enforcement response. What is required instead is a cooperative, multi-agency approach both domestically and transnationally where all key agencies associated with the main crime types identified in fisheries, such as customs, port authorities, tax officials and health inspectors, are trained to identify signs of suspected fisheries crime and work together with criminal law enforcement authorities in subsequent investigations.

7. On the basis of successful practice and lessons learned from international investigations and operations, the symposium identified a number of key recommended measures towards building such a strong coordinated criminal law enforcement response to fisheries crime throughout the value chain.

8. The 3rd International Symposium on Fisheries Crime will take place on 25-26 September 2017 in Vienna. The INTERPOL Fisheries Crime Working Group will have its meeting at the same venue on 27-29 September.

II. Key findings and recommendations

9. There was strong consensus that political buy in and leadership is essential in successfully addressing transnational organized fisheries crime along the value chain. The fisheries crime paradigm has predominantly evolved from the bottom up, as a need identified by fisheries law enforcement officers working in the field. What is needed is cooperative commitment and leadership at a higher political level. To achieve this there is a need for continuous dialogue and awareness raising of the existence and nature of transnational organized fisheries crime and the need for a coordinated and multidisciplinary law enforcement response.

A. Investigations

10. At sea criminal activities are difficult to monitor and identify, evidence is hard to obtain and it is challenging to achieve successful investigations and prosecutions. Participants highlighted the importance of information exchange and the need to utilize intelligence led law enforcement models and to act on intelligence when obtained. Presentations also highlighted strategies of investigation based on international cooperation using INTERPOL facilitated operations to, among others, follow the money and unmask shell companies.

11. An interesting new source of potential information arises from the information requirements in terms of the Port State Measures Agreement (PSMA). The PSMA requires a number of documents to be forwarded by foreign vessels to the port state before entry and also facilitates cooperation in information exchange. As such, the PSMA can be utilized as an investigative tool. Also, the United States food traceability scheme is a form of systematic collection of information with a similar potential for sourcing information. Both of these frameworks are reliant on documentation. A failure to hand in correct information or the presentation of forged, doctored or fraudulent documents is criminal offence that may indicate the presence of transnational organized fisheries crime. This points to the need for the availability of comparative information, including vessel tracking and databases of valid documents, to verify the validity of the documentation provided.

12. A particular challenge when obtaining information for investigative purposes is the secrecy afforded by certain jurisdictions that allow for anonymity hidden within layered company structures frustrating the identification of beneficial owners and the ability to follow the proceeds of crime. Fisheries law enforcement officers are concerned that the true motivations of business transactions are easily hidden and that they are unable to identify the illicit nature of such transactions. Legitimate

corporate structures are used to mask organized fisheries crime and money-laundering. Lack of transparency is the underlying factor of all negative aspects of the global fisheries sector. In this context it may be easier to pierce the veil of secrecy using the balance of probability found in the civil law enforcement track, as opposed to the criminal law enforcement track.

B. Legal framework

13. Fisheries crime should be treated as a transnational organized crime as long as it carries the elements of: (i) a structured group, (ii) committing serious crime — an offence punishable by a maximum deprivation of liberty of at least 4 years or more, (iii) gaining material/financial benefit or profit-oriented, (iv) activities done in more than one country. Deriving from this perspective, countries can optimally maximize all the principles and tools provided under the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

14. Participants highlighted the importance of the use of the “multi-door” or “full force of the law” approach to identify and subsequently investigate and prosecute transnational organized fisheries crime. The “multi-door” or “full force of the law” approach means that the entry point into investigation is via any criminal offence in any jurisdiction along the value chain. However, it does not mean that “illegal fishing” offences are irrelevant. It was emphasised that effective use of offences found in fisheries laws and regulations, in accordance with the Law of the Sea, could be highly effective as the basis for a criminal prosecution. It is therefore important that these laws criminalize violations and attract significant deterrent penalties. Countries were encouraged to populate and make use of the UNODC SHERLOC database as a source for identifying the pertinent criminal offences in all jurisdictions.

15. There was a concern that the tool of mutual legal assistance was underutilized for coordinating cross-border law enforcement operations. The successful use of letter rogatory was highlighted in one case and the applicability of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to investigate transnational organized fisheries crime was emphasized. It was agreed that the use of mutual legal assistance should be encouraged.

16. The trend of sourcing out of vessel registries to private companies raised concern among the participants. In a recent example, a country had seen the need to cancel the contract with a private company amidst its implication in facilitating illegal fishing activities. The sourcing out of vessel registries moreover impacts on the law of the sea and the reliance on flag state jurisdiction, as well as law enforcement at sea and mutual legal assistance. Another challenge is that the lack of transparency associated with the outsourcing of vessel registries have allowed transnational organized fisheries crime networks to hide behind the appearance of a flag state, while in fact being stateless. Recent cases have identified that a number of vessels utilized as vehicles of fisheries crime are stateless and this has both a jurisdictional impact under the law of the sea and an impact on the regulatory framework pertaining to port and customs clearance, as well as health and catch documentation.

17. Another relevant legal framework that potentially may impact on fisheries crime law enforcement is the ILO Convention on Work in Fisheries No 188 (C188). C188 is currently ratified by nine member countries and requires one more ratification before it enters into force. C188 sets minimum standard for working conditions on board fishing vessels and provides a uniform standard for the recruitment, working conditions, employment and repatriation of fishers. As such, it can provide a unique opportunity to prevent human trafficking of fishers and assist law enforcement officers identify victims of human trafficking. The importance of training fisheries law enforcement officers in this regard was noted.

18. Another important legal framework that may facilitate information gathering is the Port State Measures Agreement (PSMA). It was highlighted that when integrated with port state control of fishing vessels, the PSMA may significantly improve the systematic collection of landing and port arrival documents and through sharing this documentation it may be possible to identify high risk vessels and vessel operators. It was highlighted that the PSMA should be used by port states to encourage vessels to come to port to facilitate port state inspections and further investigations in cases of suspected criminal activity. The Regional Fisheries Management Organizations (RFMOs) play an important role in the implementation of the PSMA and should keep in mind the implications of the Agreement on criminal law enforcement at sea.

C. Inter-agency cooperation

19. Participants emphasised the benefits of joint risk assessment at among others the landing point and in the course of trade. These risk assessments could take the form of multi-agency cooperation “teams”. To be successful, multi-agency teams should form the basis for regulatory partnerships to fully utilise domestic legislation and the sharing of information between relevant agencies, such as the police, prosecution, customs, port, health and fisheries agencies and authorities.

20. It was furthermore emphasized that victims of labour abuse and human trafficking are identified, and that suspected offenders are investigated and prosecuted by all countries with jurisdiction to do so. Fisheries crime compliance strategies should take a “PPP” or “prevention, protection and prosecution” approach to labour exploitation and human trafficking in fisheries. Repatriation of victims should be a priority.

D. Cross-border cooperation

21. A number of presentations highlighted recent successful instances of cross-border and multi-agency cooperation to combat fisheries crime. Particularly the good results by Spain in Operation YUYUS was emphasised as a successful use of INTERPOL-facilitated law enforcement operations. The need for cross-border cooperation to detect and investigate transshipments at sea as well as food fraud and mislabelling were also discussed. The link between illegal fishing activities and broader transnational organized crime was well illustrated by the Totoaba case study presented by a Mexican expert. The population and use of the UNODC’s SHERLOC tool and utilization of the UNODC drafting tool for mutual legal assistance was highlighted.

22. Participants underscored that there is a need for international cooperation at all levels, from high-level political dialogue and cooperation, right through to agency and operational levels.

E. Capacity-building

23. In the context of improved inter-agency cooperation capacity-building and technical skills transfer for all relevant agencies was emphasized. This includes enabling relevant agencies to make use of the full force of the law, that is, to use whatever laws are relevant from compliance to criminal law, as entry points for initial detection and subsequent investigation and prosecution of transnational organized fisheries crime.

24. A number of initiatives are under way. UNODC has a learning platform on the topic of the investigation and prosecution of transnational organized crime. INTERPOL provides capacity-building through country representatives in, among others, Indonesia.

25. The INTERPOL Fisheries Crime Working Group (FCWG) is an important network for fisheries crime law enforcement officers, particularly from developing countries. The FCWG has supported the establishment of the FishFORCE Fisheries Law Enforcement Academy at Nelson Mandela Metropolitan University in Port Elizabeth, South Africa, to facilitate accredited training for fisheries law enforcement officers in the Indian Ocean region.

26. Participants highlighted that there is a need to understand the relationship between “Illegal, Unreported and Unregulated fishing” (IUU-fishing) and “fisheries crime”. It was emphasised that it is important to place IUU-fishing in a broader context, recognizing the frequent links between different forms of IUU-fishing, as well as all crime in the value chain including the trade of fish and the resultant financial flows, and transnational organized crime. It was also pointed out that transnational organized fisheries crime is a security challenge because the depletion of fish stock caused by IUU fishing and fisheries crime may create a dispute over marine resources and hence could lead to maritime security threat. Participants highlighted the crucial role and expertise of UNODC in combating transnational organized crime throughout the entire fisheries value chain.

F. Research

27. The value of relevant and fisheries crime specific research and analysis was underscored. Issues that are yet to be researched include understanding trade in fish and fish products from a criminal risk perspective; seeing various forms of criminal offences in fisheries from a broader criminal law enforcement perspective; and analysing, among others, the criminogenesis of fisheries management regulations such as the corruption and forgeries that are linked to fishing licences; and the identification of contributory factors to fisheries crime such as weak legislative frameworks, lack of transparency in fisheries and inadequate jurisdictional competencies. It was pointed out that the PescaDOLUS Network is an example of a well-placed cross-disciplinary network of experts and researchers to facilitate this research, identify capacity-building gaps, and inform law and policy developers.

Annex 1

Recommendations of the 2nd International Symposium on Fisheries Crime 10-11 October 2016 at Yogyakarta, Indonesia

1. To instigate, conduct and facilitate investigation of fisheries crime by relevant law enforcement agencies within appropriate national jurisdictions along the entire fisheries supply and value chains.
 2. To use the broader range of laws in which investigations of fisheries crime throughout supply and value chains can, in addition to fisheries legislation, utilize criminal codes and penal provisions in tax legislation, labour laws, organized crime laws and the law criminalizing document fraud, money-laundering and corruption. States are also encouraged to fully utilize the FAO Port State Measures Agreement, RFMOs rules and regulations, the United Nations Convention on Transnational Organized Crime and its protocols and United Nations Convention on the Law of the Sea and relevant ILO conventions. States should be encouraged to criminalize appropriate offences committed along the entire fisheries supply and value chains.
 3. To facilitate cooperation between relevant domestic authorities. Inter-agency and multidisciplinary cooperation is useful when conducting investigations along the whole fisheries supply and value chains. Such cooperation should be organized in multi-agency teams which include relevant agencies, such as police, fisheries authorities, tax authorities, customs, anti-corruption agencies, labour inspection authorities, coast guard, coastal administration and immigration authorities.
 4. To cooperate across borders between governments and law enforcement agencies, as well as broader inter-agency cooperation at national and international level, is key to conducting successful international criminal investigations that can trigger prosecutions and secure convictions and deterring penalties.
 5. To conduct capacity-building which can support countries to significantly improve national law enforcement responses toward all forms of fisheries crimes. It is highlighted that there is a need to recognize the intercontinental flow of illegal fish products, finance and human trafficking victims in transnational organized fisheries crime cases.
 6. To stimulate cross-disciplinary research on transnational organized fisheries crime and to encourage academia and governmental institutions to do so in order to assist governments develop effective strategies and legal frameworks nationally and internationally.
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