



Record of The First International Symposium on **FishCRIME**

12th to 13th October 2015

Cape Town International Convention Centre, South Africa

The First International Symposium on FishCRIME was a joint initiative of the South African Department of Agriculture, Forestry and Fisheries, The Norwegian Ministry of Trade, Industry and Fisheries, Stop Illegal Fishing and PescaDOLUS. The event was co-funded by the South African Department of Agriculture, Forestry and Fisheries and the Norwegian Ministry of Trade, Industry and Fisheries.

This record provides a summary of the presentations and discussions that took place. For more information on the presentations and for a PDF version of this record visit **www.fishcrime.info**.

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Prepared by

Mirabel Bausinger, Shannon Cosentino-Roush, Sandy Davies, Sally Frankcom, Kosakosa Mukosa, Mark Ssemakula all of Stop Illegal Fishing and Emma Witbooi of PescaDOLUS.

All photographs by Per Erik Bergh unless otherwise noted.

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1 FISHING VESSELS.



Illegal fishing vessels are used as floating centres of lawlessness.

A fishing vessel provides the perfect hub for transnational organised crime. It's mobile, it has a reason to be on the seas and most of the time it is out of sight of the authorities.

Fishing vessels are built with huge storage areas. These are ideal for the smuggling of illicit goods, whether they be drugs, arms, blood diamonds, people or wildlife products.

Exempt from IMO ship identification numbers the identity of fishing vessels is easy to change and hard to track.

2 SERVICE VESSELS.



These are not single vessels acting alone. This is not opportunistic. This is organised crime.

Service vessels are used to deliver goods to and from fishing vessels –mixing legally caught fish with illegally caught fish. Providing supplies that enable the fishing vessels to stay at sea for years at a time.

3 HUMAN RIGHTS.

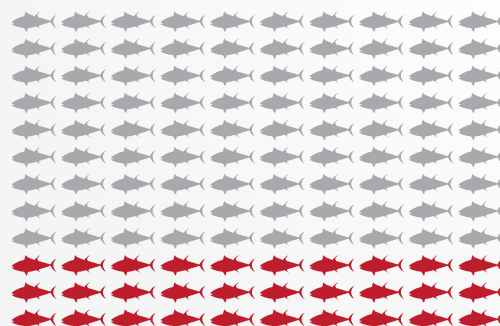


Tricked. Trapped. Trafficked.

Workers on fishing vessels frequently slip under the radar of the protection offered by labour and related laws. Often workers are tricked into working on fishing vessels: their wages are unpaid, they live and work in unsafe and unsanitary conditions and they are far from land for months and years at a time so there is no opportunity for escape.

Harsh and violent treatment of crew has been reported as widespread.

4 ILLEGAL TRADING.



1 out of 4 fish is caught and traded illegally.

Illegal fishing undermines sustainability, damages marine ecosystems and denies some of the neediest people in the world a livelihood.

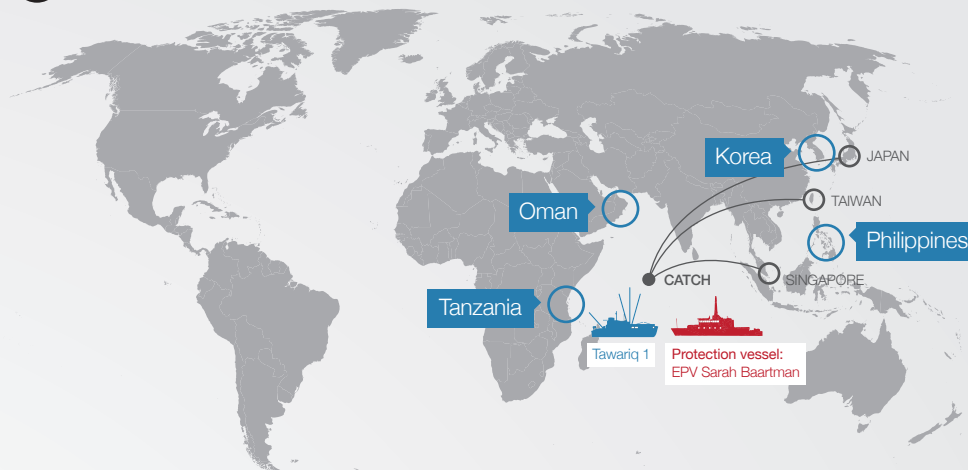
5 CORRUPTION. | 6 GLOBAL BUSINESS.



FishCRIME feeds the fat underbelly of corruption. Making the rich richer and denying the rest of us access to a fair system.

At every link in the illegal fishing supply chain, the potential for corruption exists.

- Negotiation of access agreements
- Licenses
- Flags of Convenience
- Mislabeling of fish
- Whitewashing
- Discards
- Intimidation & bribery of officials



These are commercial businesses. They operate transnationally: beyond national boundaries and outside of national jurisdictions.

THE CASE OF THE TAWARIQ 1:

On the 8th of March 2009, the *Tawariq 1* was intercepted 180 nautical miles off the Tanzanian coast, and arrested by a South African Environmental Protection vessel. The vessel had no flag visible or hoisted, the radar was switched off, no license or permit was produced and no port of registry was provided.

Investigations revealed the global nature of this fishing vessel:

At the time of prosecution an Omani company owned it. The vessel had a history of registered owners in Korea and the Philippines. It had been flagged in both Korea and Madagascar. The Captain was Chinese, the agent was Kenyan and the crew were from China, Indonesia, Philippines, Kenya, Taiwan and Vietnam. The catch had been sent to Singapore, Taiwan and Japan. The *Tawariq 1* had transshipped with vessels registered in Oman and Vietnam.

7 LAW.



FishCRIME respects no laws.

Crime affects all areas of illegal operations whether this is flouting hygiene regulations, tax evasion or document forgery.

8 CONNECTED AGENCIES.



Connected agencies can crack FishCRIME.

Intercepting criminal networks and prosecuting those in charge necessitates cooperation, both domestically and transnationally, between fisheries experts and the police, customs, tax, port, security and labour authorities to gather and share information and intelligence and bring the criminals to book.

New tools are called for in the fight to combat transnational fisheries crime, and organisations such as INTERPOL and the United Nations Office on Drugs and Crime are taking a leading and critical role on this.



ABBREVIATIONS AND ACRONYMS

2050 AIMS	2050 African Integrated Maritime Strategy	M/Y	Motor Yacht
AIS	Automatic Identification System	MATT	Multi-Agency Task Team
ANEV	Analysis and Evaluation	MCS	Monitoring, Control and Surveillance
AU	African Union	NCB	National Central Bureau
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources	NCIS-N	National Criminal Investigative Services – Norway
CTICC	Cape Town International Convention Centre	NGO	Non-Governmental Organisation
DAFF	South African Department of Agriculture, Forestry and Fisheries	NMMU	Nelson Mandela Metropolitan University
EEZ	Exclusive Economic Zone	Norad	Norwegian Agency for Development Cooperation
ECCAS	Economic Community of Central African States	PSMA	FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing
ECOWAS	Economic Community Of West African States	RFMO	Regional Fisheries Management Organisation
EU	European Union	SAMSA	South African Maritime Safety Authority
F/V	Fishing Vessel	SIF	Stop Illegal Fishing
FishFORCE	Fisheries Law Enforcement Academy, South Africa	STCW-F	International Convention on Standards of Training, Certification and Watch-keeping for F/V Personnel
FAO	United Nations Food and Agriculture Organization	SWIOFC	Southwest Indian Ocean Fisheries Commission
FCWC	Fishery Committee for the West Central Gulf of Guinea	TMT	Trygg Mat Tracking
GAPfish	Global Action Programme against forced labour and trafficking of fishers at sea	UCT	University of Cape Town
GFETW	Global Fisheries Enforcement Training Workshop	UK	United Kingdom
GNI	Gross National Income	UN	The United Nations
ILO	International Labour Organization	UNCAC	United Nations Convention Against Corruption
IMCS	International Monitoring, Control and Surveillance	UNODC	United Nations Office on Drugs and Crime
IMO	International Maritime Organization	UNTOC	United Nations Convention against Transnational Organized Crime
IOC	Indian Ocean Commission	USA	United States of America
IOTC	Indian Ocean Tuna Commission	USD	United States Dollar
ITF	International Transport Workers Federation	VMS	Vessel Monitoring Systems
IUF	International Union of Food Workers	WIO	Western Indian Ocean
IUU	Illegal, Unreported and Unregulated	ZAR	South African Rand
LETrainNet	The Law Enforcement Training Network, United Nations Office on Drugs and Crime		

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INTRODUCTION

This report presents an extended summary of the International Symposium on FishCRIME, held on 12 and 13 October 2015 at the Cape Town International Convention Centre (CTICC), Cape Town, South Africa.

The Symposium was hosted by the South African Department of Agriculture, Forestry and Fisheries (DAFF) and organised by the Norwegian Ministry of Trade, Industry and Fisheries, Stop Illegal Fishing (SIF) and PescaDOLUS. The Symposium was made possible through funding from the Norwegian Ministry of Trade, Industry and Fisheries and DAFF.

This report includes a summary of each of the presentations made at the Symposium and the subsequent discussions. The actual presentations are available on the Symposium website www.FishCRIME.info. The presenters' biographical information is available in Annex 1 and a list of participants can be found in Annex 2.

The Symposium was divided into four sessions or panels:

- I. **Cases:** Illegal fishing and transnational crime cases – what are the links and where is the evidence?
- II. **Cooperation:** Fighting transnational crimes in fisheries – who is doing it and what are they doing?
- III. **Challenges:** Prosecuting the criminals – what are the challenges and how do we overcome them?
- IV. **Change:** Getting organised for change – what is needed to stop fisheries crime?

Under each session, panellists provided a presentation on specific aspects of fisheries crime, these presentations were followed by a chaired panel discussion led by questions and comments from the audience.

The first session on **Cases** illustrated the broad spectrum of what type of criminal acts can constitute fisheries crime or crimes within the fisheries value chain, the complexity and range of criminal elements involved and the transnational nature of the crimes. The cases presented included illustrations of the illicit trade in explosives, forced labour, murder and environmental damage, all demonstrating criminal offences.

The session on **Cooperation** explored the work of international inter-governmental agencies, a pan-African agency and the work of an African Task Force. The presenters considered how these different types of organisations coordinate work on fisheries crime law enforcement, their mandates, the tools employed and their collaboration with different partners.

Challenges, discussed in Panel III, looked specifically at South Africa and Indonesia to define what type of challenges they face in tackling fisheries crime (and in part how they have overcome some of these challenges), as well as the challenges of fisheries crime in the value chain, both from the point of view of commodity trade and from the human aspect.

The final session, **Change**, looked at the ratification and implementation of international conventions, laws to facilitate the identification of fisheries crime, capacity building efforts and how to link processes and organisations in order to have coherent approaches to overcome fisheries crimes.



1. OPENING SESSION

1.1 Opening

The International Symposium on Fisheries Crime was attended by 198 participants from 31 countries. Representatives from 101 organisations were present.

The Ambassador noted the improvements in global policies, in flag and port State responsibilities and in consumer awareness but emphasised the need to work together to overcome transnational and highly organised fisheries crimes.

Mr. Ceba Mtoba, the Chief Director of Monitoring, Control and Surveillance (MCS), of the South African DAFF was the Director of Programme, and in his welcome comments he called for a global response to the plague of fisheries crimes.

In his welcome comments, Mr. Mark Ssemakula of the SIF Secretariat acknowledged that this was the First International Symposium on Fisheries Crime and that it offered an important opportunity to broach new and practical approaches to tackling transnational fisheries crime. He noted that fish and fisheries are vital for Africa and the sustainable and rational management of fisheries is key to reduce poverty and to provide a better future for many in Africa and in the world.

Mr. Tor Martin Møller of the Norwegian Ministry of Trade, Industry and Fisheries explained in his welcoming remarks Norway's commitment in fighting fisheries crime, as mentioned in the 2014 African Leadership Report (by Kofi Anan), where Norway is noted for its initiative for treating illegal fishing as the transnational crime that it is. Norway promotes a two track approach: combatting illegal, unreported and unregulated (IUU) fishing with administrative sanctions and combatting fisheries crime with criminal sanctions. Fisheries crime includes financially motivated crimes in the fishing sector like tax fraud, or corruption.

Professor Jan Glazewski, representing PescaDOLUS reminded participants about the father of international law and the law of the sea, Hugo Grotius, who published *Mare Liberum* (Freedom of the Seas) in 1609. He believed that

marine resources were inexhaustible but today we know that this does not hold true and cooperative action is needed to manage our ocean resources.

Her Excellency, Ambassador Trine Skymoen of the Norwegian Embassy to South Africa, in her opening comments recalled the importance of the oceans as a source of food and wealth, with over 90 million tonnes of fish being harvested annually. She noted that it is our responsibility to ensure that future generations will be able to enjoy the benefits from fisheries and stressed the serious threats of overfishing and illegal fishing that are increasing the threat of fish stocks collapsing. The Ambassador noted the improvements in global policies, in flag and port state responsibilities and in consumer awareness, but emphasised the need to work together to overcome transnational and highly organised fisheries crimes.

Ms. Siphokazi Ndudane, Acting Deputy Director General of DAFF officially opened the Symposium. Ms. Ndudane emphasised the serious threat to our marine resources being caused by illegal fishing and how it is essential to know what fish are being caught, where, how and by whom. She noted that international guidelines and initiatives, such as the Food and Agriculture Organisation's Code of Conduct for Responsible Fisheries help to guide countries in tackling illegal fishing. In respect to the position of South Africa she said that the Government had clearly indicated its commitment and focus on fisheries and oceans under its Operation Phakisa (the Oceans

Economy Lab) that is multi-sectoral and brings together government, organised labour, private sector, academia and civil society. Ms Ndudane noted Norway's global efforts and commitment to South Africa in the areas of climate change, ocean management and fisheries before acknowledging the role of civil society and non-governmental organisations (NGOs) in fighting fisheries crimes.

1.2 Key note address

Ms. Eve de Coning, Senior Advisor Norwegian Ministry of Trade, Industry and Fisheries, seconded to the National Criminal Investigative Services-Norway (NCIS-N), gave the key note address on 'What is fisheries crime and how does it relate to IUU fishing'. Ms. de Coning used six distinct case studies to help illustrate what constitutes fisheries crime:

1. **May 2013:** Frozen fish lands in South East Asia – a case of document fraud and money laundering.
2. **June 2013:** Bengis case resulting in restitution payments of USD 29 million to South Africa for illegally exported rock lobster and Patagonian Toothfish to the United States of America (USA).
3. **November / December 2013:** Human trafficking case, nine vessels were impounded at Cape Town port on the suspicion of illegal fishing, 75 Indonesian fishermen claiming they were the victims of labour exploitation and possibly human trafficking were found on board.
4. **June 2014:** Thai fishing industry is exposed for using slave labour to capture fish for fishmeal for Thailand's prawn industry, prawns that are then sold on to international supermarkets.
5. **August 2014:** A YouTube video appears which shows how shots are fired from one fishing vessel onto people swimming in the open sea.
6. **December 2014:** Fishing vessel Thunder is spotted in the Southern Oceans. INTERPOL issued a purple notice in respect of this vessel that was later sank illegally before it could be apprehended. Criminal offense and senior crew under arrest.

She noted that these cases demonstrate the breadth of criminal activities all associated with the fisheries sector and how in her view fisheries crime could be defined as 'economically motivated criminal offences in the fisheries sector, throughout the value chain.' Recent cases shows that fisheries crime have at least four common denominators:

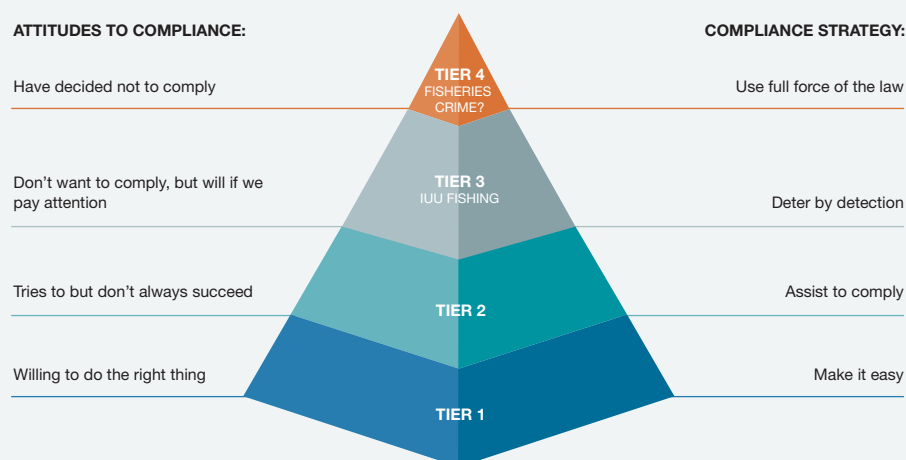
- **Cross-border:** Actors are involved from different jurisdictions.
- **Multi-jurisdiction:** Several or even many countries are involved, spreading the evidence around different jurisdictions and making it difficult to determine which country should drive or pursue the process to a conviction.
- **Multi-crime:** Myriad of criminal offenses related to one case e.g. trafficking, tax evasion and document fraud.
- **Secrecy:** The fishing sector is expert at incorporating companies under secrecy and operating within flags of convenience.

Ms. de Coning presented a compliance pyramid (Figure 1) that illustrates the attitude to compliance by fisheries operators and the compliance strategy to respond to these. It demonstrates how most operators are willing or try to do the right thing, some take a more opportunistic approach to breaking regulations while, the smallest but most serious segment, consisting of non-compliant operators, can be categorised as criminals. She noted that a new law enforcement paradigm to fight fisheries crime is called for, which requires cooperation nationally and internationally and policing led by intelligence; this will enable us to find smarter and better ways of fighting fisheries crime.

1.3 Setting the scene

Mr. Per Erik Bergh of SIF concluded the Opening Session by outlining the purpose of the Symposium in the context of an ever-increasing complexity within the fisheries crime scene. He noted that the Symposium aimed to bring together people from governments, NGOs and civil society to discuss where we are and what can be done to combat fisheries crime and to consider new ways of cooperation and networking to link countries and continents together.

FIGURE 1
Compliance pyramid



De Coning, E. 'Fisheries Crime' in Elliott, L and Scheadla, W. H. (eds) (forthcoming 2016) *Handbook of Transnational Environmental Crime* (Edward Elgar Publishing, London, UK/eISBN 978 1 78347 623 7)

2. PANEL I – CASES

Chaired by Prof. Jan Glazewski, University of Cape Town (UCT),
Institute of Marine & Environmental Law, South Africa.

2.1 Panel presentations

2.1.1 Blast fishing in Tanzania

Mr. James Bulongo, Principle Fisheries Officer, MCS, Ministry of Livestock and Fisheries Development, United Republic of Tanzania, and Mr. Johannes Dirk Kotze, Criminal Investigator and Consultant, South Africa, presented on organised environmental crime in Tanzania focusing on the case of blast fishing and the national response to this through the Multi-Agency Task Team (MATT).

The high concentration of fishers in coastal regions has resulted in a dramatic increase in the use of illegal fishing gears and in particular the use of urea and dynamite to stun fish for collection, known as blast fishing. The scale of blast fishing is now classified

as epidemic – with every coastal village utilising it. Blast fishing is very damaging to the coral reefs where the fish live and threatens the sustainability of the fish stocks; together these undermine the livelihoods and food security of the population dependent on them.

Historically law enforcement efforts to stop blast fishing focused on the fishermen using the explosives and the local village traders and makers of homemade urea bombs. The failure of this approach has led the authorities to identify blast fishing as an illegal activity driven principally by the trade of explosives. This moved law enforcement efforts to focus on identifying the criminal structure supporting blast fishing: the midlevel traders of fuse and industrial explosives; the super-dealers; and the organised transnational suppliers of explosives.

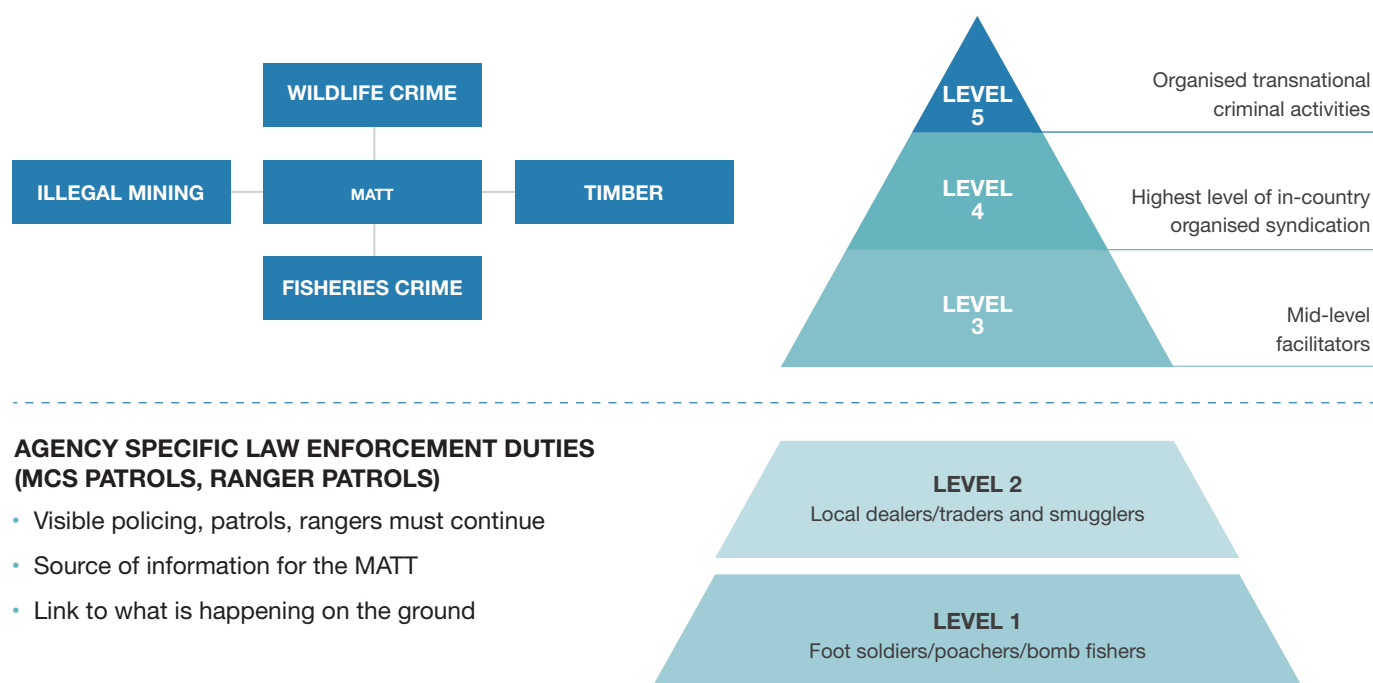


In support of this shift, and also in response to criminal activity in the fisheries, wildlife, timber and mining sectors, in June 2015 the MATT was established. The MATT aims to tackle organised environmental crime syndicates, it is led by the Tanzania Police Force and encompasses the Tanzania Forest Services, the Wildlife Division, Fisheries Division, Tanzania Intelligence and Security Services. The MATT works to draw links to organised

criminals that are often working across sectors and to assist in the coordination of government, donor and international efforts to fight environmental crime, the collection and compiling of intelligence information, the strengthening of institutional capacity and the investigation and prosecution of organised crime cases. Already the MATT has seen some success in effectively tackling environmental crime.

Figure 2 provides detail on the division of functions between the MATT and national agencies in tackling different elements of fisheries crime, from the ground level to the organised transnational crime levels.

FIGURE 2
MATT Operational Strategy (Project Based)





2.1.2 Human trafficking in the fishing industry

Ms. Rebecca Surtees, Senior Researcher of Nexus Institute, USA, presented on the human rights perspective of fisheries crime. Ms. Surtees noted that the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons is the primary source of international anti-trafficking law.

The first step in human trafficking in the fishing industry is the recruitment process which is most commonly through formally registered recruitment agencies, helping to put a facade of legality to the process. There is often deception about the type and conditions of work at this point and the inclusion of heavy penalties being tied to the fishermen terminating their contracts.

Once at work the realities of the working and living conditions are apparent – these are often poor and inhuman, with long hours and little pay and workers are often subject to violence and abuse resulting in long term, chronic health problems and work place injuries. Identification of trafficked fishermen is a challenge due to: long periods spent at sea with no access to land; limited movement when at ports and no screening of fishermen at ports; limited or no access to authorities and lack of trust in them; lack of training and capacity of authorities and particularly the police; language barriers; belief that trafficking only relates to sexual exploitation; traffic victims avoiding identification due to shame; and in some countries compulsory assistance and forced testifying. In general when considering fishing vessels in ports the focus is to identify illegally caught fish rather than on concerns for fishermen.

When trafficked fishermen are identified some return back home with the agency, others are sent home by the host government and some try and make their own way back home which adds further to their debts. Whichever route is taken the process often involves long periods in detention centres or waiting in harbours. Once finally home, reintegration includes health related, psychological and social challenges. The origin countries, not the flag states or destination countries carry the main cost of reintegration. Human trafficking is a crime but as fishermen pass through multiple destinations, which also mean multiple jurisdictions, prosecuting this crime can be difficult and the pursuance of a criminal process might not always be in the best interest of the victims.

2.1.3 Unravelling a murder at sea

Mr. Duncan Copeland, Chief Analyst with Trygg Mat Tracking (TMT), Norway, presented on a fisheries crime case that resulted from a YouTube video depicting the shooting of several individuals at sea by persons aboard a vessel that was posted in August 2014. Mr. Copeland shared the processes, findings, challenges, and lessons learned from the on-going investigation.

From the YouTube video that recorded the fisheries crime, one of the most important questions to investigate was the identity of the vessels involved. One vessel clearly was identified as a longliner, CHUN I No. 127. The vessel from which the shots were fired was classified as a tuna longliner and eight unique characteristics were established to further investigate the vessel's identity. These eight characteristics were compared to 3 000 photos of 300 vessels and a certain longliner matched six of these eight characteristics. Since there were some differences between this vessel and the vessel that appeared in the video, a definite identification was not possible. This was exacerbated by the fact that photographs of many vessels do not exist and thus, the vessel in question may not be included in any photographic record.

A second important question was to determine the identity of the individuals and companies involved with the fisheries crime. The YouTube video was analysed for the languages and dialogue spoken, particularly on the vessel from which the shots were fired. This information was used to try and identify the perpetrators and understand what happened. This exercise also demonstrated how difficult it is to ascertain information on the details and ownership of the vessel as there is a high amount of secrecy involved.

A third important question to investigate was the location, and thus jurisdiction, in which the incident took place. Operational and Vessel Monitoring Systems (VMS) data of the CHUN I No. 127 indicated that the incident occurred in the Western Indian Ocean (WIO), rather than in Fiji as the video's title claimed. Furthermore, a government report states that the CHUN I No. 127 had three armed guards on board in April 2013, which corresponds to a common feature of longliners being armed when fishing in the WIO. However, Automatic Identification System (AIS) data was inconclusive as none of the investigated vessels had broadcasted over AIS in the past three years.

In conclusion, analysis of this highly complicated investigation highlighted challenges and clear lessons learned, including: the difficulty of investigating crimes at sea; the great importance of photographic records of fishing vessels; the importance of cooperation between police/fisheries enforcement forces, National Central Bureaus (NCB's), and INTERPOL; and the importance of political will to pursue and resolve fisheries crimes. This fisheries crime investigation requires renewed momentum and cooperation for a resolution to be secured.

2.1.4 The F/V Thunder case

Mr. Francis Izeg Omiunu, Nigerian Maritime Safety Administration, Nigeria, and Ms. Aduke Kupolati, Assistant Director Fisheries Resources and MCS, Nigerian Fisheries Authority, Nigeria, presented on the F/V Thunder case.

The F/V Thunder was registered in Nigeria with a license to fish in Nigeria's territorial waters. For years, the F/V Thunder persistently engaged in various IUU fishing activities, including: fishing with a fraudulent Nigerian fishing license; trading with false shipping documentation; fishing in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) conservation area/outside Nigerian territorial waters; failing to report fish landing data; discharging fish in the absence of fisheries inspectors; continuing to engage in IUU fishing activities after escaping Indonesia, where it was impounded in 2012; and more. As a result, the F/V Thunder was placed on CCAMLR's IUU vessel list and in 2013 Nigeria denied its request to change its name. Additionally, INTERPOL issued a purple notice regarding the F/V Thunder at the request of New Zealand, Australia, and Norway.

On 7th April 2015, after a chase of 110 days spanning from Antarctica to West Africa, the Sea Shepherd's Motor Yacht (M/Y) Sam Simon received a radio distress call from the captain of the F/V Thunder. M/Y Sam Simon responded and rescued all 40 crew before the vessel sank. It was determined that the ship sank in Sao Tome and Principe's waters and thus the crew was handed over to their authorities.

This case demonstrates not only the transnational nature of fisheries crime, but more importantly, the need for national and international cooperation in order to combat it effectively. In particular, this case highlights the need to: enhance interagency cooperation/collaboration; enhance information sharing; harmonise national laws with international instruments; improve capacity to conduct timely investigations and combat IUU fishing; and ensure effective law enforcement and sanctioning regimes.

2.2 Panel discussion

2.2.1 What is the role of NGOs and governments in cases such as the F/V Thunder chase?

"The chase of the F/V Thunder was the longest chase in known history. Hence, why did the chief actor M/Y Sam Simon only get such a short mention in the presentation? Furthermore, this chase points at the weakest point of law enforcement on the high seas, namely the lack of surveillance vessels. What are the lessons learned? How can surveillance on the high seas be strengthened?"

Ms. Kupolati noted the weaknesses in the Nigerian Sea Fisheries Act at the time of the event and that these have now been reviewed with a view to readdressing them. She noted that there is also a need for improved interagency collaboration on the national level, which also has been undertaken. On another level, SIF, a non-governmental organisation, is working with the Fishery Committee for the West Central Gulf of Guinea (FCWC) to encourage states to establish national enforcement units to combat IUU fishing. Maritime agencies, INTERPOL, navies, port authorities and other governmental organisations, each doing their part, need to work together and collaborate on cases. Additionally, SIF with other partners has established a platform where all West African States collaborate and share intelligence data on IUU fishing activities.

.....

'In Tanzania and other countries there are indicators that terrorist groupings related to wildlife smuggling and fisheries crime exist. These groups, as well as local criminals, realise that this is a very good source of finance.'

.....

Mr. Copeland added that the role of the Sea Shepherd in this case demonstrates the important role of civil society. The Sea Shepherd, which can be seen as the largest private navy, has resources that many governments do not have and they also have the ability to pressure and leverage governments. On the other hand, the Sea Shepherd builds its resources from the publicity of cases that it engages in and this sometimes may not be helpful for investigation of a case. Therefore, cooperation between organisations like the Sea Shepherd and government organisations is imperative but must be managed.

"The case of the F/V Thunder and the role that Sea Shepherd played shows the important role of civil society. Governments seem to avoid their responsibilities and not prioritise the issues at hand; being underfunded and under resourced does not seem to be a sufficient excuse."

Mr. Copeland responded to this follow-on question noting that governments were involved in the F/V Thunder case through communication platforms (both East (FISH-i Africa) and West Africa (West Africa Task Force), but not every country has the resources to send patrol boats to sea. These communication platforms effectively assist to engage fisheries officers. It is clear that more solutions are needed on how to effectively utilise resources and for obtaining more assistance to governments, but that ultimately governments need to take the responsibility for enforcement.

"What, if any, evidence of transnational crime in the case of the F/V Thunder is the Nigerian government going to take forward?"

Mr. Omiunu responded that there are transnational elements such as the fact that the vessel was registered not only in Nigeria, but also in other countries. Furthermore, the F/V Thunder terminated its activities outside Nigeria's jurisdiction, in the exclusive economic zone (EEZ) of Sao Tome. Under Nigerian law, the breaches are that the fish uncovered

are fish that cannot be found in Nigeria's waters, the crew were non-Nigerian, and the vessel had a double license.

2.2.2 Is there any evidence of links between fisheries crimes to terrorism?

"Other environmental and wildlife crime often is linked to terrorism. Is this the case with fisheries crime?"

Mr Kotze responded that in Tanzania and other countries there are indicators that terrorist groupings related to wildlife smuggling and fisheries crime exist. These groups, as well as local criminals, realise that this is a very good source of finance.

2.2.3 Why did the murders at-sea take place?

"This question is directed to the 'murder at-sea case': Why were the individuals in the sea shot, as seen in the video?"

Mr. Copeland said that there is no definite answer, but that one can speculate; it could have been a Somali piracy attack or a conflict between industrial and small scale fishers. There is no evidence for either.

2.2.4 Are there any guidelines for identifying human trafficking in the fishing industry?

"Regarding human trafficking in fisheries crime, are there any guidelines which fisheries inspectors can use to help identify human trafficking victims on fishing vessels or in the fishing industry?"

Ms. Surtees responded that there are some tools (paper and app. versions) that allow trafficked victims, for example, to point at the flag of their country of origin to overcome language barriers and allow identification. But the human aspect is not catered for. She posed the question 'can a trafficked fisherman trust the authority/Coast Guard when they appear on the vessel? She noted that it is a very long process and often trafficked victims can only truly be helped once they no longer are in the actual trafficked situation.

3. PANEL II – COOPERATION

Chaired by Mr. Gunnar Stølsvik, Norwegian Ministry of Trade, Industry and Fisheries.

3.1 Panel presentations

3.1.1 Cooperation to combat wildlife and fisheries crime

Mr. Jorge Rios, Chief of Global Programme for Combating Wildlife Crime, United Nations Office on Drugs and Crime (UNODC), Austria, presented on the seriousness of fisheries crime, the urgent actions needed to address it, including strengthened cooperation, and the corresponding role of UNODC in combatting fisheries crime.

While in the past fisheries crime often was not seen as significant, today it is better understood to involve serious, profitable, and organised transnational crime (and as such, in 2015 a United Nations (UN) mandate added fisheries crimes under the umbrella of wildlife crime). The criminal networks involved, divert economic resources from developing countries, commit offences such as tax evasion, document fraud, poaching, human trafficking etc., and operate with relative impunity. In many cases, there is little to deter the criminal perpetrators as often the legal systems do not criminalise illegal fishing, there is low risk of prosecution, and inadequate penalty schemes. As a result, many perpetrators simply factor the risks of the illegal activities into their costs of doing business. In order to combat fisheries crime, urgent actions need to be taken internationally and nationally.

To begin, it is important for both international and national legal frameworks to take into account the challenges of enforcing cases with transnational and at-sea elements. For

example, law enforcement agents need to have a mandate that allows them to work in their jurisdiction as well as across borders. It also is important for developing countries to receive support and assistance in ensuring that their law enforcement and justice systems respond to these crimes effectively. It is important to note that fisheries crime includes activities that constitute criminal rather than administrative offences; as such, it is important for illegal fishing and related activities to be defined as criminal offences in national legislation. Finally, it is crucial for cooperation to be a keystone of operations, including cross border patrols, intelligence sharing, interagency collaboration, and more.

The UNODC, through the wildlife crime division, is well-suited and poised to support states in combatting fisheries crime and addressing the aforementioned needs. In particular, the UNODC can use its suite of existing tools to assist states with: legal, policy, institutional, and administrative reforms; intelligence gathering and analysis; investigation; and the development of manuals to support law enforcement.

3.1.2 INTERPOL, cooperation and mutual assistance when fisheries crime is detected

Mr. Alistair McDonnell, Project Scale Manager, INTERPOL, France, presented on the role of INTERPOL, particularly via Project Scale, in facilitating international cooperation to combat fisheries crime, specifically for complex, transnational cases.

It is crucial for cooperation to be a keystone of operations, including cross border patrols, intelligence sharing, interagency collaboration, and more.



INTERPOL is a police cooperation network that maintains NCB points of contact nationally and regional bureaus on each continent. The NCB points of contact establish relationships with the relevant enforcement agencies at the national level, including those that work on fisheries. Project Scale, which has been in effect since 2013, serves as the fisheries crime arm of INTERPOL, facilitating the communication, cooperation, and technical aspects of addressing fisheries crime enforcement internationally.

As discussed in earlier presentations, the modus operandi of fisheries crime is quite extensive including: abuse of vessel registries; avoidance of port calls; forged documents; abuse of licenses; breach of national laws by nationals; and more. Fisheries criminals are able to succeed by capitalizing on the lack of effective communication and cooperation between law enforcement agencies and networks nationally and internationally. The below case example demonstrates the challenges that INTERPOL faces in bridging these gaps and also the lessons learned to guide future improvements.

INTERPOL's assistance and intelligence proved particularly useful with an operation against fisheries crime in the Antarctic. With INTERPOL, in combination with Australia, Malaysia, Thailand, and the Sea Shepherd, six vessels (five of which had purple notices issued against them), including the F/V Thunder, could be connected and operations undertaken. In December 2014, the F/V Thunder was detected and a lengthy, intensive, and expensive chase ensued, lasting 110 days. INTERPOL sent out R27 notices to the National Bureaus of all countries where the F/V Thunder might be heading to, informing them to be on alert. When the F/V Thunder sank and the crew were handed over to the Sao Tome and Principe authorities, a coordinated law enforcement response by INTERPOL, government agencies (the Nigerian Maritime Rescue Services in particular, through its anti-piracy centre in Ghana), and the Sea Shepherd

enabled the prosecution of officers of the F/V Thunder. Specifically, INTERPOL held a regional investigative and analytical case meeting in Singapore, bringing together nine countries from the region to exchange legal and administrative assistance and to share intelligence and evidence for prosecution regarding the F/V Thunder. As a result, the Sao Tome and Principe court has convicted and sentenced the Captain, Chief Engineer, and Second Engineer.

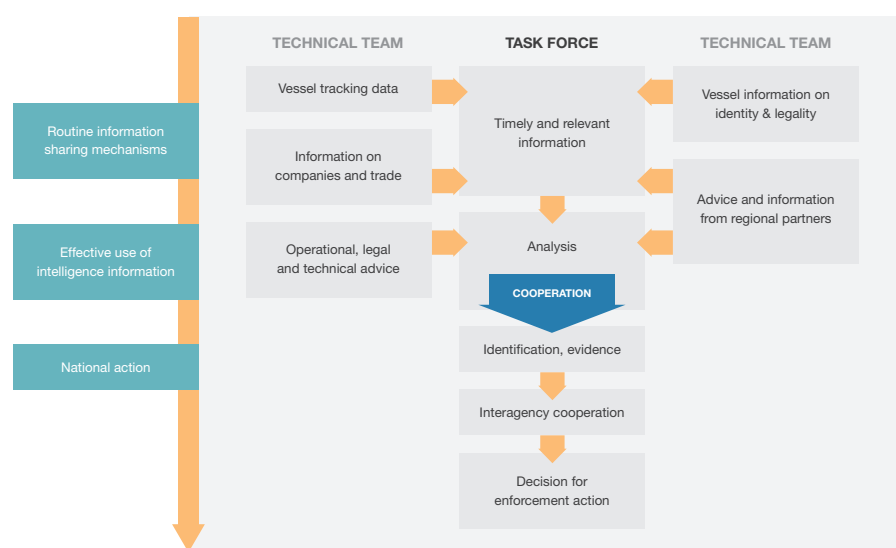
The F/V Thunder case produced some valuable lessons learned. First, the operation was very expensive and thus, not sustainable; INTERPOL and its partners must establish more effective methods to resolve crime, such as deterrence, disruption, and prevention strategies. Second, efforts to combat fisheries crime must involve the analysis of business models; for example, nine blacklisted vessels all were insured by the same UK company, which spurred the UK government and the insurance industry to work together. Finally, strategies should involve multiagency engagement, focus on all offenses, and utilise IT solutions.

3.1.3 The FISH-i Africa Task Force

Mr. Nicholas Ntheketha, Chair of FISH-i Africa Task Force, Kenya, and Dr. Kristin von Kistowski, Senior Adviser, FISH-i Africa Technical Team, Germany, presented on the FISH-i Africa Task Force, successfully demonstrating how a cooperative platform and process has enabled seven West Indian Ocean coastal countries to combat IUU fishing more effectively and efficiently.

Due to weak governance and limited operational and enforcement capacities in the WIO, fishing operators had been able to turn illegal fishing into a low risk, high reward business. The ultimate goal of the FISH-i Africa Task Force is to reverse that trend, instead turning illegal fishing in the WIO into a high risk, low reward business. To do so, in December 2012, the FISH-i Africa Task Force was established.

FIGURE 3
The FISH-i Africa Task Force



The FISH-i Africa Task Force is a regional task force, composed of seven WIO coastal countries, with the purpose of affecting enforcement actions against illegal fishing perpetrators through the effective sharing of information and cooperative efforts.

To begin, the FISH-i Task Force member countries agree to share information with each other, which may include fishing vessels licence lists, the identity and photos of vessels, information on vessels and owners, data on vessel movements, details of suspected IUU fishing incidents and vessels, INTERPOL notices, information from customs, police, and ports, regional news, and more. Additionally, the Technical Team provides supplemental information to build insight into known or possible illegal incidents, improve tracking efforts, and strengthen evidence against illegal fishing perpetrators. This may include information on a vessel's flag, vessel ownership, vessel movement, catch/landing data, and trade data. The Technical Team and other regional partners also provide strategic, operational, and technical advice in order to further assist the Task Force. All information is collated and analysed and advice is considered in order to identify and take strategic action on cases of illegal fishing.

In deciding what type, when, and how to take action, cooperation among the Task Force member countries is paramount. This cooperation may entail working together to build a foundation of evidence, inspect certain suspicious vessels, or even take enforcement action. Regardless, the cooperation makes it possible for the countries to make the most of limited resources in highly technical and transnational cases, increasing their likelihood for successful action. Figure 3 further outlines in detail the Task Force's information gathering and cooperative processes.

In addition to the above steps, FISH-i Africa also conducts risk assessments in order to better understand how to utilise limited resources more effectively. Similarly, FISH-i Africa conducts in-depth research focused on unveiling and exposing IUU patterns in the region, which often involve complex networks of highly organised and well financed operations. Lastly, FISH-i Africa continuously focuses on building upon interagency collaborations and securing strong political support for the Task Force. Ultimately, FISH-i Africa aims to build effective, permanent, and robust mechanisms for information gathering and cooperation that will continue to spur enforcement actions into the future.

Thus far, FISH-i Africa successfully has contributed to high profile cases such as the F/V Premier, F/V Thunder, and more. Moving forward, FISH-i Africa aims to expand the network to other countries in the region, continue to share information, including VMS data, and standardise MCS and other procedures.

3.1.4 Cooperation to reduce forced labour, human trafficking in the fishing industry

Mr. Jean Marie Kagabo, Special Action Programme to Combat Forced Labour, International Labour Organisation (ILO), Switzerland, presented on the serious issue of forced labour and human trafficking within the fishing industry and the ILO's Global Action Programme against forced labour and trafficking of fishers at sea (GAPfish) initiative as a path forward.

In Myanmar, local brokers recruit workers with the promise of a job in Thailand. However, once in Thailand, these workers quickly are sold off to fishing vessels, with all of the money going into the brokers' pockets. While promised pay, these fishermen never receive any once on the vessel, despite working for two to four years. Eventually, they may actively try to leave when they get to port. However, they most likely find themselves without their identification documents or the financial means.

In one instance, this has led to an estimated 400 migrant workers from Myanmar settling in the surrounding villages of the port of Ambon, Indonesia. Since the ILO did not have the authority to move the matter forward, the Trade Union of Indonesia took the case, issued a press release, and wrote to the government of Myanmar for help in repatriating these workers. To date, this case remains unresolved.



A similar story took place in Uruguay when a Chinese-flagged shipping vessel came to port and 28 African fishermen, from Ghana and Sierra Leone, claimed to be enslaved. The case was taken to the Uruguayan Criminal Court where it was rejected due to insufficient evidence and because the incidents took place on the high seas (outside of Uruguay's jurisdiction).

As a result of the increasing awareness and pressing urgency to address the issue of forced labour at sea and human trafficking, the ILO GAPfish initiative is being developed. The initiative proposes to: undertake research; focus on prevention, protection of victims, and prosecution; further capacity building; and raise awareness, including from the consumer-side. GAPfish urges that collaboration and coordination is key for success; without such efforts, cases such as that in Myanmar will remain unresolved.

3.1.5 Cooperation through the 2050 African Integrated Maritime Strategy

Mr. Samuel Kame-Domguia, Coordinator, 2050 African Integrated Maritime Strategy Task Force, Ethiopia, presented on the 2050 African Integrated Maritime Strategy (2050 AIMS).

In the face of fast growth, both demographically and economically, it is believed that no African should have to leave the continent in order to meet their basic needs. As such, in January 2014, the 2050 AIMS was formally adopted by the African Union (AU). The 2050 AIMS envisions the transformation of the oceans into a space for job and wealth creation through the sustainable exploitation of maritime resources, including fisheries. It is hoped that the blue economy stands as the new frontline for Africa's renaissance.

A key factor of the 2050 AIMS is cooperation, from the global to the local level. At the global level, the 2014 European Union (EU)/AU summit resulted in a provision to address IUU

fishing in a concerted and cooperative manner. At the Regional Economic Community level, the Economic Community of West African States (ECOWAS) adopted the ECOWAS Integrated Maritime Strategy and in June 2013 ECOWAS and the Economic Community of Central African States (ECCAS) established synergies to address illegal maritime activities. At the country level, Norway has established itself as a strategic partner and several countries cooperated together to enable the arrest of the F/V Naham 4, a win against organised crime. At the sectoral level, the AU maintains the Interafrican Bureau for Animal Resources. At the regional level, the Regional Fisheries Management Organisations (RFMO's) strengthen cooperation between AU states and build harmonised policies. At the generational level, it is imperative to educate and raise awareness amongst the youth regarding the oceans as a source of wealth, such as through the Decade of African Oceans.

3.2 Panel discussion

3.2.1 What should be the role of international instruments and institutions in combating fisheries crime?

"It was interesting to hear presentations from different perspectives, but there was some overlap in the activities and mandates of the different organisations. What do the panellists see as their roles? As countries we need to cooperate, but what about cooperation between agencies, i.e. interagency cooperation?"

From the ILO perspective, Mr. Kagabo noted that in 2013 the Global Dialogue Forum for the Promotion of Work in Fishing Convention requested the ILO Director General to engage with INTERPOL and UNODC to combat forced labour in the fishing sector, which was endorsed by the ILO governing body. Hence, there is a clear mandate from the ILO constituency to work together, which already has begun with a Letter of Intent and will become a Memorandum of Understanding.

From the INTERPOL perspective, Mr. McDonnell elaborated that INTERPOL and ILO are starting discussions on the GAPfish proposal. INTERPOL will be able to help the ILO with understanding fisheries and the fishing industry, intelligence analysis, and information sharing. INTERPOL may also be able to assist with planning operations. INTERPOL and UNODC need to improve cooperation on training and training modules.

From the UNODC perspective, Mr. Rios noted that the entire international community needs to improve its cooperation in order to avoid wasting resources and duplicating efforts. UNODC has a straight forward mandate, which does not include operations, but rather supports law enforcement, prosecution, and the judiciary through capacity building. The UNODC and INTERPOL have met and will discuss a broad programme of cooperation between the agencies that avoid duplications, particularly with regards to training.

"Should fisheries crime fall under a special convention like United Nations Convention against Corruption (UNCAC) or sit under the more general convention dealing with transnational, serious crime like United Nations Convention against Transnational Organized Crime (UNTOC)? And would it be possible for UNODC to develop model laws or legislative guidelines on fisheries crime to assist countries and ease cooperation?"

Mr. Rios recognised that this has been a hot topic in the past 18 months. However, he noted that developing new conventions or protocols is an inter-governmental process and takes time. Currently, there are two new conventions under UNTOC to address the smuggling of migrants and arms and weapons. The new convention on the smuggling of migrants was adopted by most countries, but to date has resulted in little change. As it stands, it is believed that the UNTOC is suitable to address fisheries crime within the conventions. Regarding model laws, they are difficult, but rather model legal provisions or guidelines allow states to adopt change as and when they choose.

3.2.2 What improvements are needed for better combatting fisheries crime?

"In recent events, as seen through public record and associated press, refrigerated cargo vessels have played a pivotal role in human trafficking and more importantly laundering fish. There is an urgent need to track these vessels. Refrigerated cargo vessels have been driven out of the lawful market by refrigerated container vessels and the suspicion is that fish is transferred from the cargo to the container vessels and enters the market with no indication of where it came from."

Dr. von Kistowski noted that it is important to better understand the networks and how they operate. For example, human trafficking is possible because the long-liners stay out at sea for long periods of time, thereby preventing the trafficked fishermen from any opportunity to come off board and describe their conditions. These networks are highly organised with a great deal of logistics to ensure that the operations remain economical.

Mr. McDonnell added that the fish supply chain is vulnerable and contaminated with fraudulent documentation, especially in the containerised trade, including falsified country of origins, customs duties paid, flag of catching vessels, and health and sanitary certifications. This enables access to markets that otherwise would not have been possible.

"When working with police in developing countries, often one first has to explain about fisheries and why they are important. As such, when working on fisheries cases, agencies like INTERPOL and UNODC should work with fisheries personnel on the ground and not just the police. Additionally, as Mr. McDonnell mentioned, marine policing is expensive and if not for the Sea Shepherd, the F/V Thunder may still be at sea. In the time that the F/V Thunder operated undetected, illegal toothfish entered the market. Why was this not picked up? What were the limitations of our monitoring systems? Moreover, it is important to remember that while a crime, it's also fish."

While certain activities like document fraud are criminal offences, by that point the fish are already dead. It is important to work with fisheries officers and address fisheries crime from a wider point of view as well."

Mr. McDonnell explained that within member countries the INTERPOL model of law enforcement is to bring agencies together, encourage cooperation, provide training, and follow-up through an operation that involves planning, inspection, and intervention. For example, with the F/V Thunder case, many players cooperated including countries in South East Asia, under the regional plan of action, the Sea Shepherd, and INTERPOL. In terms of combatting fisheries crime, it is important to remember that these criminals operate at margins of 30 to 40 % under the legal market price. In order to combat them, the business models need to be targeted, making their operations more expensive to run. Actions such as this meeting and others work as deterrents, signalling to the criminals that the international community recognises and is addressing the situation, either through disruption or prosecution.

Mr. Rios contributed that the UNODC has a mandate to work on transnational organised crime, including fisheries, and to work closely with civil society and the private sector. Generally, it is understood that combatting wildlife, fisheries, and timber crimes is important as they are finite resources. In helping to combat these crimes, civil society plays an important role as it can say and do things that agencies cannot, such as bringing issues to the public's attention or criticising governments. However, states do have clear obligations and cannot expect civil society to take over these roles.



Mr. Stølsvik agreed that, yes, the fish already is dead, but the proceeds of crime are not. Can these proceeds be saved, used, and prevented from going towards criminal activities? If a vessel fishes in the territory of country A, then takes the illegally caught fish to country B, country A should make a request to country B for mutual legal assistance and compensation. For example, the Bengis case is one of the only where a restitution payment occurred. African countries that lose millions to illegal fishing should be compensated for this. There is a need for a paradigm shift.

“What about looking at the sea as one with no boundaries, instead creating a maritime territory of all of the seas and oceans independent of any one country, controlled by satellite? Listening to the cases, it seems that many of the problems are due to boundaries and jurisdictions.”

Mr. Stølsvik responded that while monitoring and policing the seas is difficult, there are legal tools available for international cooperation that have hardly been used by governments to address organised crime at sea, such as the UNTOC. Norway already has incorporated this convention into its fisheries legislation and to make it functional other countries would need to do the same. This convention is the world’s largest cooperation agreement and one of the most ratified in the world. For example, all of the flags of convenience countries are members and thus are legally obliged to cooperate with other countries to combat organised crime. Therefore, if countries were to implement this convention, it would open up a completely new set of tools, particularly by enabling easier legal cooperation between countries. There is a need to create commitment and engagement from countries and this should be the focus in the INTERPOL Fisheries Crime Working Group. The African continent could be leading the way by making a commitment to address fisheries crime through the criminal justice system.

Mr. Ntheketha added that it is difficult to create legislation that is comprehensive. In speaking about improving legislation one needs to be specific, such as legislation pertaining to fisheries or labour issues, especially as many countries do not review their laws holistically.

3.2.3 How should the dialogue be expanded to better combat fisheries crime?

“The fishing industry plays an important role, especially as the ones most affected by fisheries crime in terms of their bottom line, reputation, and the diminishing resources. Moreover, the fishing industry worldwide plays an important role in science and research, i.e. tuna tagging, and are the ones at sea able to maintain vigilance (though they, unlike IUU fishing vessels, are not armed). Despite the fact that currently whistle blowing is limited due to a lack of anonymity and protection, the fishing industry could become the eyes and ears for INTERPOL and other agencies.”

Mr. McDonnell stated that the combination of the fishing industry, research vessels, coast guards and others creates thousands of eyes and ears on sea. One could create a type of ‘crime stopper’ agency where the public could report crime under the safety of anonymity and protection of information. For example, such an agency could be headed by an environmental agency. While this is a good idea, it must be noted that people employed in the fishing industry are notoriously reluctant to work with law enforcement.

Mr. Kagabo supported the idea of inviting more industry to the next Symposium as it is important to engage with those that are involved in fisheries on a daily basis, including the trade unions. Additionally, the very low level of unionisation of fishermen needs to be addressed.

“Civil society has a significant role to play in fish crime, but must be treated appropriately. Additionally, if allocations are not economically viable fishermen will resort to poaching, especially if there are no other alternatives. However, fishermen also are the ones who understand why it is important to protect resources and show a willingness to help. Whether it is on the near shore or high seas, fisheries crime is rampant and serious. Per year, Africa loses five billion USD, excluding the loss of value from processing rights. While the Pan-Africa Fisheries and Aquaculture Policy Framework and Reform Strategy addresses IUU fishing and has been ratified by 54 countries, there is a need to align processes. To know and understand not only what Africa is doing, but also what the world is doing.”

“In the future, it would be good to have some of the destination countries, such as China-the main destination for abalone and rock lobster, present at these types of discussions.”

Mr. Kame-Domguia stated that the AU would be ready to host such an event at its headquarters, or somewhere else, in order to broaden the audience and increase the impact as long as there is support and strategic partnership.

Mr. Rios explained that UNODC ensures that all regions are included in its work and that fisheries crime is high on the agenda in Latin America as is reflected by a meeting that UNODC recently attended there.

Dr. von Kistowski agreed that the discussion should be expanded, particularly to include Asian participants as it not only is a destination market, but also many victims of human trafficking come from South East Asia.

“Through the active help of fisheries operators, the illegal fishing of toothfish has been reduced by 90%. In the last two months, such operators picked up gear that no one would have picked up otherwise. There is a fatal flaw that more industry and civil society are not present at this discussion. People in the industry are affected directly and there is a fight between people who act legally and those who act illegally.”

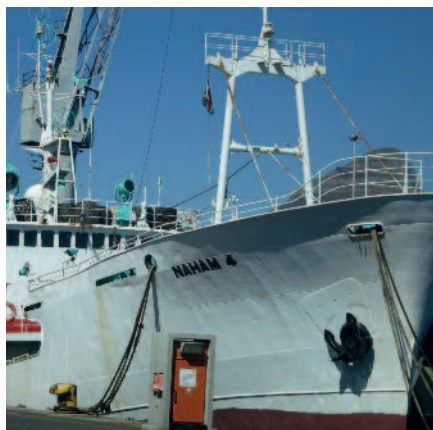
Mr. William Tibyasa, of the Uganda Fish Processors and Exporters Association, commented that the national fisheries task force in Uganda includes industry and local communities, to address the social and economic aspects. Uganda also has a self-monitoring mechanism. There also needs to be more effective MCS that collaborates with industry and other stakeholders.

Mr. Ntheketha added that FISH-i Africa is growing and is open to cooperating with new partners, including industry.



4. PANEL III – CHALLENGES

Chaired by Mr. Tor Martin Møller, Norwegian Ministry of Trade, Industry and Fisheries.



4.1 Panel presentations

4.1.1 Challenges in fisheries crime in South Africa

Mr. Bernard Liedemann, Chief Directorate, MCS, DAFF, South Africa, presented on South Africa's experience in combatting fisheries crime, including the challenges and successes, by reviewing a variety of past cases.

There has been a series of cases in South Africa resulting from cooperative governance, involving South African officials as well as local and international partners. Following an alert received from a civil society informant, who had twice before provided information to corrupt officials, the MCS division of DAFF identified the Bengis case. Currently, three abalone cases involving illegal operations by syndicates are before the High Court. These cases demonstrate the importance of South Africa's Operation *Phakisa*, to unlock the ocean's economic potential by fighting against fisheries and maritime crime.

Four separate cases demonstrated aspects related to the identification, interception, and return of consignments of illegally harvested and exported marine resources. In the first the consignments to be exported were declared as pilchard because, at that time, an export licence was not required for pilchard. Once en route to the destination, it was discovered that the consignments actually contained abalone. Usually, turning around the vessels transporting consignments is challenging. However, this case led to

the development of a method to have the containers of illegal goods returned without having to turn the vessel around. Since then, this legal loop hole has been closed and all exported fish require a license.

The second case demonstrated the challenge of detecting containers that hold illegal consignments. These containers had been filled with polypropylene pellets and eight of them also had abalone hidden inside. The third example was a case demonstrating the value of cooperation with the destination or market state. Here the illegal abalone was intercepted in Hong Kong and returned to South Africa. The consignment was valued at seven million ZAR in South Africa and 27 million ZAR in Hong Kong and thus the accused took the case to Hong Kong. DAFF officials attended the court hearings in Hong Kong as defendants and the accused was convicted. Furthermore, this case demonstrates that Hong Kong, China, and others should be at the next FishCRIME Symposium. In the fourth case, consignments were illegally exported and although there was good cooperation with Malaysia – the receiving nation – in the end South Africa lost the container. In respect to IUU fishing vessels, South Africa now has seven vessels that had previously been involved in IUU fishing, criminal activities, and trafficking in its possession. These will be used to enable less advantaged communities to fish offshore for tuna. Two additional IUU fishing vessels have absconded, but are being pursued.

In conclusion, there are serious challenges involved with combatting fisheries crime. A few key examples are: fisheries crime syndicates are well organised, difficult to identify, and operate without boundaries; not all flag states cooperate and share information; IUU fishing vessels remain on the high seas for long periods of time; cooperation with the global enforcement community to address IUU fishing is costly; difficulties remain in monitoring and executing effective surveillance of the EEZ and high seas; and huge losses result to countries from fisheries crime.

4.1.2 Indonesian approach to tackling fisheries crime

Dr. Yunus Husein, Head of IUU Fishing Task Force, Indonesia, presented on the actions taken by Indonesia to combat IUU fishing and the challenges that remain for further combatting fisheries crime.

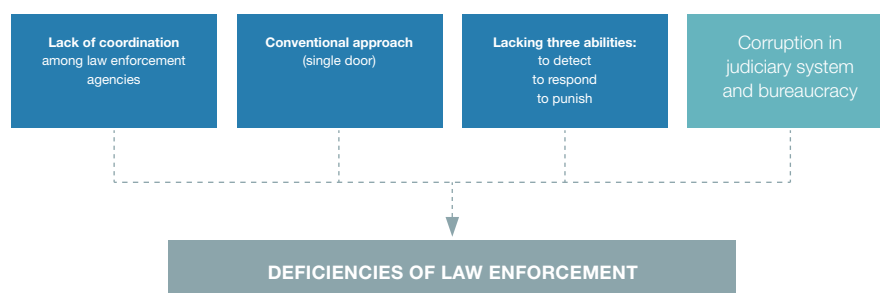
In 2014, Indonesia established a Task Force to prevent and combat IUU fishing and in 2015 undertook an official 'Analysis and Evaluation' (ANEV) of ex-foreign fishing vessels in order to crack down on illegal activity. The ANEV discovered that 100% of the ex-foreign fishing vessels had violated the law. Of the 1 132 total vessels, 769 had engaged in a serious violation and 363 an average violation. As a result of the ANEV, 15 business-, 245 fishing-, and 31 reefer licences were revoked and 35 fishing- and 26 reefer licenses were suspended and still others received warnings. Furthermore, since 2014, Indonesia has sunk 96 IUU fishing vessels. Throughout these processes, site visits to various parts of Indonesia have found patterns of: employment of foreign crews, flag hopping of vessels, smuggling of gas, forced labour, and deactivation of VMS. In order to eliminate the patterns of illegal activity, Indonesia must better understand and address the challenges it faces.

Presently, there are three law enforcement agencies responsible for addressing IUU fishing, the police, navy, and maritime and fisheries ministry, but they lack coordination and the ability to detect, respond, and ultimately, to punish. In addition, there are challenges dealing with corruption within the bureaucratic and judiciary systems. Moreover, Indonesia has many laws that govern the various aspects of fisheries and related crimes, including a fisheries, conservation, Indonesian EEZ, and human rights law. With the modus operandi of IUU fishing activities broadly involving overfishing, tax fraud, money laundering, human trafficking, and more, it is imperative for the Indonesian authorities to take a multi-disciplinary legal or multi-door approach (versus the single door approach of the past). This is especially timely as the issues of forced labour, human smuggling, and worker exploitation are very real in Indonesia. The intersection of the challenges are presented in Figure 4.

In order to address these challenges, Indonesia created a roadmap to move forward and improve governance. It details the need to improve the vessel registration system, capacity for port state controls, catch/trade reporting documentation, and the surveillance system, take a multi-disciplinary legal approach, and improve inclusion of human rights traceability, and cooperation on a national, regional, and international level.

FIGURE 4

Current status of law enforcement in the marine and fisheries sector in Indonesia



4.1.3 Illegal trade of fisheries products & challenges in tackling fisheries crime

Mr. Markus Burgener, Senior Programme Officer, TRAFFIC East/Southern Africa, South Africa, presented on how the complexities of the fisheries trade creates challenges and also potential opportunities for combatting fisheries crime.

The standard trade chain of fisheries products, from boat to plate, entails many steps. In the simplest sense, first, the fish is caught at sea and brought to port to be landed. Upon landing, a buyer purchases the fish, which may lead to a processing facility. From there, a trader is involved, often resulting in the fish being exported and then imported before being sold to a retail chain or restaurant. It is at the point that the direct consumer first interacts with the fish and it ends up on a plate to be eaten. Along each of these steps, the fisheries product is recorded and documented in various ways, such as catch documents, invoices, export certificates, and checked by various authorities for compliance, such as fisheries officers, customs, inspectors. Currently, most of the control takes place at sea and at landing, which is the expensive aspect of ensuring compliance. Figure 5 depicts the steps in this chain.

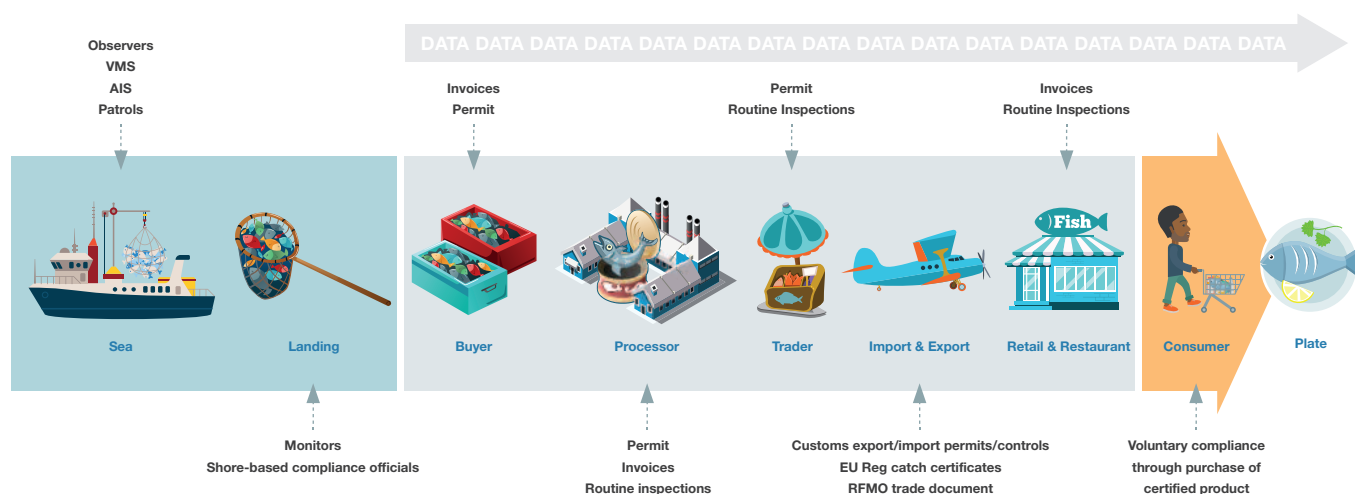
Due to the complexities of the trade chain, many challenges exist that can be used to facilitate and make it more difficult to catch illegal activity. First, it is important to improve the international trade practices such as combining the import and export documents, for example, through electronic trade documentation. Second, interagency collaboration, both nationally and internationally, can be improved, including information sharing and capacity building. Third, it is possible to improve knowledge of species identification and trade document requirements for improved assessment and validation. There also can be better analysis and use of trade data. Lastly, it is important to tackle corruption.

Improvements to the systems and better use of trade data provides added opportunities to disrupt the cycle of illegal trade and fisheries crime, as demonstrated by the following cases. The first refers to big-eye thresher sharks that have been found being traded in the Dubai market. The catching of big-eye thresher shark is prohibited by the Indian Ocean Tuna Commission (IOTC); however, once the shark gets into the market, the trade of the product is legal as it is only identified as 'shark'.

This demonstrates the need for inspectors to be able to identify sharks and their fins and for a more specific HS code than just 'shark' to be used.

The second case refers to illegal poaching of abalone, which is one of the most significant wildlife crimes in South Africa. The analysis of trade data has provided concrete insight into this issue. Firstly, in comparing the import data from the main importers of abalone to the legally harvested allowance in South Africa, it shows that in 2014, 97% of abalone was caught illegally. Secondly, Hong Kong imports dried abalone from several Southern and Eastern African countries, some of which are landlocked. This is interesting because only South Africa and a small part of Namibia should produce, process, and export abalone. This demonstrates that most of the abalone coming from other countries is poached and may never have touched the countries it was officially exported from (instead going via a bonded warehouse at OR Tambo airport to Hong Kong with an export license from Zambia and the money transferred to Zambia, i.e. a money laundering scenario).

FIGURE 5
Fish catch and trade chain – compliance controls



4.1.4 Challenges – International Transport Workers Federation perspective

Mr. Jon Whitlow, International Transport Workers Federation (ITF), Seafarers' Section, UK, presented on the ITF's work to address illegal fishing and the often poor associated working conditions, particularly emphasising the challenges and needs for overcoming these issues.

For several years, ITF, in cooperation with the International Union of Food Workers (IUF), has run the “from capture to counter” programme, with the primary objective being to tackle illegal fishing in order to improve conditions for both fish and people. The programme focuses on: ensuring that fishing is legal, reported and regulated; placing workers at the centre of the campaign; guaranteeing minimum working conditions; improving terms of work; standardising conditions across multinational companies; strengthening trade unions; and increasing trade union membership, fundamental to exercising control and ensuring decent pay. The project is implemented in Papua New Guinea, Thailand, and the Philippines, and Indonesia may join in the future. ITF has also researched key fishing corporations, revealing the pattern of complex structures marked by a lack of transparency. This work has highlighted a series of challenges and needs to be addressed in order to tackle illegal fishing and the aforementioned working conditions.

ITF considers that illegal fishing needs to be distinguished from unreported and unregulated fishing as illegal fishing relates to transnational crime, while the latter two relate to fisheries management. In order to address illegal fishing, there is a need for the integration of national and global assets and cooperative partnerships to identify, interdict, and prosecute the illegal fishing organisations and networks. In this regard, the UNTOC provides, along with its two annexes, an important and useful tool.

Another challenge is addressing the nexus between illegal fishing, unacceptable labour practices, and human rights abuses, the most extreme being forced and slave labour on fishing vessels. For example, recent reports have revealed that refrigerated cargo vessels have been used as vehicles for trafficking individuals to fishing vessels. Beyond trafficking, other frequent and unacceptable labour practices include: long working hours; inadequate food provision; systematic cheating of fishers' wages by owners and agents; withholding documents; physical abuse and violence; and abandonment on unsafe vessels for long periods without pay.

In order to address these labour issues, an accepted and implemented international minimum labour standard for the fishing sector is needed. The ILO Convention 188 concerning ‘Work in Fishing’ requires vessels over 24 meters or that operate over 200 nautical miles from the flag state's coast to carry a valid document stating that the vessel has been inspected for compliance with the ILO Convention 188. It also enables port states that have ratified to require the rectification of any hazardous conditions on board, to safety or to health, even when the flag state has not ratified the Convention. Yet, in order for this Convention to hold more weight, more states must ratify it. In addition, ITF has negotiated comprehensive guidelines for inspection with employers, which enables, for example, the non-payment of wages to render a vessel hazardous to the safety and health of its crew, due to the worries caused about the inability to support their families.





One of the largest challenges and simultaneous needs is improving the political will to address these issues. At the “Our Oceans” conference in Chile, the USA announced additional commitments to tackle illegal fishing. In addition, there has been high profile coverage of the use of slave labour and unacceptable labour practices in the media, which has governments, retailers, and consumers paying attention and may build further political will. A final and complex challenge is tackling transparency throughout the entire fisheries supply chain, including the beneficial ownership of fishing vessels and refrigerated cargo vessels. Often, beneficial owners are concealed by complex jurisdictional webs that make ascertaining and sanctioning the illegal activities difficult, including criminally as is required by UNTOC.

4.2 Panel discussion

4.2.1 How can we begin to address the challenges faced in combatting fisheries crime?

“There are cases where fisheries products are offloaded and forwarded to a shipping or forwarding agent, usually the same ones are involved, and 99.9% of the time they cooperate with the owners. At present, no one is incorporating this data. Can this data be collected, analysed, and made part of investigations?”

Mr. Burgener responded that this was a good idea. While NGOs would not be able to obtain that type of data, governments should be able to and perhaps DAFF could. This highlights why collaboration with industry is very important, i.e. the transport sector involved in wildlife trade.

“Considering the lawlessness out at sea, the criminal activities involved, and the big money, should there not be a zero tolerance policy? It seems that there is a need to be much more draconian in the approach when dealing with crime. Also, a sophisticated satellite tracking system could be ideal for surveillance, but cost restraints may present a problem.”

Mr. Liedemann responded that interacting with serious crime syndicates is potentially very dangerous. Dr. Hussein added that it is important to apply a multidisciplinary legal approach and work with other jurisdictions to combat international crime. Mr. Whitlow noted that the risks involved and potential costs of fisheries crime are quite low, especially when compared to drug crimes. For example, the value of the vessels used can be relatively low and the criminals are happy to write them off or buy them back (usually at a cheaper price) once they have been confiscated/abandoned. For these reasons and others, applying port state measures strictly does not always make sense. Sometimes, it is better to allow a vessel into port to investigate or apply sanctions. To improve this process, the officers applying the port state measures need to cooperate more with other agencies to strategise how to bring vessels in and subject them to a full criminal investigation.

“Mr. Burgener, 800 million people are malnourished and fish is a source of protein. Black Fish, a non-profit organisation, has reported that the Wildlife Justice Commission has set up an International Criminal Law Court for Wildlife. Is this correct and if so, who are the member states and what is its mandate?”

Mr. Burgener answered that he was not able to provide clarity on the membership or mandate of the International Criminal Court of Wildlife. He also noted that it was early days to know the value or benefits of this Court for fisheries crimes, so it may be advisable to continue to focus efforts on utilising existing and established institutions in resolving fisheries crime.

“In both the Thunder case (an NGO-undertaken chase) and the Bengis case (a public tip off), civil society played a crucial role. Moving forward, it is important to better utilise industry players for pointing out the bad apples and also provide monetary compensation to the informant/whistle blowers. The onus also

should be placed on the perpetrator of the crime to prove he/she is innocent rather than the state, who has to use a huge number of documents to prove someone is dealing illegally.”

Mr. Liedemann noted that in South Africa, the Marine Resources Act establishes the ability to pay for information and the police also have a system to pay informants. However, these systems need to be extended so that even crews on vessels, even those in forced labour, know about them and are encouraged. Dr. Husein added that a system of justice collaborations exists in Indonesia, as with the case of Silver Sea II. He noted that the idea for compensation is also useful. There is an NGO establishing a system to negotiate between victims and the companies for compensation before the victims are repatriated.

“Why does a provision like that in the Lacey Act not get used more and why is it not incorporated in other legislations?”

Mr. Stølsvik commented that inter-ministerial support and cooperation is important. For example, the Ministry of Justice in Norway is responsible for handling transnational organised crime. Therefore, the Norwegian delegation to the International Court of Justice, led by the Ministry of Justice, included the Ministry of Fisheries and they raised the issue of fisheries crime. Moreover, every vessel with a flag state is subject to a criminal jurisdiction and those states have obligations to address criminal activities. Before changing the laws of the sea, it is important to first assess what already exists and is available to be used. Mr. Whitlow responded that plenty of opportunities exist to exercise jurisdiction on the high seas, for example if a vessel changes flags and is stateless. The Law of the Sea and other related treaties allow enforcement in a growing number of areas. Mr. Liedemann added that all avenues need to be explored for a multi-faceted approach on the high seas. For example, if a state can be a signatory to a RFMO or a non-signatory cooperating member, then the idea of a physical multinational body that enforces at sea needs to be explored.

“There is a need to reemphasise the economic importance of fish and the effect of fisheries crime. Uganda loses about USD 500 million per annum due to illegal fishing and there also is a problem of under-declaring exports. While the Indian Ocean Commission (IOC) has supported interventions, there is a lack of sustainability once the support has stopped. One issue is a need for sensitisation to help stakeholders understand the importance of fisheries and sustainability. Also, how can we synergise collaboration at the international level? For both, the use of media is useful. Also, a global task force to assess fisheries crime would be useful. The creation of political will relies on advocacy.”

Mr. Liedemann concurred that both sensitisation and a global task force are important and that collaboration results in lesson learning from one another.

“It is important to bring customs services to the table with fisheries, as they are the masters of transport and goods.”

Dr. Husein responded that customs is very important and that cooperation, shifts in our mind sets, and changes in our domestic policies are needed to tackle transnational organised crime. Mr. Burgener confirmed that multiagency collaboration is important and added that the fisheries sector also needs to explore beyond their sector, such as joining the World Customs Organisation.

4.2.2 What is the status of political will to address the challenges faced in combatting fisheries crime?

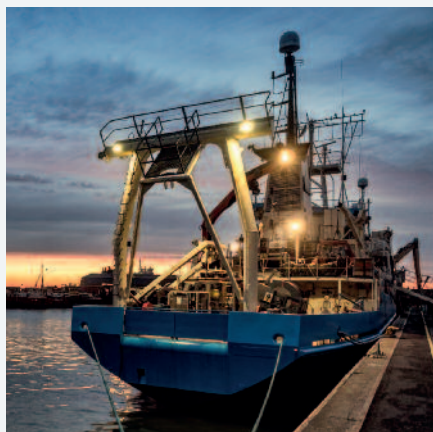
“In Norway there is a two track system to deal with the complexity of fisheries crime, as mentioned by Mr Møller in his opening remarks: a fisheries management system that deals with compliance issues, including the involvement of RFMOs and the United Nations Food and Agriculture Organization (FAO); and the fisheries crime system that deals with organised crime (organised illegal fishing, human rights abuse, tax fraud etc.). Internationally, the UNODC has the mandate to work on crime. The question is whether there is the necessary

political will and understanding to do something about the criminal elements?”

Mr. Whitlow added that there is a need for increased sensitisation and that media exposure, continued arrests, and increased collaboration all are positive steps. Mr. Burgener stated that political will is building, but support is needed from other ministries that have more influence, such as the Ministry of Finance or Trade. Support can be gained by highlighting human rights abuses etc., as these are better understood and bring greater political will than just focusing on fish. He also noted that political will at the national level is required to ensure buy in at the international level, and both need to be strengthened. Dr Husein noted that the President in Indonesia brings political will and commitment. Mr. Kroese contributed from the floor that the international stage requires political will to support greater collaboration and this will only happen when supported through symposia like this one.

“Do we have the will and the courage to unpack the issue of corruption in future meetings? There are many common denominators and potential strategies to be applied, and there also must be common solutions.”

Mr. Whitlow pointed out that corruption is not confined to the fisheries sector. While there are some UN laws that address corruption, in many countries the political will to deal with the issue is lacking and corruption is a societal issue. Mr. Liedemann confirmed that corruption is everywhere and is a massive stumbling block that needs work to uproot it. Corruption facilitates illegal fishing. Dr. Husein stated that corruption is not a problem of legislation, but of implementation. It is a question on how to improve integrity, collaboration, and cooperation with other jurisdictions.



4.2.3 What are some lessons learned from addressing the challenges faced in combatting fisheries crime?

“Mr. Liedemann, there have been successes, yet problems remain significant. For example, while cooperation with other stakeholders, including industry, is important, it also requires a level of trust, transparency, and information sharing. Please tell us what happens in cases after the seizures, for example, where did the returns from the seizures of dried abalone go? Where are the lessons learnt by DAFF documented?”

Mr. Liedemann confirmed that DAFF has had many success stories but also some bad stories, such as those related to corruption. Unfortunately, the bad stories always are the ones that surface and are highlighted. In South Africa, the Fisheries Control Officers risk their lives on a daily basis to combat fish crimes and there are many ongoing cases. It is important that media coverage, including internationally, covers the good stories as well, and this is beginning to happen. Mr. Whitlow added that the case of the F/V Thunder was very expensive and that INTERPOL needs to find cheaper methods. There are more complicated cases that will cost even more to address and so it is imperative to find ways to collaborate and share more information in order to mitigate the cost. Mr. Kotze added from the floor that the Bengis case perfectly demonstrates the success that can result when national and international agencies collaborate.

“Dr. Husein, aboard the Naham 4 (an IUU fishing vessel), there was a group of crew members, mainly from Indonesia, who had been forced into labour, some for five years with no payment. South Africa took the responsibility to repatriate them. What does Indonesia do regarding syndicates using Indonesians as slave labour?”

Dr. Husein explained that if the Naham 4 case had occurred in Indonesia, then Indonesia would have opened a case. However, the case took place in South Africa and the vessel, though using an Indonesian flag, actually was not an Indonesian vessel. Moreover, the Captain and Officers were not Indonesian, but instead mostly Chinese. Furthermore, there is a lack of information on the Indonesian nationals who work outside the country. Hopefully, in the future, there will be improved cooperation and thus information available, which also assist in providing more protection for crew such as these. It is important to note that it is the responsibility of the flag state to ensure due diligence, i.e. compliance, and compensation. Mr. Liedemann added that South Africa had arranged for the repatriation of the Indonesia crew, but noted that they had been working for five years without pay and were scared to go back home with no means to support their families. It would be good to see Indonesia getting involved to fight for wage compensation on behalf of these fifty workers.

Mr. Whitlow noted that this is a complicated issue. If the crew had been recruited by Indonesian recruitment agencies, then Indonesia would have the responsibility to regulate the recruitment agencies. This highlights why it is urgent for countries, such as Indonesia, to ratify the ILO Convention 188 to support more stringent regulations. For example, in the case involving the Myanmar fishermen, since they were recruited by local agents, the Myanmar government was able to ask for compensation.

5. PANEL IV – CHANGE

Chaired by Ms. Sandy Davies of Stop Illegal Fishing, Botswana.

5.1 Panel presentations

5.1.1 Change from the perspective of a government development agency: Norad

Ms. Kirsten Bjøru, Senior Adviser, Norwegian Agency for Development Cooperation (Norad), Department for Climate, Energy & Environment Section for Environment and Food Security, Norway, presented on Norad's perspective of what changes are needed moving forward, what has been found to work, and how Norad contributes.

The first important questions to ask are “what and who needs to change in order to better combat transnational, organised fisheries crime?” To begin, it is important for international conventions and agreements to be ratified and implemented nationally, which requires the revision of national legislation and the strengthening of enforcement. This is especially imperative in coastal states, states with important harbours, and states where fishermen are recruited from. Additionally, cooperation at and between all levels of governance needs to be improved and transparency ensured. Since poverty is closely related to the basis for organised crime, poaching, and human trafficking, poverty reduction and development improvements are a priority. Flag states need to ensure that operators and companies have sufficient standards in place and adhere to the legal requirements, through codes of conduct and corporate social responsibility initiatives.

Similarly, there is a need to increase the risks and costs, and hence reduce the returns and profitability, for those operators and actors that choose to be involved in fisheries crime. It is important to be strategic with these efforts as many states and regions struggle with low budgets and lack of capacity to target perpetrators. Furthermore, there is a need to professionalise the people and the field of addressing fish crime, beginning with the establishment of dedicated task forces. International organisations, such as the International Maritime Organization (IMO), INTERPOL, and UNODC, must continue to fulfil their mandates, as must RFMOs. Civil society, both nationally and internationally, needs to continue to remain active with campaigning and assisting fishermen, and associations, such as ITF, need to continue to protect and support workers on vessels and on land. Overall, there is a need for the priorities and perceptions of the issues to change for all, including business, the enforcement institutions, international and development partners.

In addition to these needs, it also is important to note that the new sustainable development goals, developed by all UN members with input from civil society and the private sector, consist of many goals and targets that are relevant to fisheries and the negative impacts of fisheries crime. With all of these issues to work on, and with a finite source of money to do so, it is crucial to identify what has been found to work. Over time, Norad has seen that initiatives should be long-term, flexible and cooperative. It is important to focus on identifying adaptive solutions

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driven by the recipient country, instead of a 'one size fits all' approach. Finally, there should be ownership by the country, i.e. support is provided, but the host country/organisation undertakes the implementation.

Currently, Norway's development cooperation budget is 1% of its Gross National Income (GNI), of which 0.5% of this budget is for development work related to fisheries. In addition, in 2015 a new programme was launched entitled 'Fish for Development,' which will receive additional funding and serve as a cooperation between the Fish for Development Secretariat (being established) and Norad. At present, Norway supports Project Scale of INTERPOL (requiring collaboration with other organisations such as UNODC and ILO), West African countries with MCS through the West African Task Force, and the FAO to support the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). Beyond financing, Norad's role mainly involves providing advice to ministries and embassies.

5.1.2 To catch a fish thief

Mr. Marcus Asner, USA Attorney for natural resources fraud and corruption, Arnold and Porter LLP, USA, presented on the Bengis case, extracting lessons learned to improve the prosecution of fisheries crimes in the future.

Although less known, it is important to recognise that fish trafficking contains all of the same attributes as drug trafficking. In order to successfully investigate and prosecute a fisheries crime case, there are three key components to focus on: the supply side, the demand side, and the money flow. Remember, in order to catch a criminal, one must think like a criminal.

With the Bengis case, the supply side evidence included: the overharvesting of rock lobster and Patagonian Toothfish stock in South Africa between the years of 1987-2001; and the discrepancy between the actual amount fished (on which basis the fishermen were paid) and the amount declared for export (since the greatest demand for rock lobster was from abroad). Both of these sets of figures had to be recorded somewhere.

For the demand side evidence, the exact quantities imported into the US were listed on the import documentation and were different than the quantities recorded on the export documentation.

The money flow evidence revealed that only a nominal amount of money went back to South Africa (to maintain the pretence of a regular operation), but the rest went into bank accounts in Europe (some to Bengis, some to fishermen) in order to avoid paying USA taxes.

In South Africa, the investigation entailed checking containers, interviewing struggling competitors (because Bengis was able to undercut the market price), and inspecting wage records and export documents. In the USA, the investigation entailed inspecting import documents, comparing shredded documents of actual versus declared amounts, checking bank records, and interviewing cooperative witnesses and competitors.

When building the Bengis case, the main challenge involved proving mens rea, or the fact that the crime was committed intentionally. Evidence that supported this fact included the shredding of documents, the fact that Bengis instructed his staff to remove wage records from the office, money flow, and clearly planned double documentation (one with the correct figures, one with the false figures). As a result, the Bengis investigations resulted in successful prosecutions in both South Africa and the USA, including sentencing and restitution payments.

The Bengis case demonstrates some very useful lessons learned for moving forward with fisheries crime prosecutions. To begin, it is crucial to understand the modus operandi of the criminal and identify ways to tackle it. The risks and costs associated with the crimes need to increase, changing the cost/benefit analysis and making the crime appear less attractive. Improve upon the cross border information sharing and cooperation and the transparency of records on fish harvested and transported. It is beneficial to improve witness cooperation incentives and structure, i.e. to support whistle blowers. It is essential to have strong criminal enforcement statutes (Lacey Act is a good example) that involve both prison and monetary sanctions. Restitution and compensation act as strong incentives for victim countries to cooperate with law enforcement. Finally, follow the money and treat fisheries crime like the crime that it is.

5.1.3 A call for sustainable change to curb fisheries crime

Ms. Nondumiso Mfenyana, South African Maritime Safety Authority (SAMSA), South Africa, presented on how SAMSA's approach to integrating improvements demonstrates how to organise for and implement sustainable change.

The SAMSA Act governs over SAMSA and establishes its mandates on safety, the prevention of pollution, and the promotion of South Africa's maritime interests. Despite the fact that South Africa has yet to ratify The 1993 Torremolinos Protocol (Cape Town Agreement of 2012) on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels and the UN ILO International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel (STCW-F), SAMSA established and shared a set of regulations with industry that has received positive responses.

Additionally, the fishing sector has started to receive training, in line with the Standards of Training, and is already showing signs of compliance. Moreover, South Africa has ratified the ILO Work in Fishing Convention No. 188. Overall, South Africa aims to ratify international instruments, aligning these with domestic legislation, and ensuring that vessels are regulated and are complying with these regulations.

In order for change to be sustainable, it requires the involvement of economic, environmental, and social aspects. Specifically, organising for change requires: political buy-in; integrated governance, including common goals, information sharing, the eradication of corruption, and regular reporting; transparency; cooperation and collaboration (within and across borders); and social dialogue with interested and affected parties. Operation *Phakisa* Initiative 5, as mentioned previously, is an example of an integrated approach by South Africa.

5.1.4 Global Fisheries Enforcement Training Workshop 2016

Mr. Garry Orr, Ministry for Primary Industries, New Zealand, presented on the International Monitoring, Control, and Surveillance (IMCS) Network and the upcoming Global Fisheries Enforcement Training Workshop (GFETW).

The IMCS Network is a platform for achieving improved communication, collaboration, and technical abilities in the MCS sector. The Network is comprised of informal voluntary personnel, including fisheries officers and those responsible for MCS, from 54 member states and three non-country members.

In March 2016, in Auckland, New Zealand, the 5th GFETW will be held in order to improve and enhance communication and capacity between MCS practitioners globally. This Workshop will focus on global and regional collective efforts to combat IUU fishing using MCS tools, with an emphasis on customary and indigenous fishing rights and governance and the role of MCS in protecting food security. Additionally, at this Workshop, case studies on international collaboration will be discussed and the MCS practitioners in attendance will develop an IUU fishing risk framework.

Applications to present at the workshop and introduce the 2nd IUU Fishing Award are welcome. More information can be found at: www.gfetw.org

5.1.5 Harnessing humans in the fish fight

Professor Hennie van As, Director, Law in Action Institute, Nelson Mandela Metropolitan University (NMMU), South Africa, presented on the efforts to develop an academic and training institute for careers in the maritime industry, including the establishment of a Fisheries Law Enforcement Academy ('FishFORCE').

NMMU plans to establish a South Africa Maritime Institute in order to provide academic training for people working or hoping to work in the maritime industry (i.e. engineers, health workers, translators), as well as the establishment of a Fisheries Law Enforcement Academy ("FishFORCE"). Currently, four or five doctoral students are doing research in these fields at NMMU.

The goal of FishFORCE is to recognise and professionalise fisheries law enforcement with the aim of: establishing fisheries crime law enforcement as a new and emerging compliance model; achieving intelligence-led investigations; building capacity and enabling fisheries law enforcement officers to obtain formal qualifications; providing post-training investigative support; and increasing successful prosecutions.



FishFORCE plans to be a long term, accredited educational and training programme, complete with both theoretical and practical content. The programme will have different entry and exit levels and will provide basic training, such the available tools for use. This programme will enable students to educate themselves for a chosen career path.

NMMU/Law in Action Institute has joined and supports the Law Enforcement Training Network (LETrainNet), which was established in 2015 in Dubai. The Institute has made available, for no costs and to everyone (between 60-80 countries) short learning programmes on a number of law enforcement matters, such as environmental health. Other countries have followed suit and added materials and expertise. NMMU/Law in Action Institute has also registered qualifications in criminal justice and some short learning programmes. They liaise with INTERPOL and are a member of the PescaDOLUS network.

In conclusion, the success of the proposed South African Maritime Institute hinges on a number of issues such as coordination, cooperation, and the sharing of technical expertise. It will be imperative to harness existing knowledge, even if the expertise may not be available within the Institute.

5.2 Panel discussion

5.2.1 How can we use law as an agent for change?

“Mr. Asner, regarding the issue of mens rea, what would you think of introducing the notion of strict liability for certain fisheries crimes? At present this would be unconstitutional in South Africa, but could be taken up at a domestic level internationally. For example, if you are found with five rock lobsters, it is up to you to defend yourself that they were not taken illegally.”

Mr. Asner responded that this involves the basic question of what is criminal law. For offences where you can put the onus on the offender, one can use strict liability (e.g. speeding ticket). However, criminal law deals with society blaming an individual for a wrong doing and thus, actus rea and mens rea are important as they allow for the distinction between the action and the intention behind the action. If strict liability was used in criminal law, it would almost always be unconstitutional. Mr. Kroese added that Australia has a strict liability provision for unlicensed vessels in its EEZ. Australia lost a criminal case against the Captain and Master, but the vessel was fortified to the state.

“Mr. Asner, when does the importance of evidence gathering start? For example, the F/V Thunder was blacklisted over 10 years ago, but only a few years ago was the F/V Thunder considered from a criminal point of view. Therefore how do you choose what avenue to pursue in an international case such as this?”

Mr. Asner noted that criminal law is a means for addressing, but not a solution for fisheries crime. If fish trafficking is suspected, the cheapest way to move forward is with a lot of container spot checks. If there is some evidence that there are people who have decided not to comply, then all the law enforcement techniques need to be employed. First, the collection of evidence begins (such as comparing import and export documents), then the guilty party needs to be identified, and it must be established if there was mens rea.

It is hard to prove intentionally illegal actions when dealing with fish, as fish is seen as legal (in comparison to heroin, which itself is accepted as illegal, regardless of how it was produced or acquired). The challenge for this is how to pull the evidence together.

“The definition of a Lacey Act-type provision: the ability to prosecute in your own country for crimes committed elsewhere, if the person or product enters your country (relates to wildlife preservation and forest conservation). Why is the Lacey Act not used more? What Lacey Act-type provisions exist? Are Lacey Act-type provisions a way to deal with transnational environmental crime short of another UN convention?”

Mr. Asner responded that the Lacey Act is over 100 years old. Originally, the USA had a very weak federal system, allowing, for example, an individual to poach in Oklahoma and transport the prey to Texas without it being a violation of either state's law. This led to the federalisation of criminal practice in the USA. Under the Lacey Act, it is unlawful to harvest fish, wildlife, plant or plant products illegally and to take them to another state/country. This leads to a three pronged approach to assess an offence: (i) if one did not know it was illegal, it still is illegal, apply strict liability and take away the products (not criminal); (ii) in the exercise of due care, one should have known it was illegal, but did not know it was (this was used to prosecute David Bengis and Shaun Levis); (iii) if one knows they are violating the law, it is a crime (used for the conviction of Andrew Bengis). Yes, other countries should consider adding a Lacey Act-type provision.

“Regarding the volume and detail of work that had to be conducted to successfully complete the Bengis case, could there not be a more automated/IT system that would be able to pick up on irregularities automatically, for example, connecting receiver and sender with an automatic alarm?”

Mr. Asner agreed that if export and import data was automatically uploaded and compared this could significantly reduce criminal activity. There is no reason why this is not possible from a technical point of view and nothing would stop the customs authorities from introducing such a system, especially under a veil of terrorism threats. Ms. Davies added that there already are some systems in place to address the automatic screening of information such as AIS information (e.g. whether vessels have a license to fish in an area) and AIS, satellite, and VMS information together.

“Mr. Asner, from the perspective of an NGO working in a country where civic space is constrained and the judiciary systems are not independent relative to the executive and financial powers, how much can be achieved working with prosecutors?”

Mr. Asner explained that it is important to try and resolve cases in countries as described. There is also a huge problem with corruption in the judiciary and prosecution offices; corruption needs to be weeded out.

Mr Bergh, commented from the floor that while developing minimum terms and conditions for the access of foreign fishing vessels within the South West Indian Ocean Fisheries Commission (SWIOFC) countries it was demonstrated that international instruments are seen not as the minimum standards, but as the standards themselves. These coastal states want AIS transmitters to be turned on when the vessels are in their EEZ, they want to share VMS data, and they want IMO numbers on the fishing vessels. Regarding AIS, the need for it to be turned on at all times should be captured within national law or terms and conditions for fishing agreements. The coastal states could also have the power to decide to only allow vessels with IMO numbers to fish in their waters. Through cooperation, these states can move forward from what is seen as the legal minimum standard to facilitate the exchange of more MCS information to support regional minimum terms and conditions.

Mr Copeland added that the availability of information is crucial for investigating crime. Therefore, it is very important for countries to improve their laws to enable more information to become more accessible. Yet, in some cases, even if not a legal obligation, requirements can be made a part of the license agreements. Additionally, often the captain or company maintains that they did not know about the terms in the national legislation and have no copy of the law. A practical solution would be to ensure that each vessel or agent hold a copy of the relevant laws. To do so, countries must make laws available and transparent.

5.2.2 How can we use ports as an agent for change?

“Ms. Mfenyana, port state control has not been discussed much in the context of fisheries crime but it is such an untapped resource. Currently, port state control does not really apply to fisheries as only reefers, as a transport vessel, are covered, but not fishing vessels. Countries, under a memorandum of understanding, have regional arrangements where ports are under the obligation to check a certain percentage of vessels to ensure that the minimum standards are maintained, by looking at items such as seaworthiness and working and living conditions. If non-compliant, the vessel is contained until fixed. If the port state control regime was applied to fishing vessels, a vessel that does not keep up the minimum standards could be easily taken out of circulation, without having to find a crime to prosecute. The port state control regime also allows for information sharing. For example, all information of the reefer vessels are kept on the internet, with its history of inspections and the ports of inspection. This is a very strong tool. Port state measures are within FAO and regulated by different legal provisions than port state control.”



Ms. Mfenyana responded that the Torremolinos International Convention ensures that vessels have AIS and can be tracked at all times. A monitoring room at SAMSA is operating 24h/day and also could be linked to the monitoring room at DAFF. Once the convention is ratified, it will be possible to better regulate vessels in South African waters. Mr. Orr noted that it still is important to let suspected IUU fishing vessels dock so as to perform a thorough investigation under domestic jurisdiction.

“It is important to identify some ways to implement the ideas discussed at this Symposium. For example, one way to address the issue of human trafficking may be to require all people on a ship to check-in when a vessel enters port. Another example is for port checks of a vessel’s sea-worthiness to also entail an ‘excuse’ to check for other factors like human trafficking.”

Ms. Mfenyana agreed that there is a need to be proactive. In the case of unseaworthy vessels, SAMSA performs ad hoc inspections and if vessels seem suspicious they start an investigation under domestic law. To an extent, the Maritime Fishing Act deals with social issues such as forced or child labour. Dr. Husein related this topic to mens rea and how money laundering legislation can be used as the basis to investigate a crime and then to prove a crime. Mr. Asner agreed that when a person engages in bad activities, one can look at all of the possible statutes that could be used against them, including money laundering, conspiracy, Lacey Act etc.

5.2.3 How can we use capacity development as an agent for change?

“Mr. Orr, how does the work of GFETW overlap or compliment the work of INTERPOL and other MCS groups?”

Mr. Orr conceded there are overlaps that need to be identified. Once identified, the relevant groups need to assign areas of expertise and responsibilities to each. This enables the sharing of expertise not only between countries, but also between relevant groups.

“Ms. Bjørn, what are the priorities of the planned Norad ‘Fish for Development’ programme?”

Ms. Bjørn explained that there are three themes: education and research (ecosystem based management programme); commercial development (aquaculture); and fisheries management (including legislation, IUU fishing and fisheries crime). In addition, there is a new budget post in the programme for Global Security, including organised crime.

“Professor van As, there is a clear lack of practical training in the field, how is the academy going to address this?”

Professor van As noted that the content of the training programmes will be developed based on research, expertise in the field, and a determination of what is needed, including by the industry. Ms. Witbooi commented that the FishFORCE Academy will be linked to PescaDOLUS, which has a large research component. Post-training research will be conducted to ensure training is effective and relevant. Regarding the issue of corruption, the Academy will graduate individuals choosing fisheries law enforcement as a paid and recognised longer term career path. Hopefully, this could make them less susceptible to corruption.

6. CLOSING OF THE SYMPOSIUM

Mr. Mtoba was the Director of Programme for the closing proceedings.

Mr. Stølsvik provided a brief summary of the proceedings. He started by noting that it was in 2008 when Norway started to work on fisheries crime with international agencies. At this Symposium, it is wonderful to see how far we have come, including the attendance by media, NGOs, civil society, agencies, and government officials alike. While fisheries crime has always existed, now it is widely on the agenda.

The key note address by Ms. de Coning from Norway shined a light on the relationship between fisheries crime and IUU fishing. This is the start of an important discussion. How do we define fisheries crime? It is important to understand that some fisheries offences are criminal and require the application of the same methodology as would be applied to any other crime.

The first panel on 'cases' provided tremendous insight on various topics. The presentation on blast fishing demonstrated the potential involvement of security threats. The presentation on human trafficking demonstrated the modus operandi, including how fishermen are recruited. The presentation on the murder at sea demonstrated that crimes such as this do take place. Finally, the presentation on the F/V Thunder demonstrated how to address many interrelated issues in a case and provided lessons learned.

The second panel on 'cooperation' detailed the various organisations that have a mandate and a plan for working on these issues. We are lucky to be in the unique position where the work on combatting fisheries crime is being developed, but that makes dialogue more crucial than ever, not only to avoid duplication, but to better define responsibilities. In particular, FISH-i Africa is an interesting model of a hybrid organisation based on states and NGO cooperation. Additionally, it is important to note the presentation by the AU as it showed the AU's willingness to support the fight against fisheries crime. In turn, we should all support the AU in helping put fisheries crime on the AU agenda.

The third panel on 'challenges' highlighted the dedication and innovation of South Africa and Indonesia in striving to better combat fisheries crime, including attacking it from a criminal justice point of view. Norway closely collaborates with both of these countries. Furthermore, the NGO presentations revealed the challenges in combatting fisheries crime from the value-commodity chain and human resource chain. It is clear that human trafficking and poor labour conditions are one of the most serious issues within fisheries crime.

The final panel on 'change' outlined various examples of tools for improvement. The presentation on SAMSA focused on legal change and the focus on international instruments. The presentation on the Bengis case elaborated on tips for improved prosecutions of fisheries crime. The NMMU presentation highlighted the potential for new training programmes. Norad's presentation demonstrated the importance of strategic partnerships between developing and developed countries, with an emphasis placed on needs as identified and driven by the developing country. Finally, the work of the IMCS Network and the role this network plays in capacity building was explained.

Mr. Ssemakula and Prof. Glazewski gave closing comments on behalf of SIF and PescaDOLUS. Dr. Johann Augustyn of the South Africa Deep-Sea Trawling Industry Association made the closing vote of thanks on behalf of the host country, South Africa. The Symposium has been a landmark in the fight against fisheries crime. It has been of exceptional quality, in respect to: the speakers, the content, the engagement, the organisation and the communications. There is general consensus for the continuation of the global dialogue on fisheries crime and for the FishCRIME Symposium to become a regular event in order to promote cooperation and partnership between state and non-state players in the fight against fisheries crimes, particularly in the developing world.

7. ANNEX 1

Speaker information



Ambassador Trine Skymoene

Norwegian Ambassador to the Republic of South Africa, Botswana and Madagascar

Trine is the Norwegian Ambassador to the Republic of South Africa, Botswana and Madagascar. She has served many years with the Norwegian Government working with international affairs covering issues such as peacekeeping, humanitarian affairs, security policy, defence and the UN. Her commitment to the work of Norway within the global community was reflected in her being honoured as an 'Officer of the Royal Norwegian Order of Merit'.



Hennie van As

Law in Action Institute, Nelson Mandela Metropolitan University, South Africa

Hennie is responsible for the University Law Clinic which provides legal advice and assistance to the poor in civil matters, the Refugee Rights Centre that provides legal advice and assistance to refugees, and the Centre for Law in Action which provides consultancy services to all spheres of government, mostly in the drafting of legislation and the implementation, enforcement and administration of legislation. He is now establishing a Fisheries Law Enforcement Academy.



Marcus Asner

Natural Resource Fraud and Corruption, Arnold & Porter LLP, USA

Marcus has extensive experience with matters relating to illegal fish trafficking and seafood supply chain issues, both as a federal prosecutor and in private practice. Marcus served as an Assistant United States Attorney from 2000 to 2009, where he was Chief of the Major Crimes unit for two years. He has given training to INTERPOL and other law enforcement entities on seafood and wildlife trafficking, has testified on trafficking issues before the US House of Representatives Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, and has conducted briefings for the US Congress on fish trafficking and related issues. Marcus serves on President Obama's Advisory Council on Wildlife Trafficking.



Per Erik Bergh

Stop Illegal Fishing, Botswana

Per Erik has for over 30 years been working globally in the maritime and fisheries fields. His main passion is fighting illegal fishing and assisting operational MCS staff to bring perpetrators to justice. He achieves this through his extensive network that has been built from his time in the Norwegian coastguard and engagement in international fishery and maritime affairs while working in Africa. Per Erik has been involved in the development of the MCS element of fishery management plans, working in aspects ranging from training inspectors to supporting regional and international negotiations of fisheries instruments. Per Erik was a founding member of SIF and has been part of the FishCRIME team.



Kirsten Bjørn

Norad, Norway

Kirsten has vast experience in international relations, research and fisheries advisory she has worked as senior adviser for fisheries in the Norad for the Ministry of Development Cooperation since 1983. She has also served as the first secretary at the Norwegian Embassy in Mozambique and Counsellor for the UN delegation of the Norwegian embassy in Rome.

**James Farah Bulongo**

National Multi-Agency Task Team against Environmental Crime, Tanzania

James has a strong fisheries background having been employed as Fisheries Officer with the rank, Zonal Officer in charge of MCS Dar es Salaam and Coast Region in Tanzania since 2005. He has knowledge of fisheries investigation, prosecution, evidence gathering and data analysis of prawn's fishery. He is currently a member of the recently formed National MATT in Tanzania: an agency organised to deal with environmental crimes such as fisheries crime, wildlife, timber and mining.

**Markus Burgener**

TRAFFIC, South Africa

Markus works at the wildlife trade monitoring organisation, which focuses on the trade in wild plants and animals. He has been based with the East/Southern African regional programme of TRAFFIC for the past 15 years and has worked on national, regional and international policy and legislation related to biodiversity conservation. For ten years he has driven TRAFFIC's marine fisheries work in East and Southern Africa where he has conducted research into fisheries trade and carried out a wide variety of research, advocacy and training initiatives focusing on illegal and unsustainable fisheries and related trade.

**Eve de Coning**

National Criminal Investigation Service, Norway

Eve is based at INTERPOL NCB Oslo where her day-to-day responsibilities include the coordination of FFA's Norad funded operative activities to combat fisheries crime in developing countries in cooperation with INTERPOL Project Scale. In the past she was the project leader of Project Scale and has acted as an advisor to UNODC and the International Labour Organization on issues pertaining to fisheries crime. She is an active member of both the intelligence and capacity building sub-projects of the INTERPOL Fisheries Crime Working Group.

**Duncan Copeland**

Trygg Matt Tracking, Norway

Duncan is the Chief Analyst at TMT, a Norwegian organisation that provides expert fisheries intelligence analysis to national authorities and relevant international institutions in support of enforcement actions and broader improvements in fisheries governance. In this role he is part of the technical teams for both FISH-i Africa and the West Africa Task Force. He has also worked on development and fisheries issues for 15 years as an ecologist, in NGOs, and as an MCS adviser to a number of African governments.

**Sandy Davies**

Stop Illegal Fishing, Botswana

Sandy's work in fisheries started in a fish processing factory in Canada and progressed to the Falkland Islands, where she spent four years, mostly at sea, monitoring and watching the industry at work and the catches they took. Sandy then moved between Aberdeen in Scotland and Lake Kainji in Nigeria, where she completed her MSc studies before joining DFID to work in international fisheries development. She has worked and lived in Africa for the last twenty years focusing on fisheries management and governance, sustainable development and regional and international integration. Sandy is a founder member of SIF and she has been part of the team behind the FishCRIME Symposium.

**Samuel Kame-Domguia**

2050 African Integrated Maritime Strategy Task Force, Ethiopia

Samuel is a leader in integrative strategic thinking, having chaired and presented at more than 150 international conferences on Africa's maritime geostrategic challenges and opportunities. He joined the AU Commission in 2007, as a Strategic Planner within the AU's Darfur Integrated Task Force and in April 2008 initiated and masterminded the development of the 2050 AIMS, introducing the ground breaking concept of Blue Economy. He is currently the Coordinator of the 2050 AIM-Strategy Task Force.

**Jan Glazewski**

Institute of Marine & Environmental Law, University of Cape Town, South Africa

Jan is a Professor at UCT where has been teaching and publishing in the area of marine and environmental law since 1986. His current research focuses include coastal area law, marine law, and climate change and energy law.

**Yunus Husein**

Task Force on Preventing and Eradicating IUU fishing, Indonesia

Yunus works within the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia in the Task Force on Anti-IUU Fishing, a national task force directly under Minister Susi Pudjiastuti. He served as the Head of Indonesian Financial Intelligence Unit before being appointed as a senior officer for President Delivery Unit for Development Monitoring and Supervisions. Yunus holds an active role in law enforcement initiatives that promote the use of multi-legal disciplinary approach. He is an expert in anti-money laundering and anti-corruption laws.

**Jean-Marie Kagabo**

Programme to Combat forced labour, International Labour Organization, UK

Jean-Marie is the focal point for Africa at the Special Action Programme to combat Forced Labour of the ILO. He is also the Coordinator of a proposed global programme to combat trafficking for labour in the fisheries sector, GAPfish. Before joining the ILO, he worked as a diplomat for the Embassy and Permanent Mission of Rwanda to the UN in Geneva, and as a lecturer for the National University of Rwanda.

**Johannes Dirk Kotze**

Criminal Investigator, South Africa

JD is an experienced criminal investigator who has spent over 25 years in law enforcement, and a further 8 years as an investigative consultant. He began his career in the South African Police Service and then joined the National Prosecuting Authority, before becoming a private consultant. He has vast experience investigating various criminal matters, including organised international fishery crimes, which he puts to good use by supporting various cases as well as training investigators in how to deal with environmental crime.



Kristín Gunnarsdóttir v. Kistowski

FISH-i Africa, Germany

Kristin is an expert in environmental policies and international ocean governance. She is also engaged in marine conservation, action against illegal fishing, biodiversity, fisheries policies, technology assessment, biosafety and demography. Kristin works extensively with the FISH-i Africa Task Force in the Indian Ocean, ensuring the quality of the analysis and research, the effectiveness of the information exchange, and providing support to the Task Force on a range of issues related to illegal fishing.



Aduke Kupolati

Nigerian Fisheries Authority, Nigeria

Aduke is the assistant director and head of MCS for the Federal Department of Fisheries, Lagos, Nigeria. She is also a member of the Fisheries Society of Nigeria and the IMCS network. Aduke has extensive experience in fisheries intelligence and MCS support as well as leadership and management planning.



Bernard Liedemann

Directorate, Monitoring and Surveillance, DAFF, South Africa

Bernard is Deputy Director within the Directorate, Monitoring and Surveillance, DAFF. The Directorate is responsible for the combatting and prevention of the illegal harvesting of marine resources and is also responsible to deploy inspections, investigations and Special Operations in respect of the Marine Living Resources Act 18 of 1998. Bernard started his career with the South African Police Services, and has a degree in Forensic Investigation. Bernard has 25 years' experience in the field of marine law enforcement and together with a team of dedicated officials, has made significant contributions in addressing major well-organised fisheries crime syndicates, both locally and internationally.



Alistair McDonnell

Project Scale, INTERPOL Environmental Security sub-Directorate, France

Alistair has over 25 years of fisheries enforcement, scientific and policy experience in the UK and EU fisheries, and has worked in the Atlantic, Indian and Southern Oceans. Between 2009 and 2014 he managed teams in the UK implementing the EU IUU regulations and controlled the UK border against the imports of fishery products contaminated by IUU activity. Since April 2014, he has been part of INTERPOL's Environmental Security sub-Directorate in Lyon working for Project SCALE on global fisheries crime.



Nondumiso Mfenyana

Centre for Fishing at the South African Maritime Safety Authority, South Africa

Nondumiso is a marine scientist by profession with an MPhil in Fisheries Management from the University of Bergen, Norway. She started her career with the Department of Agriculture Forestry and Fisheries as an Oceanographic Research Scientist and later served as Deputy Director, Fisheries Resource management. She was nominated as one of the delegated authorities by the then Minister, for the 2005/2006 Long Term Fishing Rights Allocation Process.

**Tor Martin Møller**

Norwegian Ministry of Trade, Industry and Fisheries

Tor Martin has worked in the Ministry of Foreign Affairs from 2004 to 2013, serving in Bulgaria and Latvia and at the Permanent Mission of Norway to the UN in Vienna. Since February 2014, Tor Martin has been senior adviser for the Norwegian National Advisory Group against Organised Fisheries Crime and IUU Fishing.

**Nicholas Mwanza Ntheketha**

FISH-i Africa Task Force, Kenya

Nicholas worked for the Kenya State Department of Fisheries, serving in various capacities including as Assistant Director of Fisheries in charge of Kenya's fisheries within their EEZ. This focused on managing long liners and purse seiners in the oceans and ports. Although retired from active service he is still busy in the fight against illegal fishing as Chairperson of the FISH-i Africa Task Force where his experience in combating illegal fishing, such as the case of the FV Premier, is invaluable.

**Francis Izeg Omiunu**

Senior Legal Officer, The Nigerian Maritime Safety Administration, Nigeria

Francis works with the Nigeria Maritime Administration and Safety Agency Nigeria. He is a lawyer by profession, called to the Nigerian Bar. He specialises in Maritime Law enforcement and has extensive practice in criminal prosecution.

**Gary Orr**

Ministry for Primary Industries, New Zealand

Gary is the Compliance Operations Manager in New Zealand. He has worked in the fisheries sector for 14 years, specialising in IUU and international fisheries. Gary is responsible for a team that monitors commercial fishing within the New Zealand EEZ and on the high seas adjacent to the EEZ as well as a team that supports MCS and enforcement capability development in Pacific Island nations.

**Jorge Rios**

Global Programme for Combating Wildlife Crime, UNODC, Austria

Jorge is the Chief of the Global Programme for Combating Wildlife and Forest Crime at UNODC, and has been working on the issues of drugs and crime for over 20 years. Mr. Rios has been leading the delivery of technical assistance by UNODC to countries affected by wildlife and forest crime, including the implementation of the Wildlife and Forest Crime Analytic Toolkit. He is also a Senior Expert for the International Consortium on Combating Wildlife Crime - a partnership formed in 2010 by the CITES Secretariat, INTERPOL, UNODC, the World Bank and the World Customs Organization to combat wildlife trafficking.

**Mark Ssemakula**

Stop Illegal Fishing, Botswana

Mark has a background in fisheries and aquatic sciences and worked briefly in the commercial fishing industry. Mark has worked across the continent supporting and implementing various fisheries related projects and capacity building, as well as organising and facilitating meetings and workshops. Mark is the SIF Deputy Coordinator and has been working to end illegal fishing with SIF since 2011.

**Gunnar Stølsvik**

Norwegian Ministry of Trade, Industry and Fisheries

Gunnar is the head of the Norwegian national advisory group against organised fisheries crime and IUU fishing. The project is a network of professional analysts from the Directorate of Fisheries, Norwegian Coast Guard, police, the taxation department, the customs department and the Norwegian Coastal Administration. He holds a Masters in law and has previously worked in several Governmental Ministries and the Norwegian Coast Guard. He is also chair of the INTERPOL Fisheries Crime Working Group.

**Rebecca Surtees**

Nexus Institute, USA

Rebecca is an anthropologist and senior researcher at NEXUS Institute where she works on issues of migration and human trafficking. She has experience both in the implementation of anti-trafficking programmes and as a researcher in Asia, Europe, the former Soviet Union and West Africa. She has worked for the UN, the International Organization for Migration and various NGOs. She is currently conducting research on fishers trafficked in various destinations in Africa and implementing a project in Indonesia aimed at supporting the recovery and reintegration of trafficking victims including trafficked fishers.

**Jon Whitlow**

International Transport Workers' Federation, UK

Jon has been responsible for the political work of the ITF Seafarers Section as Secretary since 2000 and has participated in many international forums including the International Labour Organization, the United Nations Food and Agriculture Organization, the United Nations Commission for Sustainable Development, the United Nations Informal Consultative Process on Ocean Affairs and the Law of the Sea, the EU, the Organization for Economic Co-operation and Development, and the International Commission on Shipping. He is also on the Board of Governors of the World Maritime University.

8. ANNEX 2

List of participants



Austria

Jorge Rios, United Nations Office
on Drugs and Crime

Belgium

European Commission

Danielle Smith

Jon Lansley

Julien Daudu

Botswana

Stop Illegal Fishing

Kosakosa Mukosa

Mark Ssemakula

Per Erik Bergh

Sally Frankcom

Sandy Davies

Canada

Denise Bouchard, Conservation and
Protection Branch, Department of
Fisheries and Oceans

Randy Jenkins, National Fisheries
Intelligence Service, Department of
Fisheries and Oceans

Comoros

Moussa Ibraffi, National Fisheries
Monitoring Centre

Salim Said, Department of Marine
Transport

Ethiopia

Samuel Kame-Domguia,
African Union Commission

France

INTERPOL

Alistair McDonnell

Mario Alcaide

Germany

Kristin von Kistowski, FISH-i Africa
Technical Team

Mark Prein, Deutsche Gesellschaft für
Internationale Zusammenarbeit

Patrick Schwab, Deutsche Gesellschaft
für Internationale Zusammenarbeit

Ghana

Kamal-Deen Ali, Centre for Maritime
Law and Security Africa

Indonesia

Fadilla Octaviani, Anti-IUU Fishing
Task Force

Yunus Husein, Anti-IUU Fishing
Task Force

Ireland

Kyle G Brown, GlobalNewsbeat.com

Israel

Yuval Magid, Windward

Ivory Coast

Kouame Konan Marcellin, Ministry
of Livestock and Fishery Resources

Kenya

Julie Hoy-Carrasco, United Nations
Office on Drugs and Crime - Maritime
Crime Programme

Nicholas Ntheketha, FISH-i Africa
Technical Team

Shaban Omar Tayari,
Kenya Maritime Authority

Ministry of Agriculture,
Livestock and Fisheries

Kennedy Akweyu Shikami

Maxine Yalo Mutisya

Liberia

Sheck Ahmed Sherif,
Bureau of National Fisheries

Madagascar

Ministry of Fisheries and Fishery
Resources

Jean-Louis Rabe
Razafimandimby Chrysostophe

Malaysia

Chery Rita Kaur, Maritime Institute
of Malaysia

Khairul Nizam, Malaysian Maritime
Enforcement Agency

Mauritius

Devanand Bolaky, Ministry of Ocean
Economy, Marine Resources, Fisheries,
Shipping and Outer Islands
Saurabh Thakur, National Coast Guard

Indian Ocean Commission - SmartFish

Fanjanirina Jérôme Kompé
Léon Martial Harihonse Razaka
Marcel Kroese
Toky Rasoloarimanana

New Zealand

Gary Orr, Ministry for Primary Industries
Pete Bethune, Earthrace Environmental
Organisation
Tim Mckinnel, Greenpeace

Nigeria

Aduke Kupolati, Federal Department
of Fisheries
Francis Omiunu, Nigerian Maritime
Administration and Safety Agency

Norway

Bjarne Schultz, International Monitoring,
Control and Surveillance Network
Duncan Copeland, Trygg Mat Tracking
Finseth Jan Ole, Norwegian Coast Guard
Hilde Ognedal, Norwegian Directorate
of Fisheries
Kirsten Bjøru, Norwegian Agency for
Development Cooperation
Sølvi Åmo Albrigtsen, Tax Administration
Trine Skymoen, Norwegian Ambassador
to South Africa

Norwegian Ministry of Trade,
Industry and Fisheries

Eve de Coning
Gunnar Stølsvik
Tor Glistrup
Tor Martin Møller

Senegal

Bouso Drame, Greenpeace Africa

Seychelles

Roddy Allisop, Seychelles Fishing
Authority

South Africa

Alex Benkenstein, South African
Institute of International Affairs
Amanda Le Roux-Cabrejo,
Global Initiative against Transnational
Organized Crime
Amos Barkai, Ocean and Land
Resource Assessment Consultants
Amukeleni Chauke, South Africa News
Andre Reinecke, Morvest Professional
Services
Arne Purves, City of Cape Town
Arthur Shipalana, South Africa Deep-Sea
Trawling Industry Association
Bulelwa Nombutama, Oceana Group
Butho Ncube, KykNET
Claudia Bowers, Pioneer Fishing (Pty) Ltd
Emma Witbooi, PescaDOLUS
Estelle van der Merwe, Consultant
George Germishuys, Netwerk 24
Hannes Zeitsman, Council for Scientific
and Industrial Research – Defence,
Peace, Safety and Security
Hennie van As, Nelson Mandela
Metropolitan University – Centre for
Law in Action
Ido Nachmany, Windward
Jacobs Shabier,
World Network Services – Media
Jacqui Dixon, Pacific Andes
James Brand, Edward Nathan
Sonnenbergs Africa
Jeremy Marrillas, Fish South Africa
Johann Augustyn, South Africa
Deep-Sea Trawling Industry Association
Johannes Dirk Kotze, Criminal Investigator
Judy Sole, Worldwide African
Productions

Larry Routledge, Earthrace
Environmental Organisation
Lauren Isaacs, Eyewitness News
Livingstone Mzukisa Sakata,
The Director of Public Prosecution
Louise Matthews Meaby
Marc Anderson, Tellumat
Marius Diemont, Webber Wintzel
Markus Burgener, TRAFFIC
Martin Purves, International Pole
and Line Foundation
Melanie Gosling, The Cape Times
Mia Spies, KykNET
Michael Markovina, SmartFish
(Multi-Agency Task Team against
Environmental Crime - Tanzania)
Michaela Young,
University of Cape Town
Mirabel Bausinger, Stop Illegal Fishing
Nondumiso Mfenyana,
South African Maritime Safety Authority
Paul Vecchiatto, Bloomberg
Pedro Garcia, South African United
Fishing Front
Phil Snijman,
Environmental Law and Management
Revital Barkai, Ocean and Land
Resource Assessment Consultants
Richard Ball, Coalition of Legal
Toothfish Operators
Roelf Wendell, Thomson Reuters
Selwyn Roup, Fishing Industry
News South Africa
Shireen Riley, National Prosecuting
Authority
Steve Saunders, Maritime
Review Africa
Suleiman Salie, Fish South Africa
Tracey Dennis, PescaDOLUS

Travers Andrew, China Central
Television
Waldo Kleynhams, Council for
Scientific and Industrial Research
Department of Agriculture,
Forestry & Fisheries
Abraham van der Byl
Alieya Haider
Andile Moshani
Anthony Dietrich
Arno Munro
Bernard Liedemann
Buyekezwa Polo
Carol Moses
Catherine Boucher
Ceba Mtoba
Dakalo Gadisi
Dennis Fredericks
Derlicia Augustus
Dino Govender
Ezekiel Koza
Fatima Savel
Johan Pietersen
Justice Matshili
Kagiso Mphahlele
Lerato Kau
Mandisile Mqoqi
Mandy De Wit
Marisa Kashorte
Merle van Diemel
Millicent Banda
Mvuleni Phoswane
Nodwala Lungile
Nomboniso Jozi
Nomonde Simon
Palesa Mokomele

Percy Mabunda
Phumeza Simelane
Puka Zako
Pumeza Jantjies
Redah Cox
Sarah Melane
Sifiso Mapasa
Siphokazi Ndudane
Sithembiso Thela
Sue Middleton
Thabiso Maratsane
Thembaletu Vico
Wade Theron
Waldemarr Cockrill
Wickness Rooifontein
South African Government
Coenraad Viljoen
Nicholas Fray
Raynard Stander
Tellumat
Brian Ferguson
Nontobeko Mnyandu
Willie Malan
Two Oceans Aquarium
Tinus Beukes
Deen Hill
Simon Brill
University of Cape Town
Gianpiero Benincasa, Faculty of Science
Ina Reijnders
Jan Glazewski, Institute of Marine
& Environmental Law
World Wildlife Fund – South Africa
Chris Kastern
John Duncan
Theresa Frantz

Switzerland

Jean Marie Kagabo,
International Labour Organisation

Uganda

Paul Okwares, Ministry of Agriculture,
Animal Industry and Fisheries
William Tibyasa, Uganda Fish Processors
and Exporters Association

United Kingdom

Eleanor Partridge, Trygg Mat Tracking
Jon Whitlow, International
Transport Federation
Paul Martin, ExactEarth Europe

United Republic of Tanzania

James Bulongo, Ministry of Livestock
and Fisheries Development
Zahor El Kharousy, Deep Sea
Fishing Authority

Multi-Agency Task Team against
Environmental Crime

Daniel Jackson Nyambabe
Ernest Mangu
Gerald Ryoba
John Joseph Lugakingira
Mhada Juma Saidi

United States of America

Katie Carpenter, Brick City/ Discovery
Julie Janovsky, The Pew
Charitable Trusts
Rebecca Surtees, The Nexus Institute
Stuart Cory, The National Oceanic and
Atmospheric Administration Fisheries –
Office of Law Enforcement
Johan Bergenas, Stimson Centre
Marcus Asner, Arnold & Porter LLP
Steve Witek, The National Oceanic and
Atmospheric Administration Fisheries –
Office of Law Enforcement





Multi-million dollar businesses are being built through the theft of fish. The global illegal harvesting, processing and trading of fish is now being linked to a wider black economy, a parallel economic system that detracts from sustainable and sound national economic growth and is frequently linked to a complex web of organised crime. Countries are being deprived of taxes; citizens of jobs, food and income; and fisheries and environments are being destroyed.

Intercepting criminal networks and prosecuting those in charge necessitates cooperation, both domestically and transnationally, between fisheries experts and the police, judiciary, customs, tax, port, security and labour authorities to gather and share information and intelligence and bring the criminals to book.

The **First International Symposium on FishCRIME** provided an opportunity for professionals working in the sector to examine cases, discuss challenges and cooperation and to explore future strategies for change.

The First International Symposium on FishCRIME was a joint initiative of the South African Department of Agriculture, Forestry and Fisheries, The Norwegian Ministry of Trade, Industry and Fisheries, Stop Illegal Fishing and PescaDOLUS.



agriculture,
forestry & fisheries
Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA



NORWEGIAN MINISTRY OF TRADE,
INDUSTRY AND FISHERIES