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## Discussion Document on Stretching the Fishnet: Addressing Crimes in the Fisheries Value Chain<sup>1</sup>

### 1. Background

This discussion document is based on a webinar as part of the Blue Justice Forum webinar series, facilitated by the Blue Justice Initiative Secretariat in conjunction with the UNDP Blue Resilience project.

The theme for the webinar was the ‘**Stretching the Fishnet: Addressing Crimes in the Fisheries Value Chain**’.

The webinar was hosted by UNODC’s Global Programme for Combating Wildlife and Forest Crime (GPWLFC). It provided an overview of the UNODC approach to fisheries crime, illustrated by two examples from recent UNODC work in this area: findings on human trafficking and fisheries crime in Southeast Asia, and the UNODC Rotten Fish Guide on addressing corruption in the fisheries sector.

The expert panel consisted of: Jenna Dawson Faber, on behalf of UNODC's Global Programme for Combating Wildlife and Forest Crime; Giovanni Broussard, UNODC Regional Office for Southeast Asia and the Pacific, Global Programme for Combating Wildlife and Forest Crime; and Tim Steele, UNODC Senior Anti-corruption Advisor. Thirty-nine participants joined the webinar from a total of 15 countries (Australia, Austria, Germany, Ghana, Italy, Netherlands, Norway, Philippines, Sao Tome and Principe, South Africa, Spain, Sri Lanka, Thailand, Togo and the UK). The webinar was moderated by the UNDP Blue Resilience Project Manager, Emma Witbooi.

### 2. Topic in Focus

UNODC’s Work to Address Fisheries Crime – Jenna Dawson Faber, Programme Officer, UNODC Global Programme for Combating Wildlife and Forest Crime

1. UNODC’s focus on fisheries crime commenced in 2016, following a number of UNODC reports that highlighted the importance to address transnational organized crime in the fisheries industry.

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<sup>1</sup> The webinar was held on the 17 September, 11:00 CET.

2. UNODC's mandate in fisheries crime is derived from a series of UN General Assembly Resolutions dating back to 2009 concerning the nexus between transnational organized crime and illegal, unreported, and unregulated (IUU) fishing.
3. As the guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), UNODC has a key role in supporting Member States to address fisheries crime. The UNODC's FishNET programme was launched in 2016 to support developing countries in addressing fisheries crime and is implemented by the GPWLFC and the UNODC-WCO Container Control Programme. The programme is funded by the Norwegian Agency for Development Cooperation (Norad).
4. The programme has been successful towards raising awareness on crimes in the fisheries value chain and capacity-building in requesting Member States. Partnerships, such as with the UN Food and Agriculture Organizations (FAO) and Norway have greatly contributed towards the realization of these goals.

**Crime in the Fishery Sector: Illegal Fishing and Trafficking in Persons in Cambodia, Myanmar, and Thailand – Giovanni Broussad, Regional Coordinator for Southeast Asia and Pacific, UNODC Global Programme for Combating Wildlife and Forest Crime**

5. Although IUU is an administrative offence in many countries, two other forms of crime can also be related to IUU: *fisheries-related crime* and *crimes associated with the fisheries sector*.
  - 'Fisheries-related crimes' are closely linked to fishing operations, like fraud/forgery, money laundering, corruption and tax crime.
  - 'Crimes associated with the fisheries sector' have no direct connection with the actual act of taking fish from the sea, but rather relate to other crime types that can be associated to or facilitated by fishing vessels, such as crimes like the trafficking of illicit goods or the smuggling of migrants.
  - From the perspective of UNODC as the guardian of UNTOC, there are areas wherein some of the areas of fisheries-related crime and crimes associated with the fisheries sector intersect with IUU.
6. Drivers of IUU include: diminishing stock and biodiversity, increasing demand, overcapacity, and decreased profitability. Due to an increase in these drivers, IUU has been pervasive over the past decades.
7. IUU is closely linked to human trafficking (HT) in the fisheries sector; both share the economic motive of the goal of increased profitability. A fishing vessel with forced labour on board is very likely to be engaged in IUU Fishing too. On the other hand, a fishing vessel committing some forms of IUU fishing is not necessarily exploiting forced labour. So HT is a solid indicator of IUU fishing, while the reverse relation is not strong.
8. HT is associated with debt bondage, passport confiscation, threats of physical or financial harm, and physical abuse.
9. Some fishing crews remain aboard vessels in international waters for years. The range of perpetrators is wide, including brokers, recruitment agencies, corrupt officials, vessel operators, and others.
10. Thailand's fishery sector relies heavily on foreign labor. On Thai fishing boats, there have been documented cases of poor working conditions, exploitation, and physical violence (e.g., the 2015 Benjina case).
11. UNODC observations found that trade sanctions have triggered reform in some countries: For example, the EU's issuing of a yellow card to Thailand in 2015 resulted in significant reform

in the country. This include: labor checks, biometric data, interviews, electronic payments, vessel monitoring system (VMS) requirements and introduction of the ‘Port In Port Out’ (PIPO) system. In countries with smaller fishing sectors, however, such as Cambodia, trade sanctions seem to have had less effect.

12. Repatriated victims of trafficking from Thailand, Indonesia, and other countries to Cambodia from 2011 to 2018 totaled 542 people. This amounts to over 50% of all repatriated Cambodian victims of trafficking over all sectors of employment.
13. Data on domestic trafficking and transparency in fishery management are lacking, and monitoring capacity is weak. This makes prosecution of crimes at sea complicated.
14. In Myanmar, there have been a few cases of domestic human trafficking in the fishery sector, with 22 people convicted and 49 victims identified.
15. Despite regulations, problems remain with: overfishing; the use of destructive fishing methods; inadequate fishing monitoring, control, and surveillance (MCS); unmanaged coastal development; and limited bilateral or multilateral efforts to assess and manage stocks.
16. UNODC recommendations include:
  - Legal and policy framework reform: ratification of relevant international conventions and review of relevant fishery and labour laws and regulations with a view to offering clear interpretations of administrative sanctions and criminal penalties.
  - More effective enforcement: there is a need to improve the capacity of the labour inspectorate and police to support investigations and prosecutions of HT, forced labour, and the most serious forms of IUU as organized crime and to ensure that multiagency investigative teams focus on the most serious crimes committed along the fisheries value chain.
  - Data collection and statistics: it is recommended to develop and implement systems for data collection and management for targeted, evidence-based policy formulation.

**UNODC Rotten Fish: A Guide to Addressing Corruption in the Fisheries Sector – Tim Steele, UNODC Senior Anti-corruption Advisor**

17. The UNODC ‘Rotten Fish’ guide is the first manual to focus on corruption in the fisheries sector.
18. The guide takes a value-chain approach in which it outlines how states should interact with their fisheries value chains to address corruption at a practical level. Corruption in fisheries is not nebulous; rather, it is specific instances.
19. To address such corruption, states need to first understand how the fisheries value chain operates within the parameters of their respective jurisdictions. This enables one to identify ‘corruption risks’ along the value chain.
20. This includes identifying the requisite documents required at each stage along the fisheries value chain. The document chain can divert from the product chain when an illegal activity, such as corruption, is present.
21. The fisheries sector is particularly vulnerable to corruption because of three main aspects: the global nature of the fishing industry; the fact that fisheries resources are finite and rapidly depleting; and the lack of transparency in the sector.
22. The approach described in the guide does not assume unlimited financial and human resources to tackle corruption nor unlimited political will.
23. It is targeted at organizational level, i.e., within the span of control of specific managers and the process advocated is fully country-led and owned.

24. The approach of the guide is to: 1) identify a small number of corruption risks that the organization has the capacity to address, 2) create the capacity within the organization to manage an ongoing corruption risk management process (i.e., a corruption prevention committee), and 3) institutionalize corruption risk management within the organization's strategic and operational processes.
25. To tackle corruption in the fisheries sector, the approach advocated by the guide is to: 1) establish the context; 2) identify corruption risks (work with management to see which risks they are prepared to recognize); 3) analyze the risks; 4) evaluate the risks; and 5) treat risk.
26. The corruption risk assessment and mitigation plan will feed back into regulatory frameworks and the fisheries value chain.
27. Addressing corruption could be approached in two ways:
  - First: a preventive approach increasing transparency, raising awareness, and educating public officials and the general public; and
  - Second: if the first approach does not work successfully, a law enforcement approach could be adopted by strengthening law enforcement frameworks and conducting parallel financial investigations.

In sum:

- UNODC has highlighted the importance of addressing TOC in the fisheries sector and has worked to support developing countries to build capacity in this regard since 2016.
- UNODC has found that IUU intersects with fisheries-related crime and crimes associated with the fisheries sector in the context of HT in South East Asia case examples. Towards addressing HT in the fisheries sector, it is recommended to ratify relevant international conventions and at national level to review relevant fishery and labour laws and regulations with a view to offering clear interpretations of administrative sanctions and criminal penalties.
- UNODC has also released “Rotten Fish”: A guide on addressing corruption in the fisheries sector” to assist Member States to tackle corruption in the fisheries sector. Using the Rotten Fish methodology, States are encouraged to establish the context, identify risks, analyze risks, evaluate risks, and treat risks. UNODC has started the implementation of the guide in 3 countries.

## General discussion

Discussion themes included:

- Human trafficking is by definition not limited to specific industry sectors. However, in Cambodia, fisheries are statistically the biggest industry sector in which HT is found.
- Success factors of multiagency cooperation in Thailand include:
  - A taskforce that has authority over both IUU and HT. The multiagency mechanism aims to strengthen law enforcement, officer training, and other necessary measures. Implementing the taskforce model was difficult from a practical perspective; however, it has been efficient in tackling HT.
  - It is important to give licenses to companies that are legitimately tracked and to conduct regular audits of their income as they are high-risk businesses. Continually increasing scrutiny is important.

- Corruption at high political level –
  - There are cases involving widespread corruption by politicians; mostly, however, there is corruption by civil servants. Due to a paucity of data, the exact ratio is not known.
  - Aside from identifying corrupt politicians or civil servants in the fisheries sector, other relevant agencies, such as the tax department, could play a role in identifying the corruption.