

Commissioned by



HIGH LEVEL PANEL for
**A SUSTAINABLE
OCEAN ECONOMY**

BLUE PAPER

Summary for Decision-Makers

Organised Crime in the Fisheries Sector

Like most economic sectors, the fisheries sector is exposed to organised crime on a global scale. Criminal offences can take place throughout the fisheries value chain from the preparatory stage (including vessel insurance and registration) to at-sea activities (including harvesting and catch documentation) to landing, processing, transportation, trade and sale—covering fraud and forgery of documents, money laundering and drug and human trafficking (Figure 1).

Organised crime in the fisheries sector has many adverse social, economic and environmental impacts that undermine the achievement of the Sustainable Development Goals and the pursuit of a sustainable ocean economy. These impacts include threatening food security, weakening vulnerable fishing communities, detracting from the revenue base of coastal states and damaging the marine environment and ecosystems.

Identifying, investigating and successfully prosecuting organised crime in the fisheries sector poses several challenges. These include low national prioritisation of organised crime in the fisheries sector at the political and operational levels; lack of coordination between government departments and agencies nationally, regionally and transnationally; inadequate criminal legislative frameworks; lack of clarity of jurisdiction at sea and extraterritorial jurisdiction; lack of at-sea enforcement; weak law enforcement agency and criminal justice capacity, particularly around financial investigations; and lack of transparency in the fisheries and financial sectors.

A new paper, commissioned by the High Level Panel for a Sustainable Ocean Economy,¹ summarises the state of knowledge on organised crime in the fisheries sector and how such crime may compromise our ability to achieve a sustainable ocean economy. The paper draws from worldwide best practices to present opportunities to address organised crime in the fisheries sector, emphasising the need for a shared understanding of the problem globally and the implementation of intelligence-led, skills-based cooperative law enforcement action facilitated by enabling legislative frameworks and increased transparency.

Figure 1: Manifestations of Organised Crime in the Fisheries Sector



Source: Designed by Ines Aguiar Branco.

States remain largely unaware of the most appropriate remedies and applicable legal regimes to address organised crime in the fisheries sector, and how they differ from (yet are complimentary to) measures aimed at remedying fisheries management challenges. This lack of distinction between the problem of organised crime in fisheries (in effect a security and law enforcement problem) and illegal, unregulated and unreported fishing (in effect a problem of unsustainable fishing practices) may lead states to take ill-informed decisions regarding the most suitable approaches to tackle these two challenges.

To address organised crime in the fisheries sector, action in two stages is required.

Firstly, a common understanding of transnational organised crime in the fisheries sector at a global level, coupled with demonstrable political will to cooperatively address the challenge, is required.

Secondly, states should develop practical tools to strengthen law enforcement capacity through:



Strengthened national inter-agency cooperation



Effective cross-border law enforcement cooperation



Enabling legal frameworks



Skills training and capacity building



Community-based crime prevention strategies that incorporate a gendered approach



Engagement of civil society



Support of relevant research



Opportunities for Action

The paper proposes 12 actions divided into two stages of execution:

STAGE ONE: DEVELOP A COMMON UNDERSTANDING OF TRANSNATIONAL ORGANISED CRIME IN FISHERIES

1. All states should report to the UN General Assembly in response to the call made by UNGA Resolution 63/112 to examine connections between illegal fishing and organised crime in fisheries. This will facilitate the establishment of a solid platform of knowledge about the manifestations of organised crime in fisheries as it is experienced across the world.
2. UN Security Council members should raise the security implications of transnational organised crime in fisheries to encourage the development of a common understanding of the problem's security dimension.
3. All states should formally support the 2018 International Declaration against Transnational Organised Crime in the Global Fishing Industry. Broad support for the declaration would be an important step towards developing a common understanding and awareness of the problem of organised crime in fisheries and building the political will to more vigorously address it, which in turn would facilitate achievement of the SDGs.
4. All states should report annually on transnational organised crime in fisheries to the UN Commission for Crime Prevention and Criminal Justice to ensure widespread and continuous attention to the problem.
5. All states should participate in regular international knowledge-sharing forums to share information on, and discuss challenges and opportunities arising from, cases of transitional organised fisheries crime worldwide.

STAGE TWO: DEVELOP PRACTICAL TOOLS TO STRENGTHEN LAW ENFORCEMENT CAPACITY TO ADDRESS ORGANISED CRIME IN THE FISHERIES SECTOR

1. All governments should strengthen national inter-agency cooperation to address organised crime in the fisheries sector. We recommend that states introduce national inter-agency models to facilitate and support coordinated criminal law enforcement efforts to prevent organised crime in the fisheries sector and identify and prosecute offenders.
2. All governments should strengthen cross-border cooperative law enforcement efforts to identify, investigate and prosecute transnational organised fisheries crime cases, including through mutual legal assistance. We suggest that the tools available through international and regional networks and organisations, such as multilateral information-sharing and analysis mechanisms, be used to this end, as well as platforms for the secure exchange of financial intelligence, and that existing databases on organised crime be augmented to also include fisheries.
3. All states should review their legal frameworks and implement reforms where needed. The goal should be to criminalise and attach sufficiently deterrent penalties to all fisheries crime offences, introduce anti-corruption and anti-money laundering measures and make provision for asset recovery and forfeiture of the proceeds of crime. We recommend that states provide for the extraterritorial and extra-jurisdictional application of relevant laws (e.g. through a Lacey-type law) and for corporate criminal liability.

4. All states should engage in skills training and capacity building for law enforcement officials in the criminal justice system from at-sea to trial. This should include the development of skills around financial investigation and asset recovery and capacity to detect tax crime in the fisheries sector. Mentoring schemes could be beneficial in this regard.
 5. All states should introduce community-based crime prevention strategies as appropriate. This will strengthen the resilience of vulnerable coastal communities and their ability to respond to organised fisheries crime.
 6. Civil society should engage with the fishing industry on corporate social responsibility for sustainable fisheries practices. This could help minimise the risk of criminal activities in the fisheries value and supply chain.
 7. All states should support research to understand the causes, nature, scale and impact of organised crime in fisheries. Research outcomes should be made publicly available since they can inform the development of appropriate means to prevent organised crime in fisheries and strengthen the law enforcement response.
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Taken together these actions can achieve two imperatives: (1) universal recognition of the existence of organised crime in the sector and the adverse socio-economic, environmental and security implications it poses, and (2) enhanced, effective inter-agency and cross-border fisheries crime law enforcement cooperation. The achievement of these imperatives could significantly curtail global organised crime in the fisheries sector and advance the pursuit of a truly sustainable ocean economy.

The High Level Panel for a Sustainable Ocean Economy

The High Level Panel for a Sustainable Ocean Economy (Ocean Panel) is a unique initiative by 14 world leaders who are building momentum for a sustainable ocean economy in which effective protection, sustainable production and equitable prosperity go hand in hand.

Co-chaired by Norway and Palau, the Ocean Panel comprises members from Australia, Canada, Chile, Fiji, Ghana, Indonesia, Jamaica, Japan, Kenya, Mexico, Namibia, Norway, Palau and Portugal and is supported by the UN Secretary-General's Special Envoy for the Ocean.

The Ocean Panel gathers input from a wide array of stakeholders, including an Expert Group and an Advisory Network. The Secretariat, based at World Resources Institute, assists with analytical work, communications and stakeholder engagement. The Blue Paper that this brief summarises is an independent input to the Ocean Panel process and does not necessarily represent the thinking of the Ocean Panel, Sherpas or Secretariat.

For more information, including the full report, visit www.oceanpanel.org

Endnote

- 1 Witbooi, E., K.-D. Ali, M.A. Santosa et al. 2020. *Organised Crime in the Fisheries Sector*. Washington, DC: World Resources Institute. www.oceanpanel.org/blue-papers/organised-crime-associated-fisheries.