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Combating Transnational Organized Fisheries Crime: Global Challenges and International Cooperation

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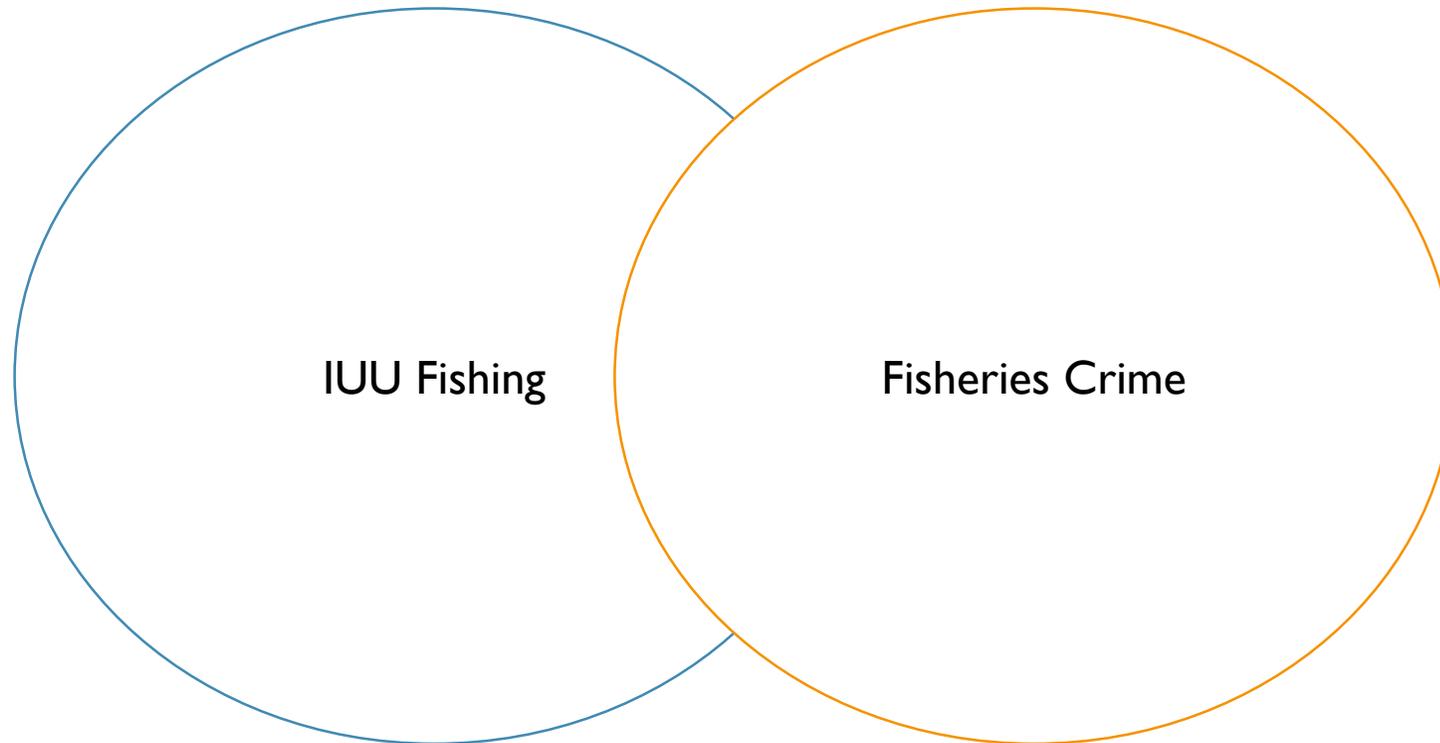




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Fisheries Crime and IUU Fishing





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Overview of Crime Types under Fisheries Crime

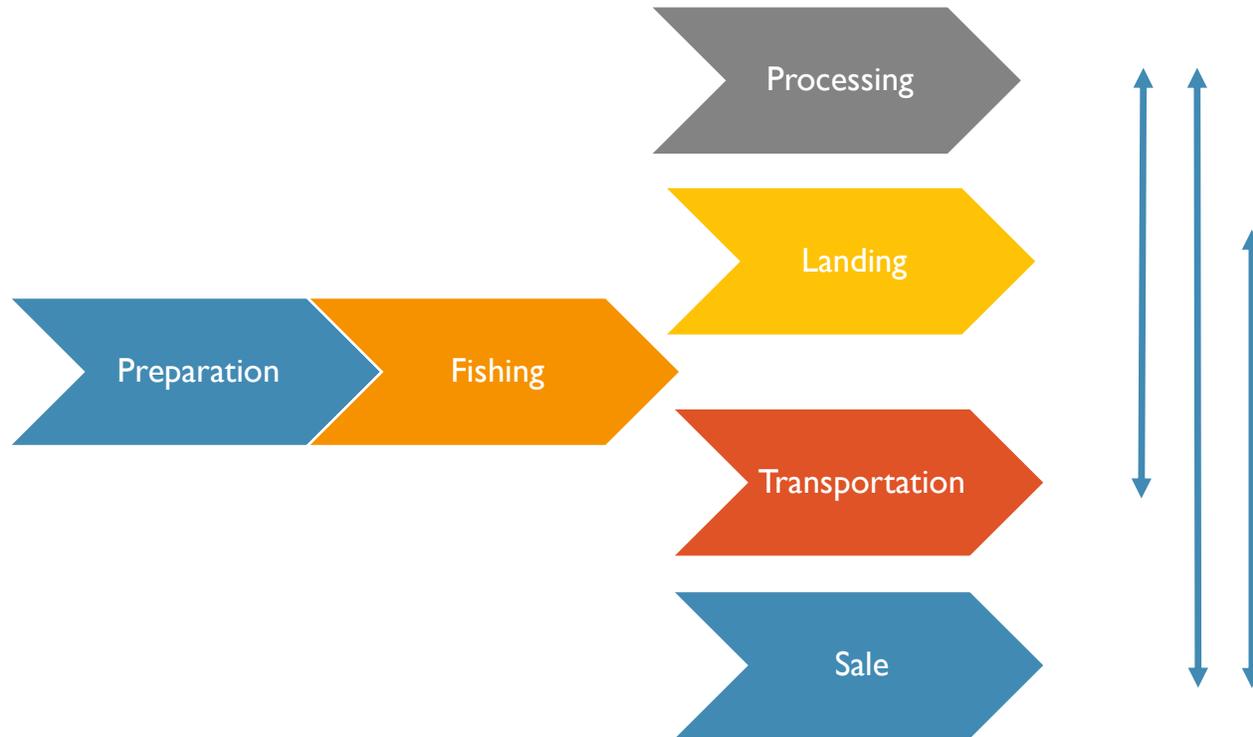




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Value Chain of the Fisheries Sector





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Crimes along the value chain: **Preparation**

Fraud and Forgery

Forgery of documents to create the appearance that a vessel is entitled to fish (registration documents, fishing licenses, etc)

Corruption

Types of corruption offences linked to obtaining licenses and permits:

- Bribery, both at high and lower level to grant licenses to companies
- Embezzlement of license fees by government officials through selling more licenses than they indicate in the official records
- Abuse of authority/conflict of interest, where political figures or senior government officials use their influence to ensure that fishing licenses are granted to companies or businesses in which they have an interest



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Crimes along the value chain (cont.): **Fishing**

Fraud and Forgery

Fraudulent recording of:

- the location where the fish was caught
- The amount of fish that were caught
- The species of fish that were caught

Corruption

Bribery takes two main forms:

- Bribes are paid to law enforcement and/or fisheries officials to ignore the illegal activities of illegal harvesters of fish and shellfish
- Bribes are paid to release a fishing vessel that has been arrested without cause so that officials can extract a bribe



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Crimes along the value chain (cont.): **Processing**

Fraud and Forgery

Mislabelling of fish and fish products that build on the fraudulent recording of the catch

Corruption

Bribery takes two main forms:

- The fishers bribe the processing plant to continue the incorrect declaration
- The processing plants bribe inspectors to ignore the actual volumes and types of fish being declared



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Crimes along the value chain (cont.): **Landing**

Fraud and Forgery

Fraudulent recording of the quantity or the species. A common practice is layering the fish.

Corruption

Bribes are paid to officials to turn a blind eye to the origins and paperwork of the vessel or to false declarations relating to the quantity or the species landed



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Crimes along the value chain (cont.): **Transportation**

Corruption

- Bribery which allows the product to be transported without interference from authorities
- Abuse of office where the police transport the goods themselves

Sale

Fraud and Forgery

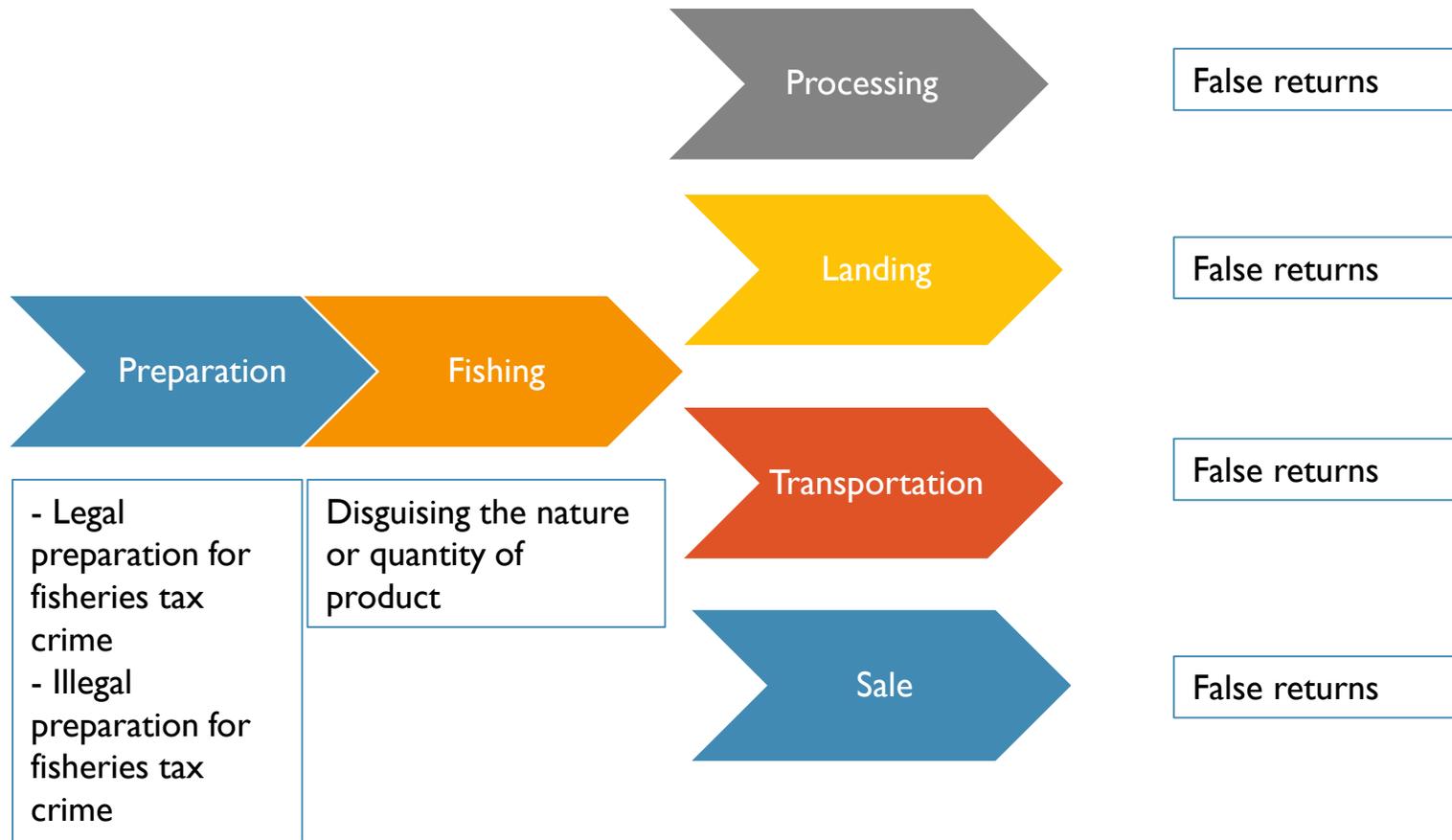
- The retailer relabels the product to record it as something that is not



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Tax Crime and Fisheries

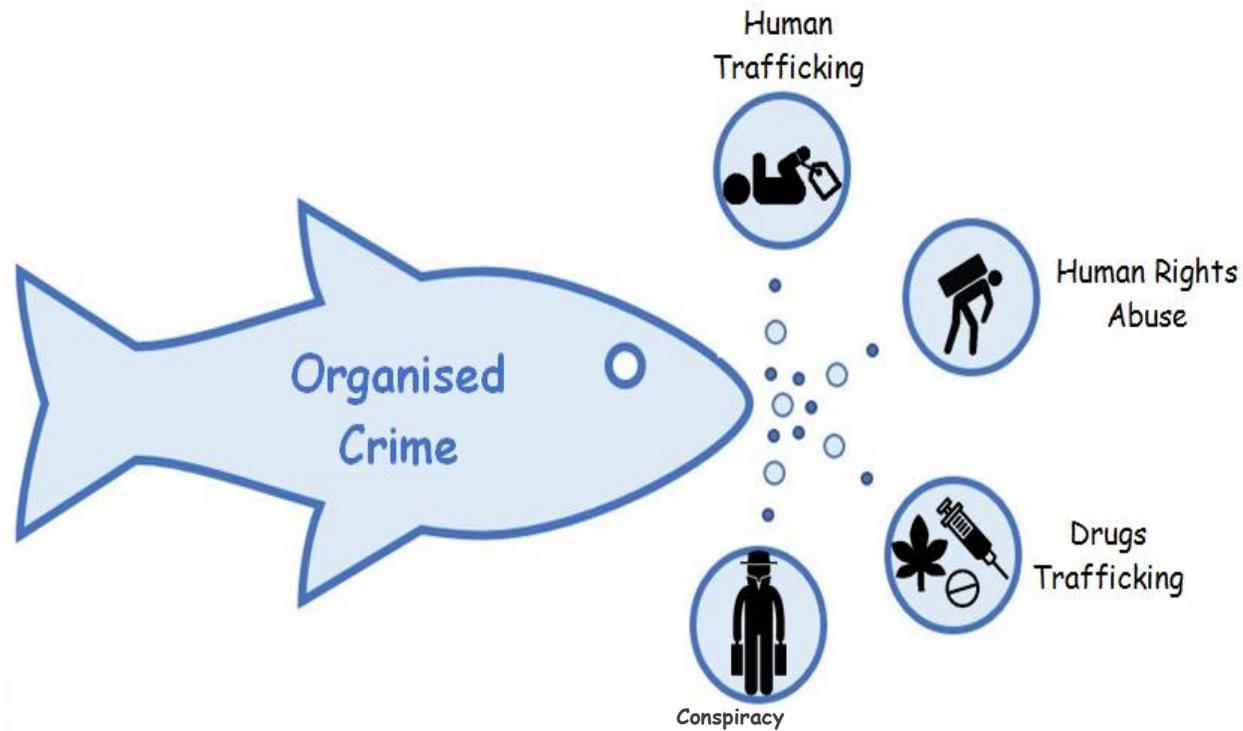




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Organized Crime and Fisheries





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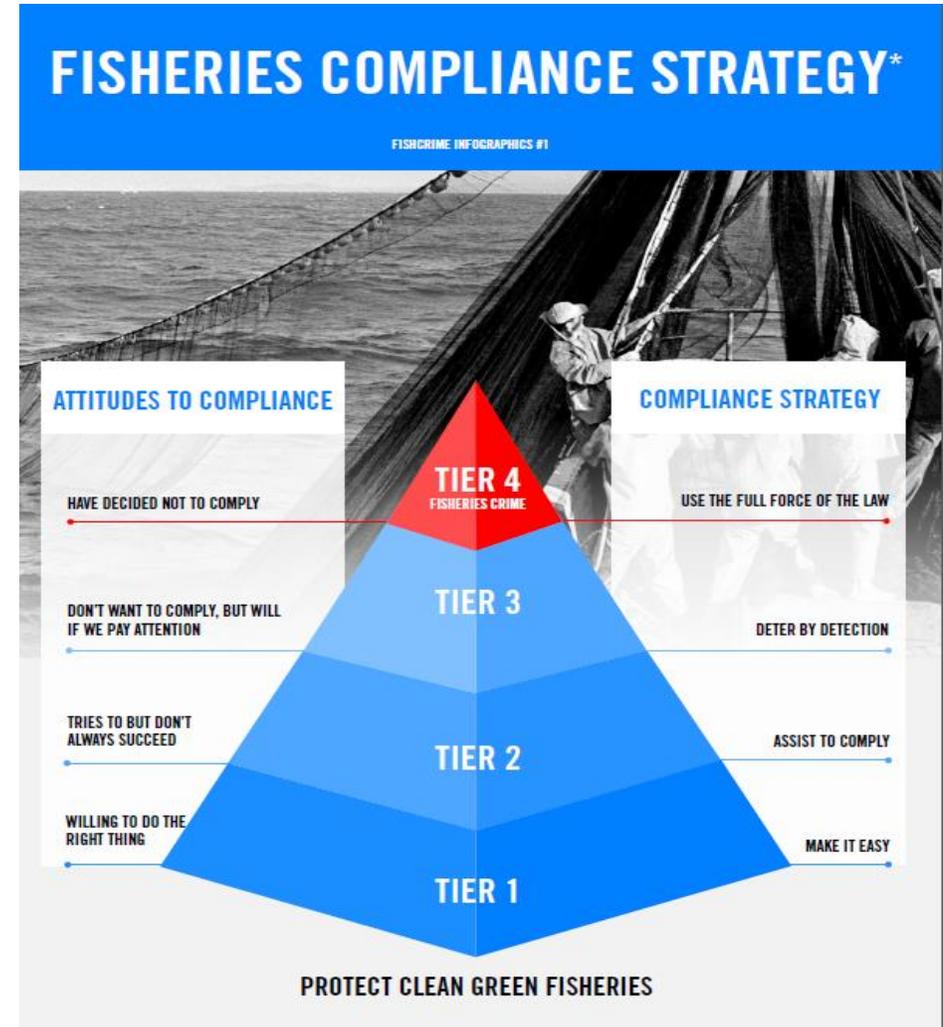
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Looking beyond IUU fishing Economic Crimes

- The traditional fisheries compliance approach alone is insufficient to address associated offences related to fisheries
- IUU fishing can no longer be viewed in isolation from other criminal activities in the fisheries value chain
- There is a need to see the link between fisheries violations and organized criminal activities along the fisheries value chain
- The use of associated crimes as entry points is beneficial in particular because illegal fishing itself is not criminalized in many countries and/or the penalty provisions may be weak
- Many associated crimes are land-based and therefore grant states potential jurisdiction to investigate and prosecute criminal behavior



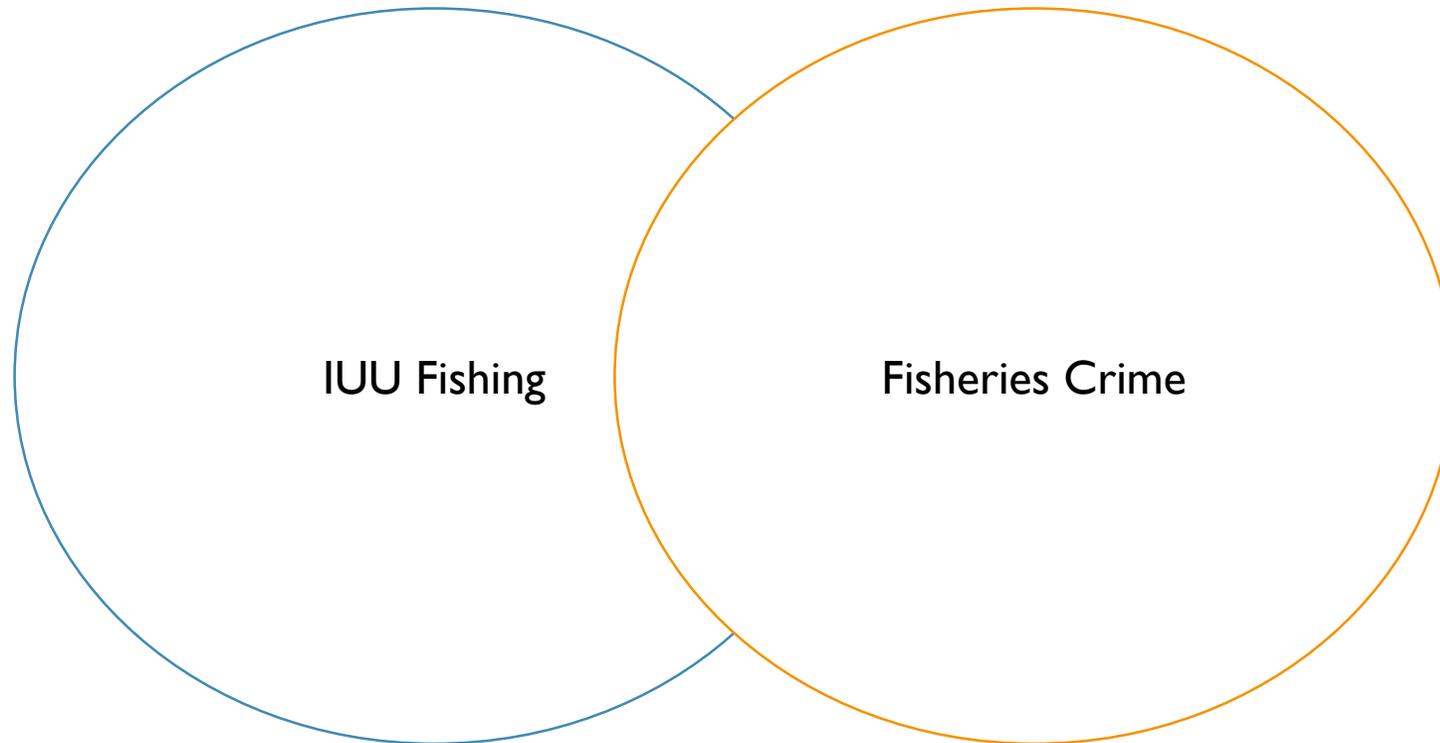


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Fisheries Crime and IUU Fishing





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Challenges in Investigating and Prosecuting Fisheries Crime

- In many countries crimes along the fisheries value chain are not investigated because they are not seen as a major priority. Police forces, tax authorities and anti-corruption bodies have limited budget and resources and prioritize based on the perceived importance of a case and the amount of resources needed
- Fisheries crime rarely falls under the mandate of a single agency in a single country. In many countries there is lack of domestic cooperation among agencies
- Criminals tend to choose to operate in jurisdictions where it may be difficult to obtain information or where they believe they can bribe the officials



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UNODC RESPONSE: FISHNET

Training to strengthen cooperation of prosecutors and justice to address fisheries crime

Justice sector training for prosecutors and judiciary in legal and policy frameworks to combat fisheries crime

Justice sector training in mutual legal assistance towards addressing fisheries crime

Inter-regional/global workshops to facilitate cooperation and information-exchange

Training on illicit financial flows associated with fisheries crime

Practice manuals/guides on fisheries crime

Problem-solving programmes/workshops to enhance law enforcement officials capacities to use intelligence-led approach

Identify and provide support to address risk areas susceptible to corruption with regards to law enforcement and administration



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Conclusions

- ❑ Crime in the fisheries value chain manifests itself in a wide range of distinct, yet interrelated, serious offences along the entire value chain
- ❑ There has been significant success in investigating and prosecuting fisheries crime. However the number of successes has been low and related to a few large high profile cases
- ❑ Fisheries crime in its various manifestations is essentially an **economic crime** which is either perpetrated to increase the profits of outwardly legitimate businesses or to facilitate organized crime.
- ❑ Crimes committed by seemingly legitimate organizations mainly fall into two categories:
 - Crimes to obtain the right, or appear to obtain the right to harvest certain fisheries products
 - Crimes to conceal or alter the volume, species, or legality as to what had been harvested and offered for sale\
- ❑ The organized crime component is also found in two main categories:
 - Crimes aimed at harvesting high value fish stocks
 - Other organized crimes such as drug trafficking and human trafficking, which uses the fisheries industry as a front
- ❑ As most of these crimes occur under a single jurisdiction, and therefore may provide a new opportunity to successfully investigate and prosecute fisheries crime



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Recommendations

1. Improve the understanding of how fisheries crime manifests itself: **extend the existing research** to develop and maintain a database of fish crime cases.
2. Use the database of fish crime cases to identify the main types of crime linked to the fish value chain and **develop resource guides** describing these crimes and how to investigate and prosecute them.
3. Provide assistance to Countries where it is believed that fish crime is happening to detect, investigate, prosecute and sanction these crimes through helping identify the type of fish crime they can **most effectively** investigate and sanction.
4. Strengthen or build **international and domestic networks** to share intelligence and information relating to fish crime and facilitate **multi-agency approaches** to investigating these crimes.
5. Ensure that those tasked with investigating and prosecuting fish crime understand **the range of resources** at their disposal including the content of global conventions such as the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption, resource guides as well as technical assistance.
6. Tailor **national legislation regulations** to ensure that it is understood what constitutes fisheries crime and that such crime can be prosecuted effectively.