INDONESIA’S FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED FISHING

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THE POLICIES AGAINST IUU FISHING
POLICIES TO COMBAT IUU FISHING

1. Moratorium for Ex-Foreign Vessels (From November 2014 to October 2015)
2. Ban on Transhipment at Sea
3. Prohibition on Unsustainable Fishing Gears
4. Establishment of a Ministerial Task Force to Prevent and Combat IUU Fishing
5. Compliance Audit of 1,132 Ex-Foreign Vessels
6. Demolition of 363 Illegal Fishing Vessels to create deterrent effect
8. Strengthening Law Enforcement:
   - Imposing administrative sanctions
   - Monitoring and evaluation of ongoing case handling (quality control) by the Task Force
   - Application of corporate criminal liability and multi-legal regime (multi-door) approach
   - International cooperation (MIST, outreach, utilizing INTERPOL facilities, and Capacity Building)
   - Advocating Transnational Organized Fisheries Crime (in line with UNTOC)
9. Human Rights Protection in the Fisheries Business
10. 2016: Closing foreign investment for capture-fisheries sector to protect Indonesia’s natural resources
11. Governance improvement:
   1. Improving Governance of Fishery Business License:
   2. Promote fisheries transparency in capture fisheries (FiTI);
   3. Analysis and Evaluation of Local Fishing Vessels to promote compliance and better governance;
   4. Facilitate the replacement of destructive fishing gears to environmentally friendly fishing gears;
   5. Amendment of Fisheries Law to translate the 3 principles and to harmonize with CoC on Responsible and Sustainable Fisheries

3 principles: Sovereignty, Sustainability and Prosperity
TYPES OF VIOLATIONS ON FISHERIES CRIME IN INDONESIA

1. Forgery of vessel's document
2. Double flagging & double registered
3. Fishing without licenses / appropriate documents (sailing without port and seaworthiness clearance)
4. Illegal Modification of Vessel (inc. mark-down, changing call sign, machines)
5. Using foreign captain and seamen
6. Conversion of big foreign fishing vessels into small pump boats to enter into Indonesian waters by falsifying vessel documents and Indonesian identity of the crews
7. Deactivation of Vessel's Transmitter (VMS and AIS)
8. Illegal transshipment at sea
9. Forgery of logbook record
10. Violation of fishing ground
11. Using prohibited fishing gear
12. Using non-compliance in owning/partnering with a fish processing unit
13. Unlawful landing of catches
14. Deactivation of Vessel's Transmitter (VMS and AIS)
TYPES OF OTHER CRIMES (FISHERIES-RELATED CRIMES) IN INDONESIA

1. Illegal transaction of fuel
2. Immigration-related crime
3. Customs related crime, (incl. smugglings of drugs, protected species, vessel spare parts and other goods)
4. Money laundering
5. Tax crime (evasion or fraud)
6. Corruption
7. Human rights abuses (forced labor, human trafficking and child labor etc)
8. Illicit Drugs Trafficking
The High Activities of Illegal & Undocumented Fish Export

The existence of transhipment policy creates opportunity for illegal exports and unrecorded fisheries production.

**The alleged illegal Export of Albacore Tuna Frozen (HS 030341) from Indonesia to Thailand in 2000 and 2010**

- **2000**
  - Import of Frozen Albacore Thailand from Indonesia: 515,320 Kg
  - Export of Frozen Albacore from Indonesia to Thailand: 443,901 Kg
  - There are differences about 271,419 Kg (52%), with value US$ 1,070,630

- **2010**
  - Import of Frozen Albacore Thailand from Indonesia: 1,047,255 Kg
  - Export of Frozen Albacore from Indonesia to Thailand: 3,399,979 Kg
  - There are differences about 2,352,724 Kg (69.20%), with value US$ 8,326,839

Source: Analyzed from UN-Comtrade 2011 data
CASE: FISHING BOATS AS DRUGS SMUGGLING TOOL

“Sunrise Glory” fishing boat flying Singaporean flag was nabbed by Indonesian Navy on February 7, 2018 in Batam, Riau Islands
It smuggled 1.37 tons of methamphetamine and hid 41 rice sacks

FISHERIES CRIME AS TRANSNATIONAL ORGANIZED CRIME

It takes commitment and international cooperation to eradicate IUUF & other crimes on fishing vessels.

SINKING OF SHIPS IS MANDATED BY THE FISHERIES LAW

Creating a Deterrent Effect to eliminate IUUF in Indonesian waters

<table>
<thead>
<tr>
<th>NO.</th>
<th>Vessel’s Flag</th>
<th>TOTAL</th>
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<tr>
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<tr>
<td>7</td>
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</tr>
<tr>
<td>8</td>
<td>Belize</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Nigeria*</td>
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</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>363</strong></td>
</tr>
</tbody>
</table>

*(Nov 2014-Nov 2017)*

*) Information: MV Viking

**Article 69 of the Fisheries Law (31/2004 jo .45/2009)**

Scope of Authority:

• **Article 69 (3):** Stop, check, carry and hold the vessels suspected or reasonably suspected of violation in the Area of Fisheries Management

• **Article 69 (4):** On the basis of sufficient preliminary evidence, may take special action in the form of burning and / or sinking of a foreign-flagged fishing vessel on the basis of sufficient initial evidence
Example: Indications of transhipment on the high seas area using Global Fishing Watch

Katuei Maru 88 Vessel (Japan) and Mahakam Jaya Vessel
Strong governance is the basis to maintain the sustainability of productivity enhancement of marine and fishery resources in Indonesia. Strong fisheries governance is built upon three big pillars of sovereignty, sustainability and prosperity.
COOPERATIONS AND INFORMATION SHARING
RI-USA
- Provide training on Intelligence Led Enforcement Operation (ILEO)
- Provide technological assistance for intelligence information analysis
- Global Fishing Watch (GFW)

RI-AUSTRALIA
Provide assistance on vessel tracking and intelligence information on Indonesian fishing vessel abroad through:
- Airborne surveillance
- AIS detection

SATGAS 115-INTERPOL
- Intelligence information and analysis to apprehend FV Viking.
- Indonesia-INTERPOL, and Spain are now cooperating in criminal proceedings against vessel owner in Spain. This effort is assisted by Canada, South Africa and Norway.
- Knowledge and experience sharing forum in Fisheries Crime Working Group

SATGAS 115-IOM
- Identification, Evacuation, Remediation and Repatriation of 1500 victims of human trafficking (VoTs) in Ambon and Benjina.
- Identification of VoTs onboard Hua Li 8, FV Viking, 3 illegal Malaysian vessels at Pontianak and Philippines vessels at Ambon
SATGAS 115-UNODC
- Mainstreaming the issue of transnational organized fisheries crime: CCPCJ, EGM
- FishCRIME2016, along with Norway, PescaDOLUS Network at NMMU
- Training for Law Enforcement Officers on Human Trafficking

RI-NORWAY
- Provide assistance on vessel tracking through AIS Detection and analysis on vessel movement patterns
- Information sharing and technical assistance on tax in fisheries business

RI-EAST TIMOR
- Joint Communiqué to combat illegal fishing and promote sustainable fisheries was signed on January 2016

RI-PNG
- Joint Communiqué to combat illegal fishing and promote sustainable fisheries was signed on December 2015
- Follow up actions have been proposed, i.e. joint patrol, joint investigation, information sharing
In the last 10 years, Viking has operated by using 12 different vessel names and flew at least flags of 8 different states;
On 3 incidents since 2012, Viking has given false registration documents to port authorities during site inspections;
On March 15th 2015, Viking was detained in Malaysia by Malaysia’s authorities in which the captain is found guilty under Malaysia’s Fisheries Law and sentenced to pay RM 200,000
Viking (1.322GT) entered Indonesian waters without any prior notice and with Automatic Identification System (AIS) being switched off;
Viking was also equipped with fishing gears, which lead to suspicions that Viking has been illegally fishing in Indonesian waters;
Viking got arrested by Indonesian Navy on February 26th 2016 within Indonesia’s Exclusive Economics Zone (EEZ), 12.7 Miles from Bintan, Riau Archipelago.
Viking was sunk on March 14th 2016 in Pangandaraan, West Java, Indonesia

Violations

Status and Legal Process

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Transnational Elements in FV. Viking Case

Viking is owned by Spanish and Panama companies, operated by an agent in South East Asia which domiciled in several countries;
The Captain is of Chile national;
Crewing, logistics, and financed through operators in Singapore;
Fishing in various waters around the world and exported to Hong Kong, Malaysia, Vietnam, and Taiwan through an investment company in South Africa.

*Commission for the Conservation of Antarctic Marine Living Resources, an RFMO for the Antarctic region
FV. Viking was initially detected by the International Liaison Office of the Singapore Navy Information Fusion Center.

Task Force 115 established a special Multilateral Investigation Support Team (MIST) comprising representatives from Indonesia, Norway and Canada to collect and analyze any information relating to the FV. Viking.

The MIST was highly successful in its information gathering operations and was able to share its analysis with Spanish authorities through the Regional Investigative and Case Analytical Meeting (RIACM), facilitated by the INTERPOL.

Spanish authorities conducted an investigation against the beneficial owners of FV. Viking.
Violations of SS2

- Silver Sea 2 (2.285 GT) deactivated VMS and AIS transponders
- Illegal transhipment at PNG Waters
- Use of prohibited fishing gears (pair trawls)
- Use of forged carrier licenses

Status and Legal Process

- On illegal fishing conviction, District Court of Sabang imposed a fine of **USD 19,000** in 2016 for deactivating its VMS.
- Prior to the District Court Conviction, In October 2017, the fish contained in the vessels had been auctioned, where the sum of **USD 1,500,000** was collected and stored to the country.

Transnational Elements in SS2 Case

- Illegal transhipment at Papua New Guinean waters
- Illegal export
- Forgery of vessels documents
- Employed Indonesian and Thai crews onboard
In 2015, DigitalGlobe released satellite imagery indicating a transshipment activity involving Silver Sea 2. Airborne Surveillance by Maritime Border Command Australia identified the same activity by the same vessel in PNG waters. The Norweigan Fisheries Directorate assisted the VMS analysis. Indonesia requested for Silver Sea 2 licensing information from Thailand and PNG.
HUA LI 8 (call sign BZU7N) is a 1.275 GT Chinese-flagged vessel registered in the Port of Zhoushan. The vessel was owned by Chinese company Zhoushan Huali Ocean Fisheries Co. Ltd.

The case against the HUA LI 8 was processed through Argentinian courts. On 23 April 2017, Decision 596/2016 was issued by the Federal Tribunal of First Instance of the City of Comodoro Rivadavia, stemming from Investigation Nr. FCR 1142/2016.

Transnational Elements in Hua Li 8 Case

- HUA LI 8 is a Chinese-flagged fishing vessel;
- HUA LI 8 employed Chinese and Indonesian crew on board;
- HUA LI 8 was alleged to be fishing illegally in Argentine EEZ waters, in violation of Argentinian and international law;
- the owners of HUA LI 8 recruited crew members from various countries,
- channeling them through Peru before deployment on board the vessel; and
- allegations of human trafficking were made following IOM interviews with the Indonesian crew members on board.

Violations

Fishing illegally within Argentina’s 200 nautical mile EEZ

Verdict

The case against the HUA LI 8 was processed through Argentinian courts. On 23 April 2017, Decision 596/2016 was issued by the Federal Tribunal of First Instance of the City of Comodoro Rivadavia, stemming from Investigation Nr. FCR 1142/2016.
Argentina requested the assistance of INTERPOL and Project Scale in alerting other member countries to the illegal fishing activities of HUA LI 8 through issuance of a Purple Notice.

On 21 April 2016, the Indonesian First Class Naval Base (Lantamal) 1 at Belawan, North Sumatera detected the HUA LI 8 in waters near Aceh, Indonesia.

The case against the HUA LI 8 was processed through Argentinian court.

The Argentinian court requested the cooperation of Indonesian authorities in holding and searching the HUA LI 8, and asked that any crew requests for safety and/or sanitary assistance be immediately dealt with as per international maritime regulations.
FU YUAN YU CASE

FU YUAN YU 831 is a fishing vessel owned by Best Sea Foods Lda and Fuzhou Hongdong Pelagic Fishery Co. Ltd. Both companies are headquartered in Dili, Timor Leste and are registered in that nation.

Investigators found the vessel to be carrying a number of different state flags, including those of China, Malaysia, the Philippines and Singapore, and ascertained that it had 20 tons of fish on board, encompassing approximately 100 sharks.

Exacting and thorough investigations by relevant authorities, coupled with rigorous prosecution efforts, resulted in the District Court of Kupang successfully imposing fines of IDR 100,000,000 (about USD $7,000) on both the captain and fishing master, as well as ordering the forfeiture of the vessel to the Indonesian Government.

Transnational Elements in Hai Fa Case

- Crew members from Indonesia, Myanmar, Vietnam and China were employed on board the vessel
- Owned by a foreign company
Sea Shepherd discovered that Fu Yuan Yu 831 was using illegal driftnets and catching protected sharks in Timor Leste.

The vessel was then apprehended by Indonesian authorities while illegally fishing in Indonesian waters.

Indonesian investigators worked with IOM to conduct interviews that established potential allegations of human trafficking on board.
**STS-50** (formerly known as the ANDREY DOLGOV or SEA BREEZE) is a fishing vessel wanted by INTERPOL, Australia and New Zealand for illegal fishing within the CCAMLR Convention Area. The vessel was also wanted by Togolese authorities for falsifying documents throughout periods in which it had flown a Togolese flag. STS-50 was boarded, inspected and apprehended in China on 15 October 2017, but escaped on the same day. STS-50 was caught and again escaped in Mozambique on 18 February 2018. At the time of its inspection by Chinese authorities, STS-50 was found to have mislabelled fish species carried on board the vessel.

- IUU fishing within the CCAMLR Convention Area;
- falsification of nationality documents;
- mislabelling of fish species; and
- human trafficking of 20 Indonesian fishing crewmembers who were working on board the STS-50.
On 5 April 2018, Task Force 115 received an official request from INTERPOL through NCB Indonesia to board and inspect STS-50, (IMO No. 8514772) which was about to enter Indonesian waters.

Task Force 115 was then informed that the vessel was wanted by INTERPOL, Australia and New Zealand for illegal fishing within the CCAMLR Convention Area. It was also wanted by Togolese authorities for falsifying documents.

It was then discovered that it was apprehended in China but escaped and caught in Mozambique but escaped again.

Indonesia also received support from international NGOs, particularly Fish-I Africa and Sea Shepherd.
Task Force 115 and the Directorate General of Taxation of the Ministry of Finance

The Directorate General of Taxation has given assistance to the Task Force team on the Analysis and Evaluation of Local Fishing Vessels project to evaluate the taxation compliance of the business actors in the fishing industry.

Task Force 115 and the Ministry of Foreign Affairs

The Ministry has been supporting the Task Force’s project to mainstream the issue of Transnational Organized Fisheries Crime. The Ministry was also involved in the organization of the 2nd Fisheries Initiative Transparency Conference.

Task Force 115 and the Directorate General of Immigration of the Ministry of Law and Human Rights

The cooperation revolves around identification, evacuation, remediation and repatriation of 1500 victims of human trafficking.

Task Force 115 and the Directorate General of Sea Transportation of the Ministry of Transportation

As a follow up to the Tonnage Re-measurement of Ships, the Task Force 115 was involved in the valuation of the country’s income loss caused by the practices of tonnage mark down.
We have worked together on drugs and lobsters smuggling cases. The most recent drug smuggling case is the “Sunrise Glory” case. INTRAC has provided assistance in assets tracking to identify beneficial owners of vessels committing IUU fishing and also its other related parties.
THANK YOU
ANY QUESTIONS?