

COMBATTING FISHERIES CRIMES IN INDONESIA

-Law Enforcement Progress and Inter-Agency Cooperation-

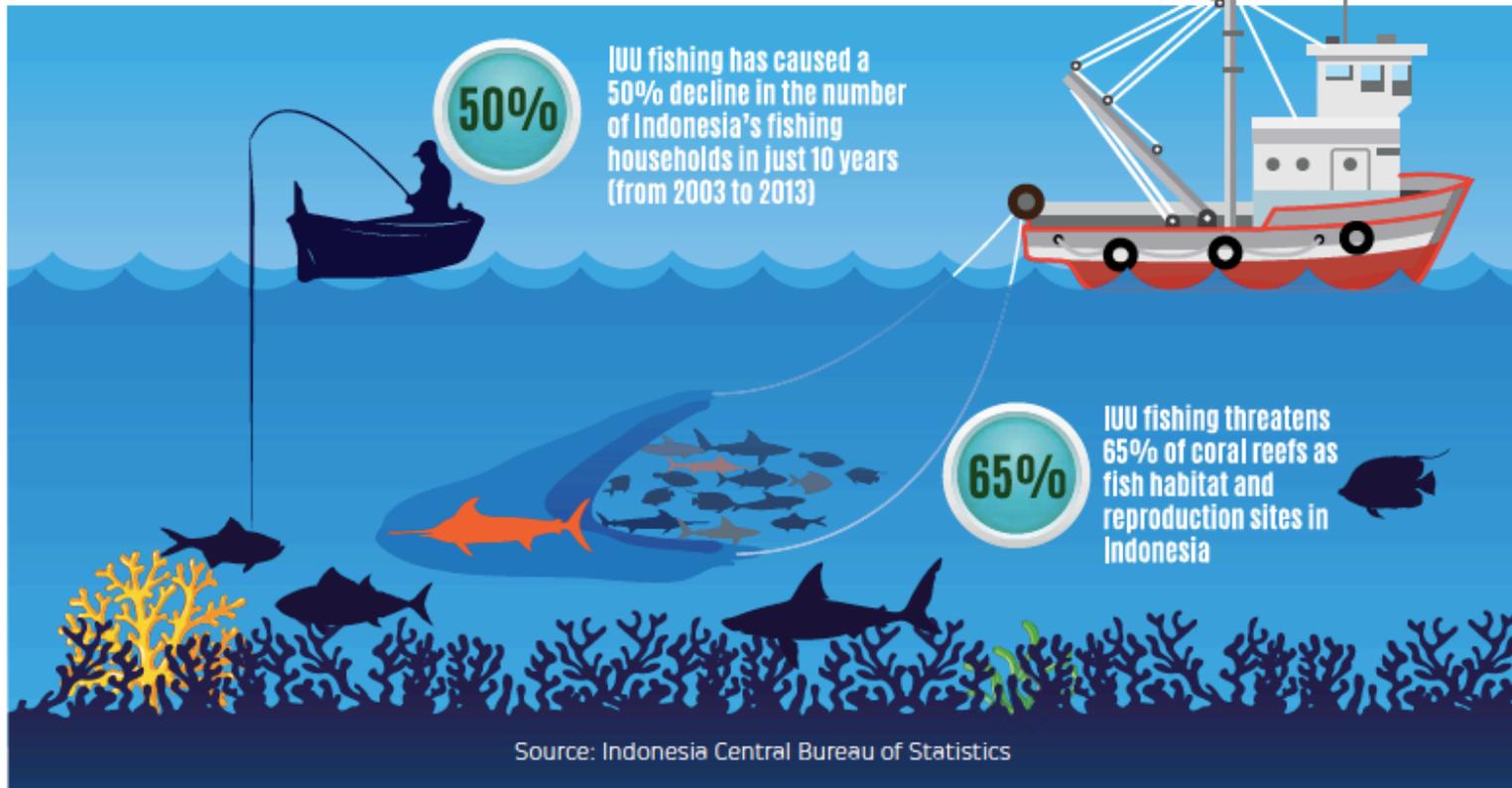
The Indonesian Presidential Task Force to Combat Illegal Fishing
(Task Force 115)



INDONESIA'S FISHERIES RESOURCES

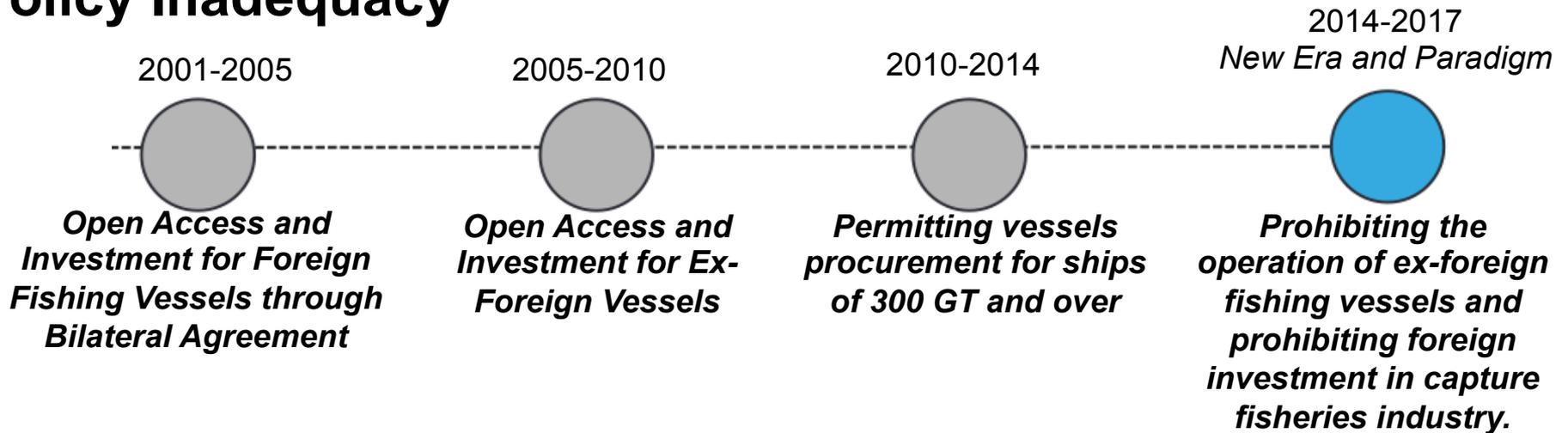


- The total area of Indonesia's oceans is 6,32 million km²
- Indonesia has the second longest coastline in the world (99,093 km)



PRESSING ISSUES IN COMBATTING IUU FISHING

Policy Inadequacy



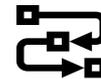
Poor Governance (in terms of Monitoring, Control and Surveillance)



- 904 fisheries surveillance officers (Ministry of Marine Affairs and Fisheries)
- 47 fisheries civil investigators (Ministry of Marine Affairs and Fisheries)
- 124 patrol boats (Ministry of Marine Affairs and Fisheries)
- 818 patrol boats (Police)
- 14 patrol boats (Coast Guard)
- ±150 patrol boats (Navy)



Inadequacy of advanced technology to monitor activities of vessels



Absence of comprehensive compliance monitoring mechanism (compliance and deterrence approach)



142 surveillance geographical points of the Ministry of Marine Affairs and Fisheries across Indonesia (consists of large, middle and small sized posts)

CURRENT POLICIES



The President's commitment to make Indonesia the Global Maritime Axis

Minister Pudjiastuti's marine & fisheries policies are grounded on three pillars: sovereignty, sustainability and prosperity



"We have to strive to restore Indonesia as a country with maritime power. The oceans, the seas, the straits and the bays are our future. We have been turning our backs on them for far too long. Now is the time to restore all until we achieve Jalesveva Jayamahe; in our seas we are triumphant."

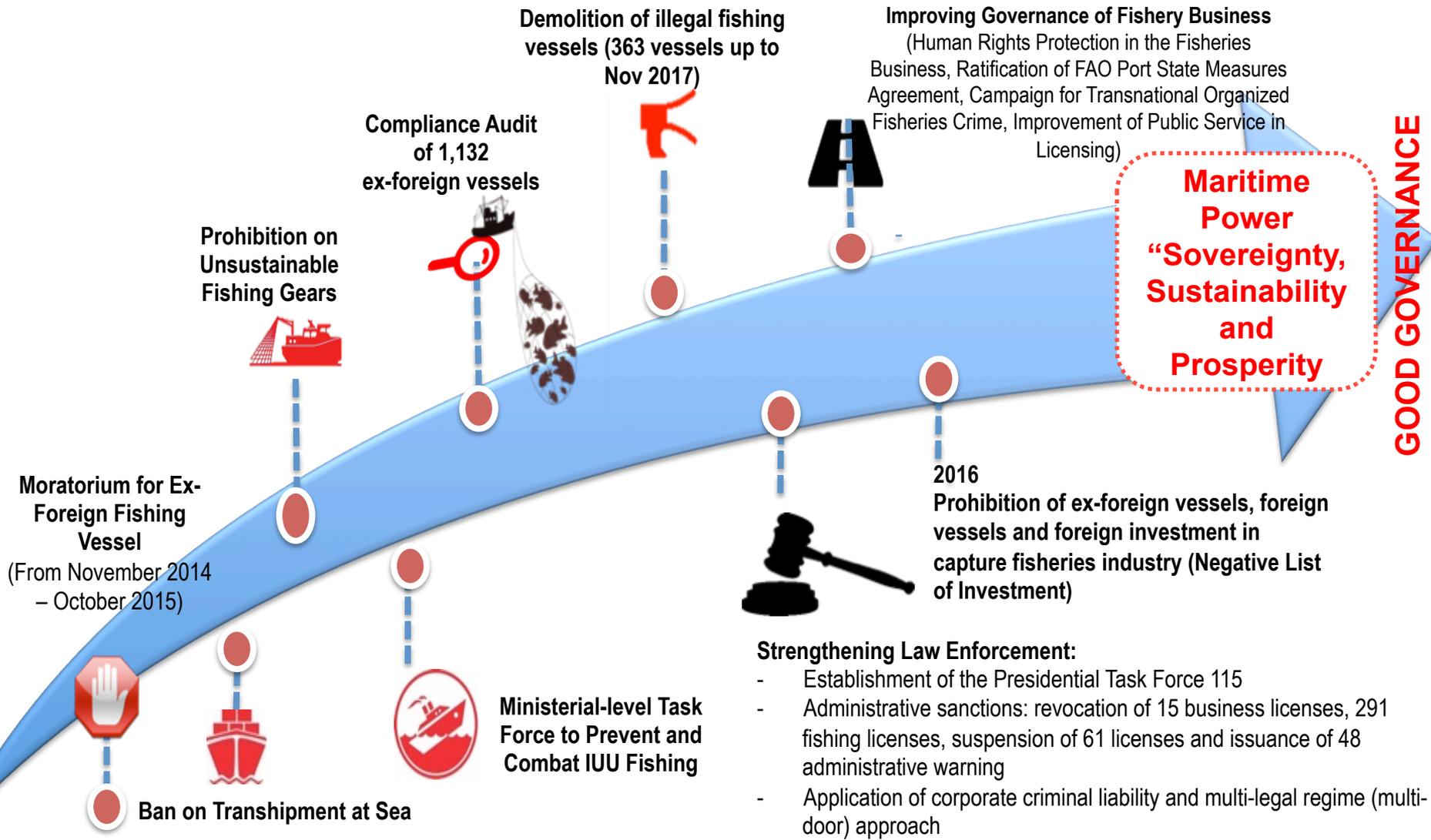
**Joko Widodo, President of the Republic of Indonesia
20 October 2014**

"Our global fishing fleet is 2 to 3 times larger than what the oceans can sustainably support. In other words, people are taking far more fish out of the ocean than can be replaced by those remaining. IUU fishing and fisheries crime are not just Indonesia's problem, or Asia's, or Africa's, or any other particular countries – rather, it has become the world's problem; because, let me remind you: we all have one world, one ocean to protect."

**Susi Pudjiastuti, Minister of Marine Affairs and Fisheries
32nd COFI, Rome, 11 July 2016**

ACTIONS TO PREVENT AND COMBAT IUUF & FISHERIES CRIME

Minister of Marine Affairs and Fisheries takes strict measures to combat Fisheries Crimes through policies and actions. These measures are taken to realize the vision to reclaim the seas as the future of Indonesia.







DEMOLITION/SINKING OF ILLEGAL FISHING VESSELS IN INDONESIA (OCTOBER 2014-JUNE 2017)



144

Viet Nam



76

Philippines



50

Malaysia



21

Thailand



21

Indonesia



2

Papua New
Guinea



1

People's Republic
of China



1

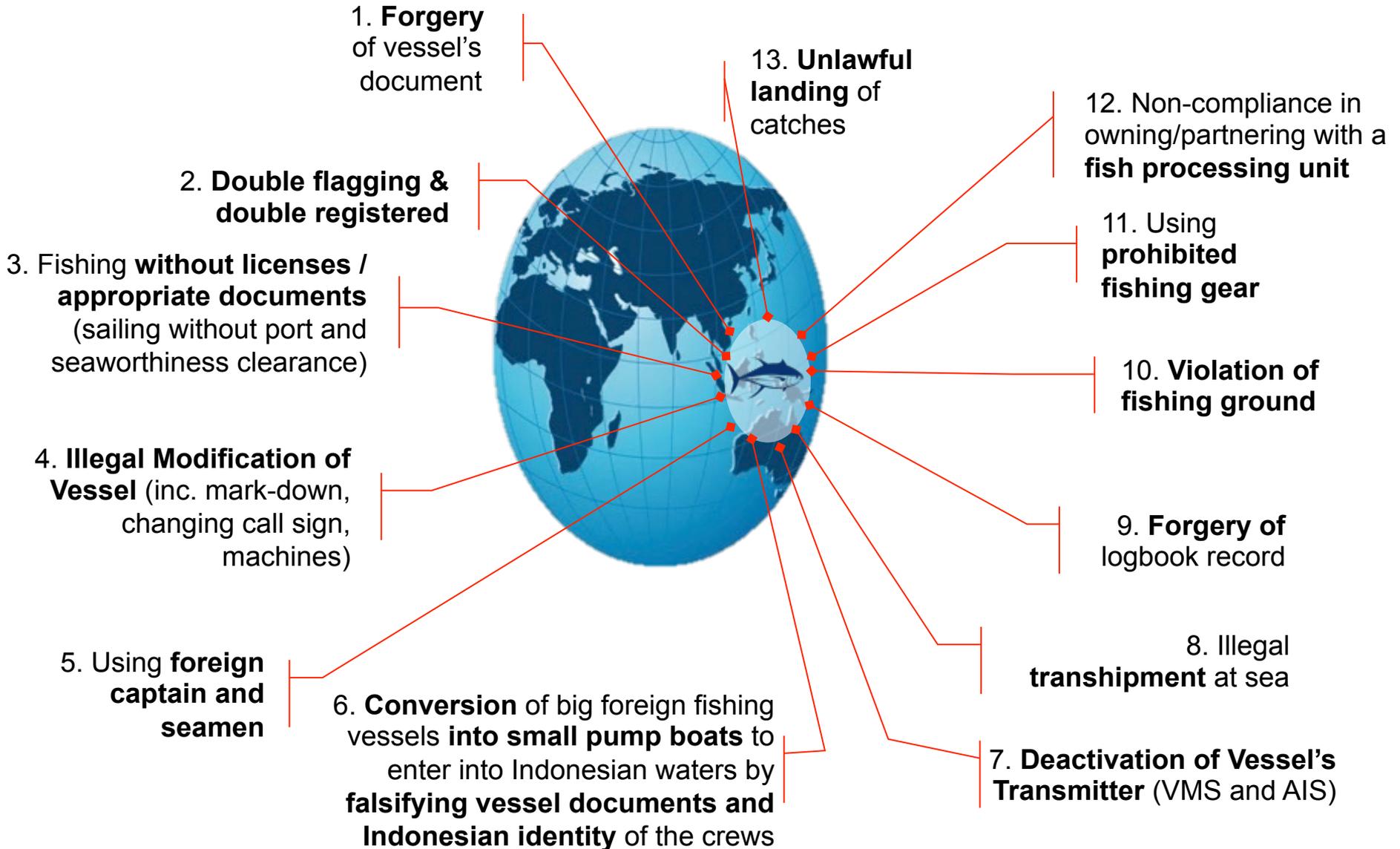
Belize

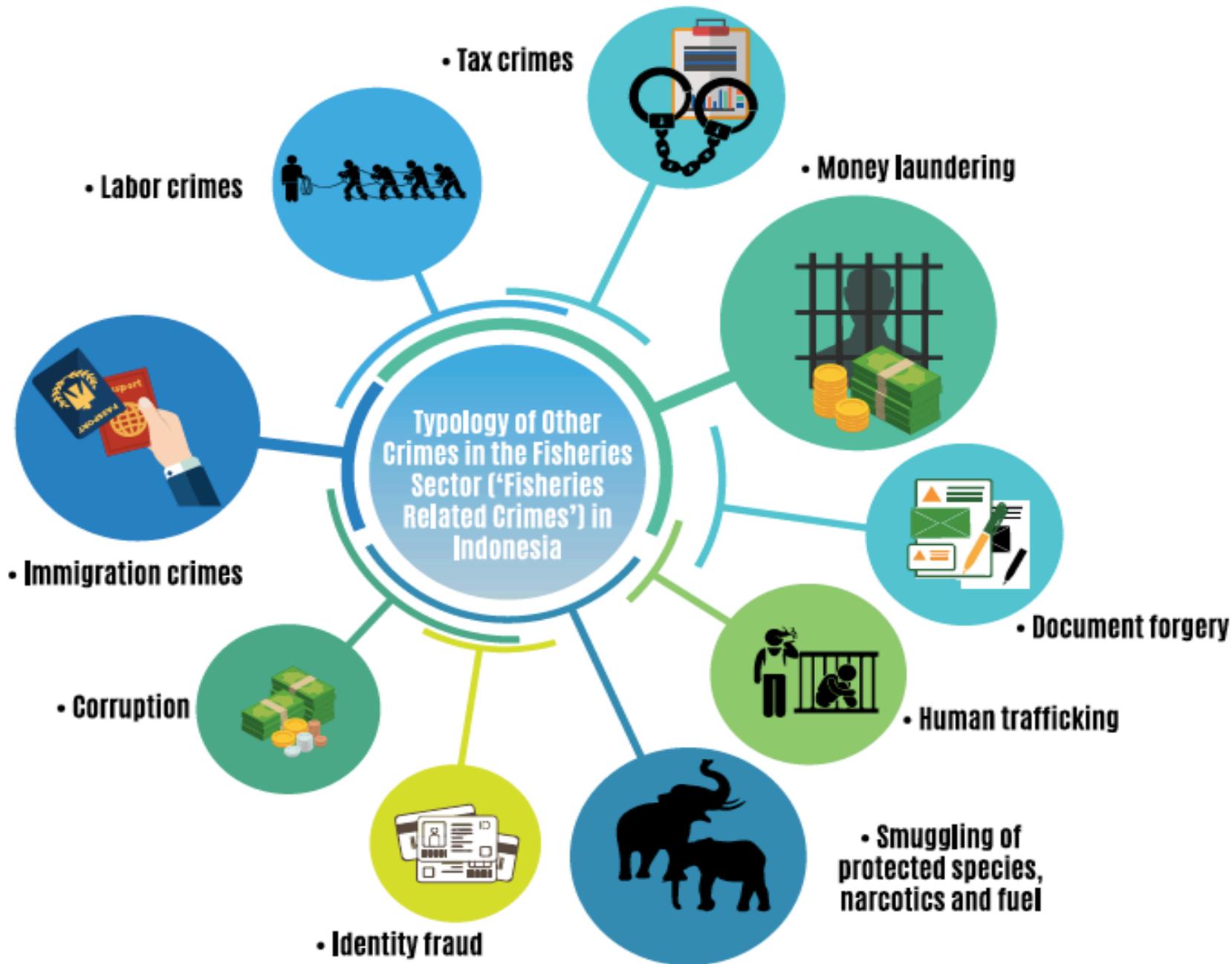


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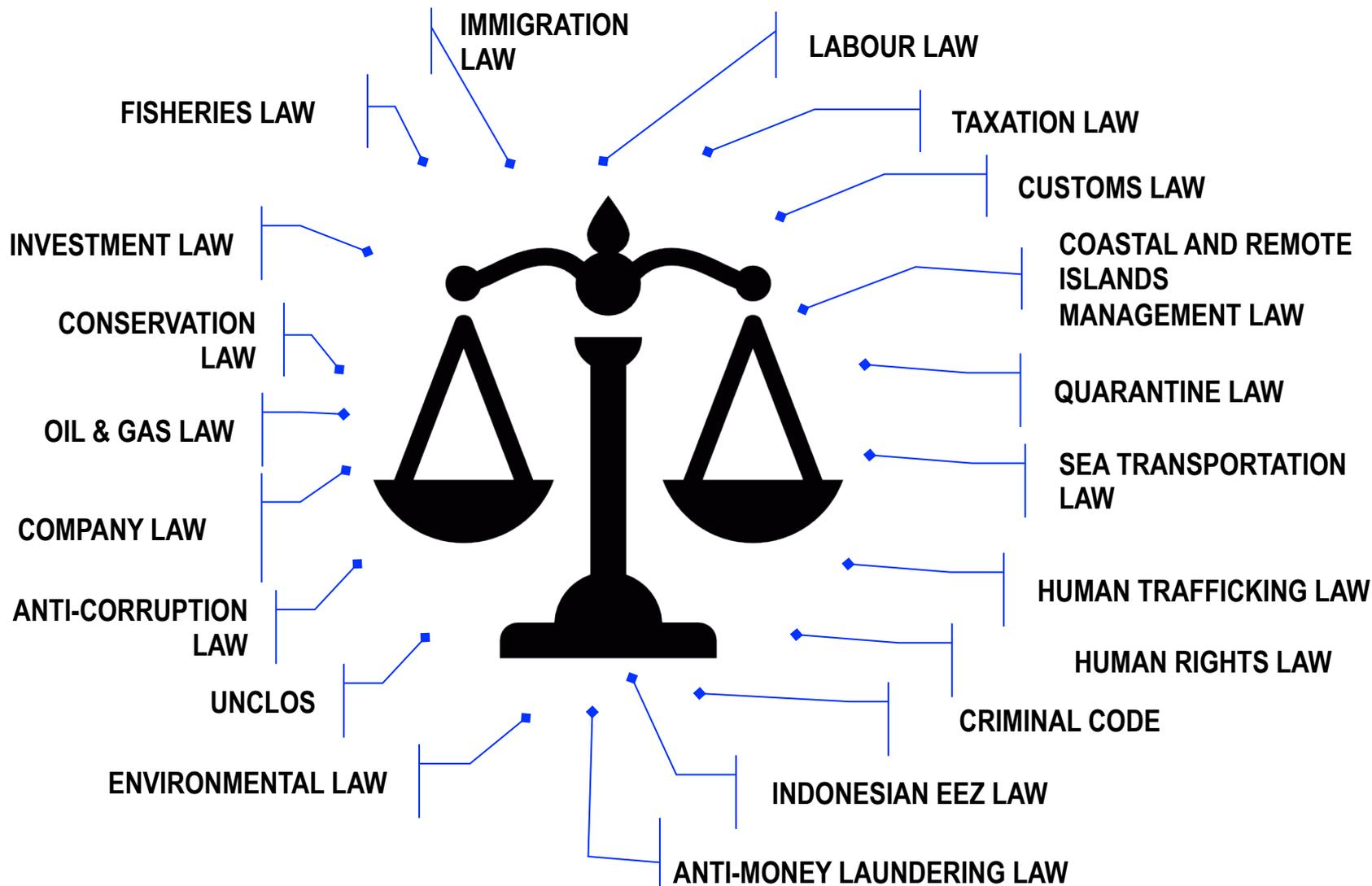
Stateless

TYPES OF FISHERIES CRIME IN INDONESIA





MULTI-DOOR APPROACH FOR FISHERIES CRIME CASES



MULTI-DOOR APPROACH

➤ Why Legal Multi Disciplinary approach for IUU Fishing enforcement?

- Crimes in marine and fishery sector is a cross-sector crime;
- Statutory limitation makes it necessary to use other regulation to capture IUU Fishing perpetrators;
- Fisheries crime usually involves money laundering, bribery and gratification, and tax evasion /fraudulence;
- Application of “*follow the suspect and follow the asset*” principle
- Punishment of the functional perpetrators in addition to the physical perpetrators

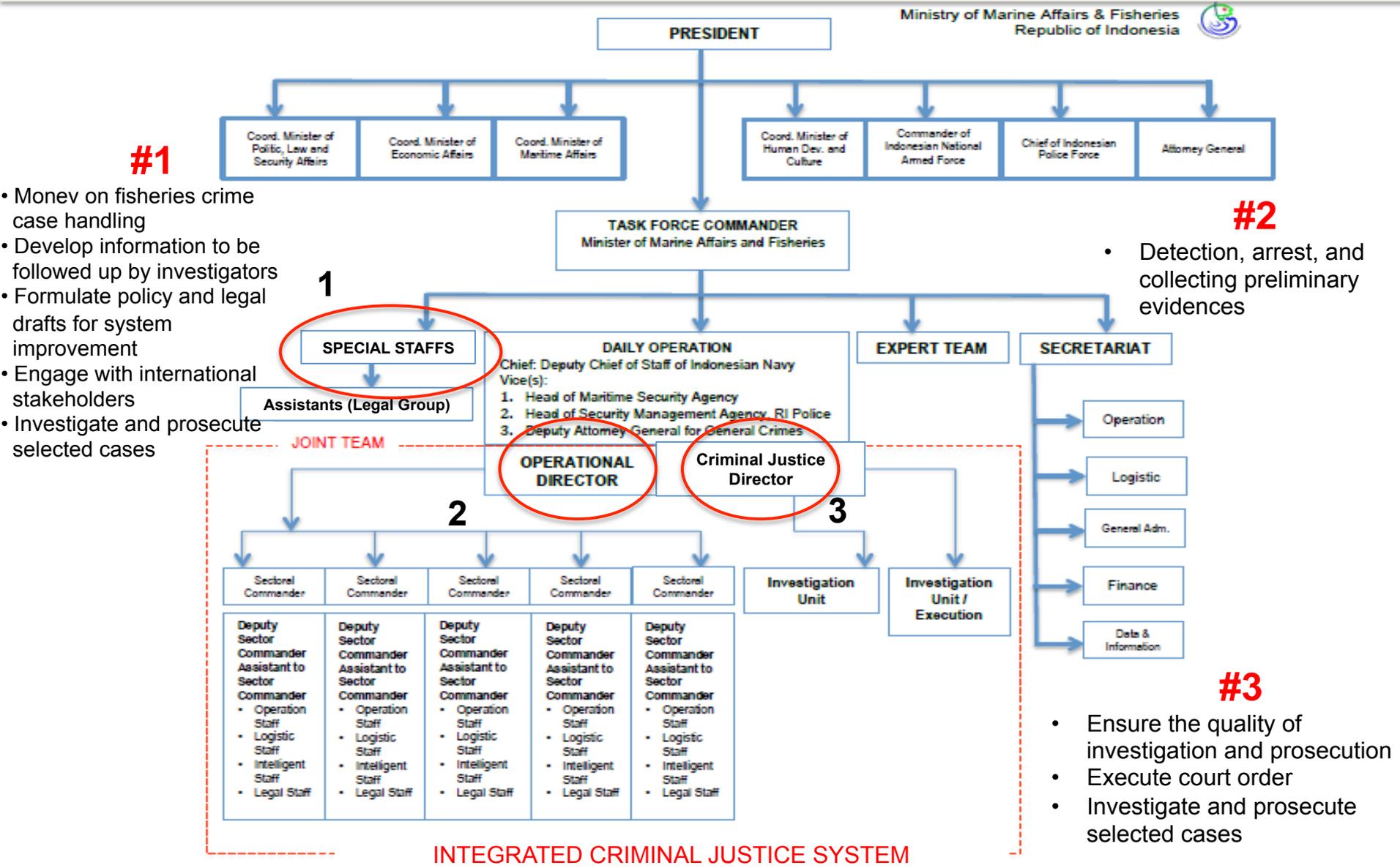
➤ Multi-door Approach Requires

- Broad perspective
- Multi-legal disciplinary
- Multi enforcement officers and institutions
- Synergized law enforcement

➤ Multi-door Approach to Combat TOC

- Utilizes multi-laws to enable effective law enforcement with proportionate sanctions (e.g. smuggling of illicit drugs in fishing vessels is prosecuted under Fisheries Law, Narcotics Law and Money Laundering Law)
-

Presidential Task Force to Combat Illegal Fishing (One Roof Enforcement System)



#1

- Move on fisheries crime case handling
- Develop information to be followed up by investigators
- Formulate policy and legal drafts for system improvement
- Engage with international stakeholders
- Investigate and prosecute selected cases

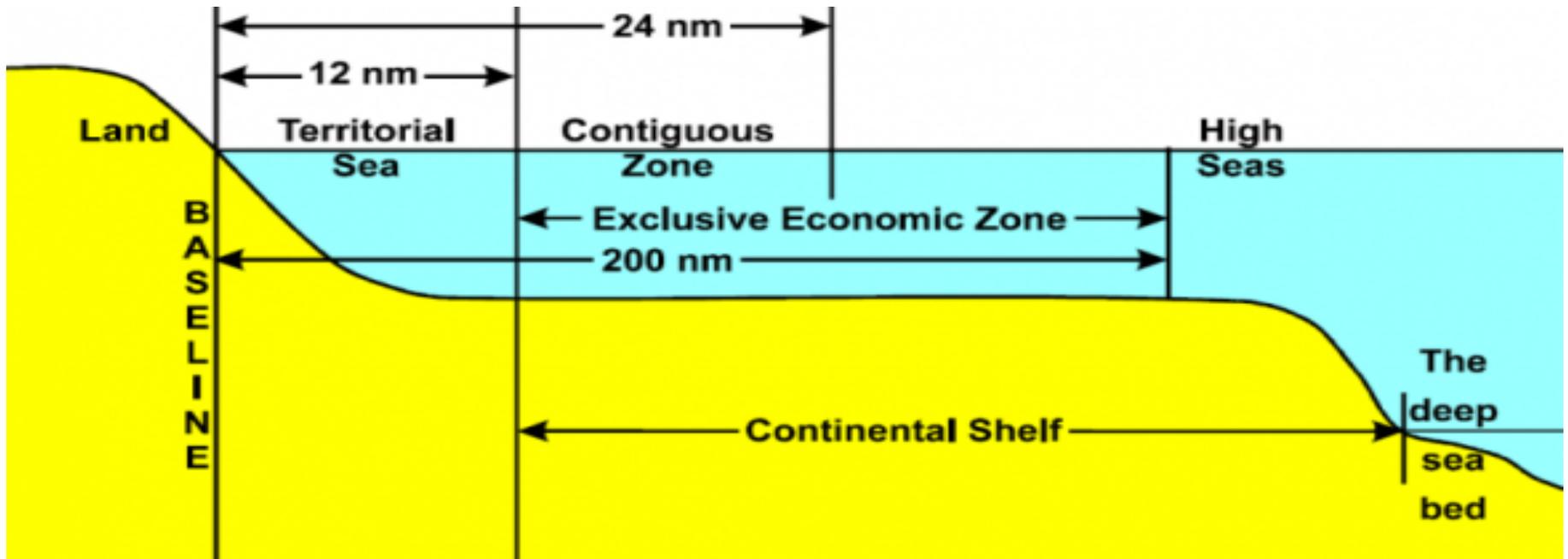
#2

- Detection, arrest, and collecting preliminary evidences

#3

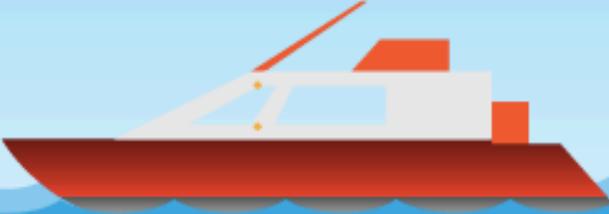
- Ensure the quality of investigation and prosecution
- Execute court order
- Investigate and prosecute selected cases

INVESTIGATION AUTHORITY



POLICE

NAVY and
Ministry of Marine Affairs and
Fisheries



**CASES IN NUMBERS: “CRIMES IN THE FISHERIES SECTOR”
SUPERVISED BY TASK FORCE 115
(UNTIL AUGUST 2017)**



Fisheries Offences
58 cases



**Providing legal aid to small-scale
fishermen**
10 cases



**Other Crimes in the Fisheries Sector/
Fisheries Related Crimes**
40 cases

PUSAKA BENJINA CASE



Violations

- Human trafficking and modern slavery
- Child labour
- Smuggling of people and goods
- Illegal transshipment
- Use of prohibited fishing gears (trawl)
- Forgery of vessels and seafarers documents
- Illegal transaction of fuel

Status and Legal Process

- 682 seafarers in Benjina became victims of trafficking
- 8 (eight) people in Benjina are in the process of prosecution (incl. companies' managers) – now the accused
- 5 (five) vessels carrying victims of trafficking have been confiscated
- Investigation is conducted for fish crimes, forgery, labour crime, immigration crime, and money laundering by the Police and MMAF investigators.

Transnational Elements in Benjina Case

- Victims of trafficking and slavery originated from various countries, e.g. Thailand, Myanmar, Lao, Cambodia, and Vietnam
- One of the owners is a company registered in British Virgin Islands that is affiliated with a Hong Kong company owned by two Thai citizens
- Most fishing vessels were built in Thailand and using at least Indonesian, Thai, and PNG flags
- Caught fishes from Indonesia and transhipped the fish in the PNG waters with a Thai reefer.





Modern slavery

An Associated Press investigation into the Thai fishing industry uncovered conditions of modern-day slavery feeding the supply chains of major U.S. stores and led to the rescue of hundreds of men.



MV VIKING CASE



Violations

- 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

Status and Legal Process

- 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 drowned on March 14th 2016 in Pangandaraan, West Java, Indonesia

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; [FV. Viking have been fined for 5.3 million Euro by the Spanish Supreme Court]
- 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.



MV Viking

Illegal Fishing Monument in Pangandaran



WAYS FORWARD TO COMBAT FISHERIES CRIME



1) Fisheries Crime modus Assessment (Identifying the Types of Fisheries and Fisheries-Related Crime)



2) Interagency collaboration and coordination



3) Facilitate the use of INTERPOL Notices



4) Intelligence data analysis - Human and Signal Intelligence incl. Open Source Information (OSI)



6) Capacity building for enforcement officers.



7) International support for enforcement operation (*Multilateral Investigative Support Team*)

INTERNATIONAL COOPERATION

RI-USA

- Provide training on Intelligence Led Enforcement Operation (ILEO)
- Provide technological assistance for intelligence information analysis
- Global Fishing Watch (GFW)



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

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



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



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



RI-AUSTRALIA

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



RI-EAST TIMOR

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



INTERNATIONAL FISHFORCE ACADEMY OF INDONESIA (IFFAI)



Establishment of IFFAI

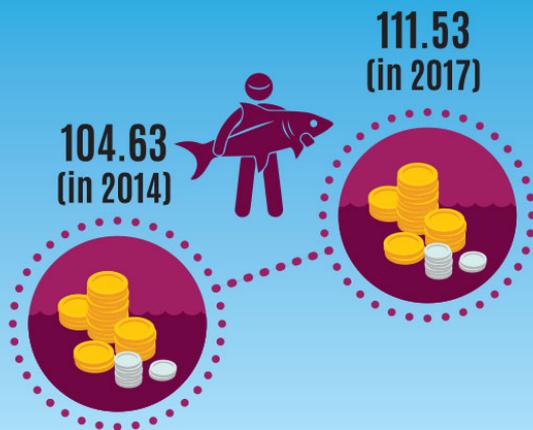
- On 3 December 2016, MMAF, Task Force 115 and Police of the Republic of Indonesia have signed an MoU which marked the establishment of Intl FishFORCE Academy of Indonesia (IFFAI)
- IFFAI is established under INTERPOL FCWG as an initiative to strengthen the ability of law enforcement officers to detect, to response and to punish fisheries crime and fisheries related crimes.
- The first IFFAI training was held on Mar 16-25, 2017 and trained investigators from National Police, Navy, and MMAF as well as prosecutors.

Objectives of IFFAI

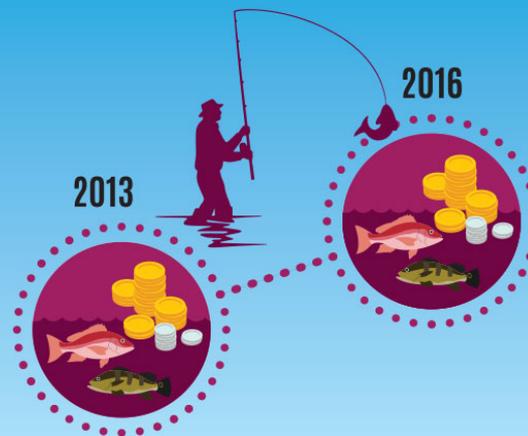
- Establish common perception within related agencies on the various enforcement issues concerning fisheries crime
- As a center to innovate breakthroughs in fisheries enforcement
- Seek colaboration with international partners to effectively combat fisheries crime and fisheries related crimes



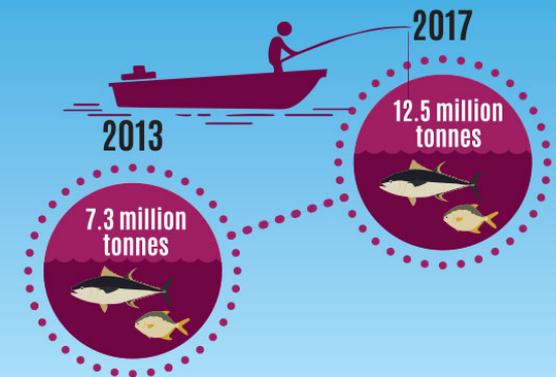
Any Contribution to the National Economy and Small-scale Fishermen?



Fishermen's Exchange Value/Terms of Trade (*Nilai Tukar Nelayan*) has consistently increased from **104.63** (in 2014) to **111.53** (in 2017).



Growth of fisheries sector has consistently been higher compared to the growth of **national GDP** from year 2013 until 2016

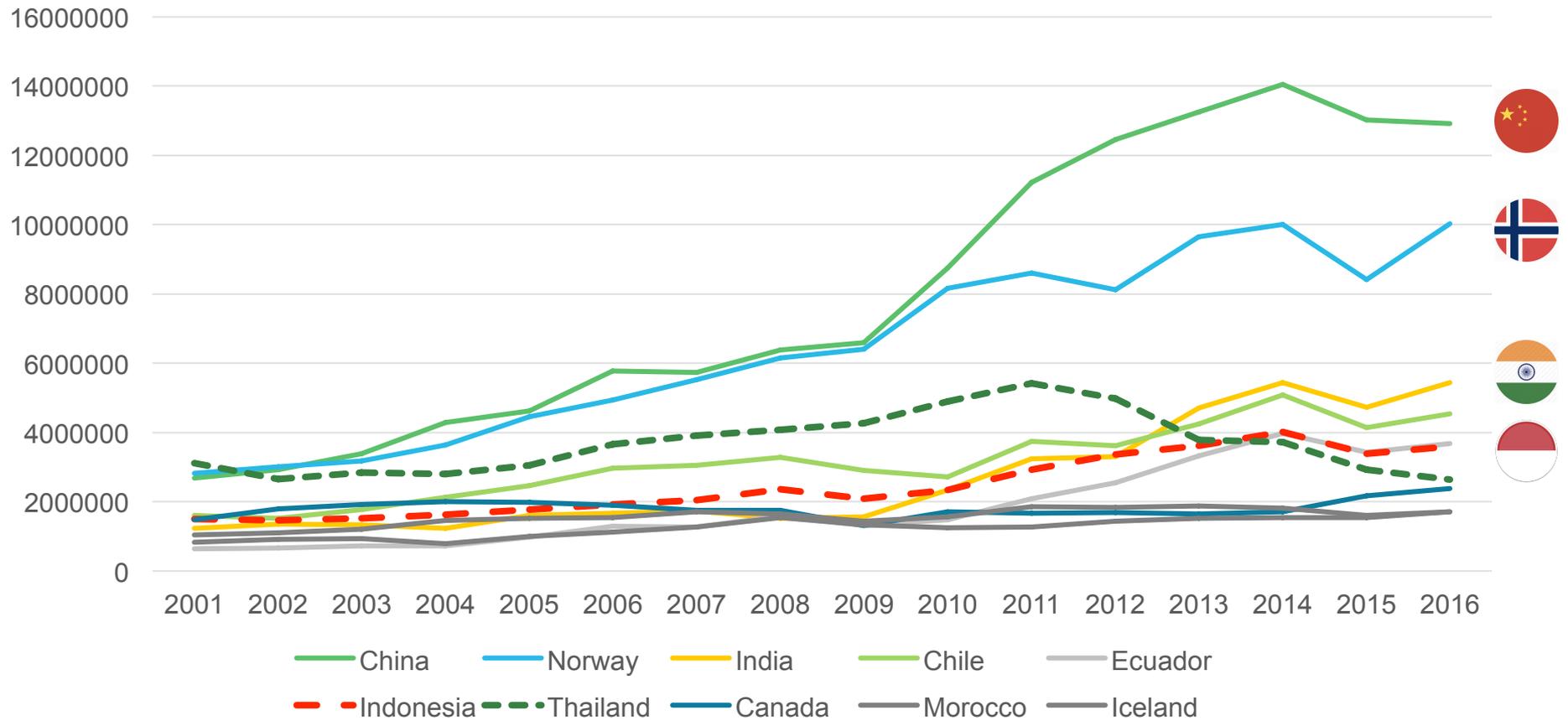


National fish stock has consistently increased from **7.3 million tonnes** (in 2013) to **12.5 million tonnes** (in 2017)

Indonesia rank 6th as Net Seafood Exporter Globally

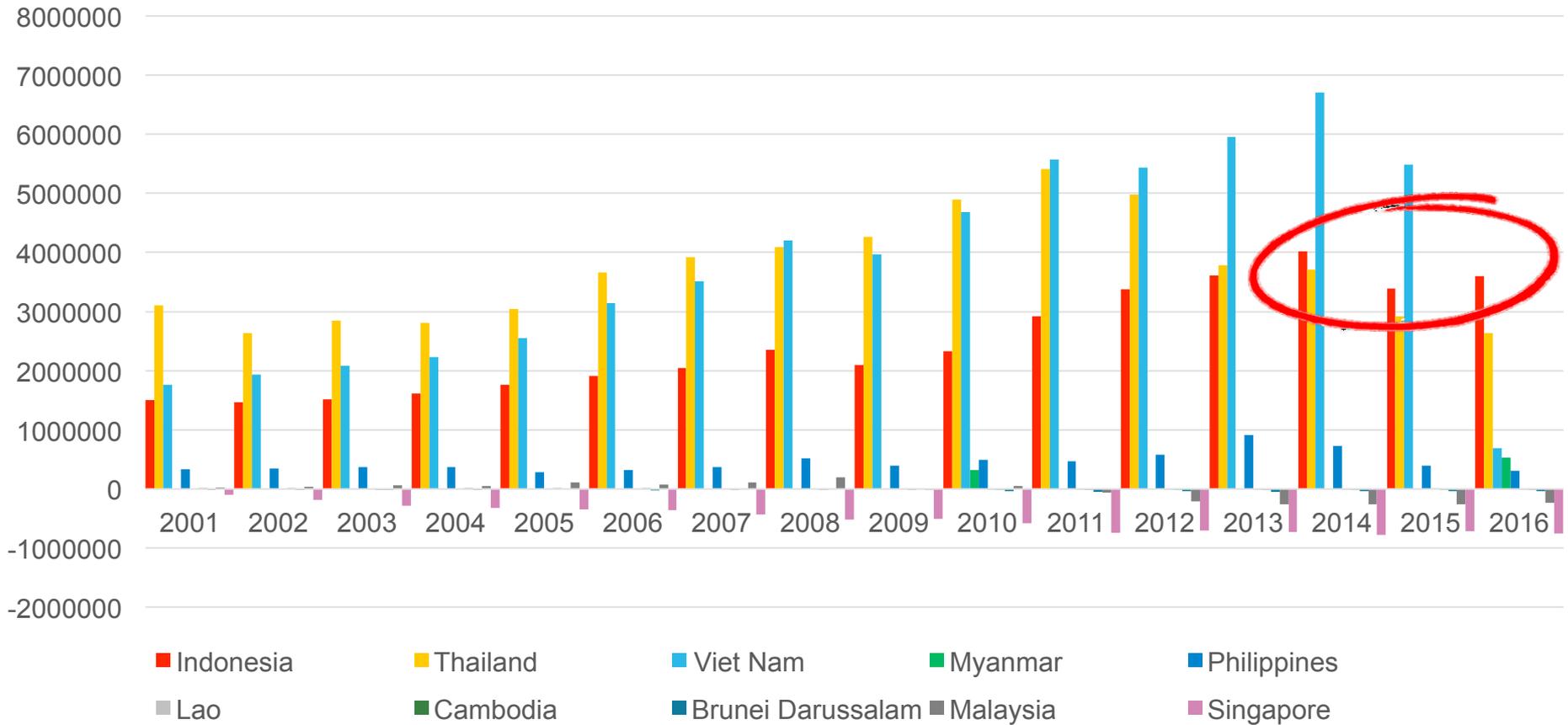
Thailand from rank 1st in 2001 to rank 7th in 2016

10 Net Seafood Exporter Globally (USD)



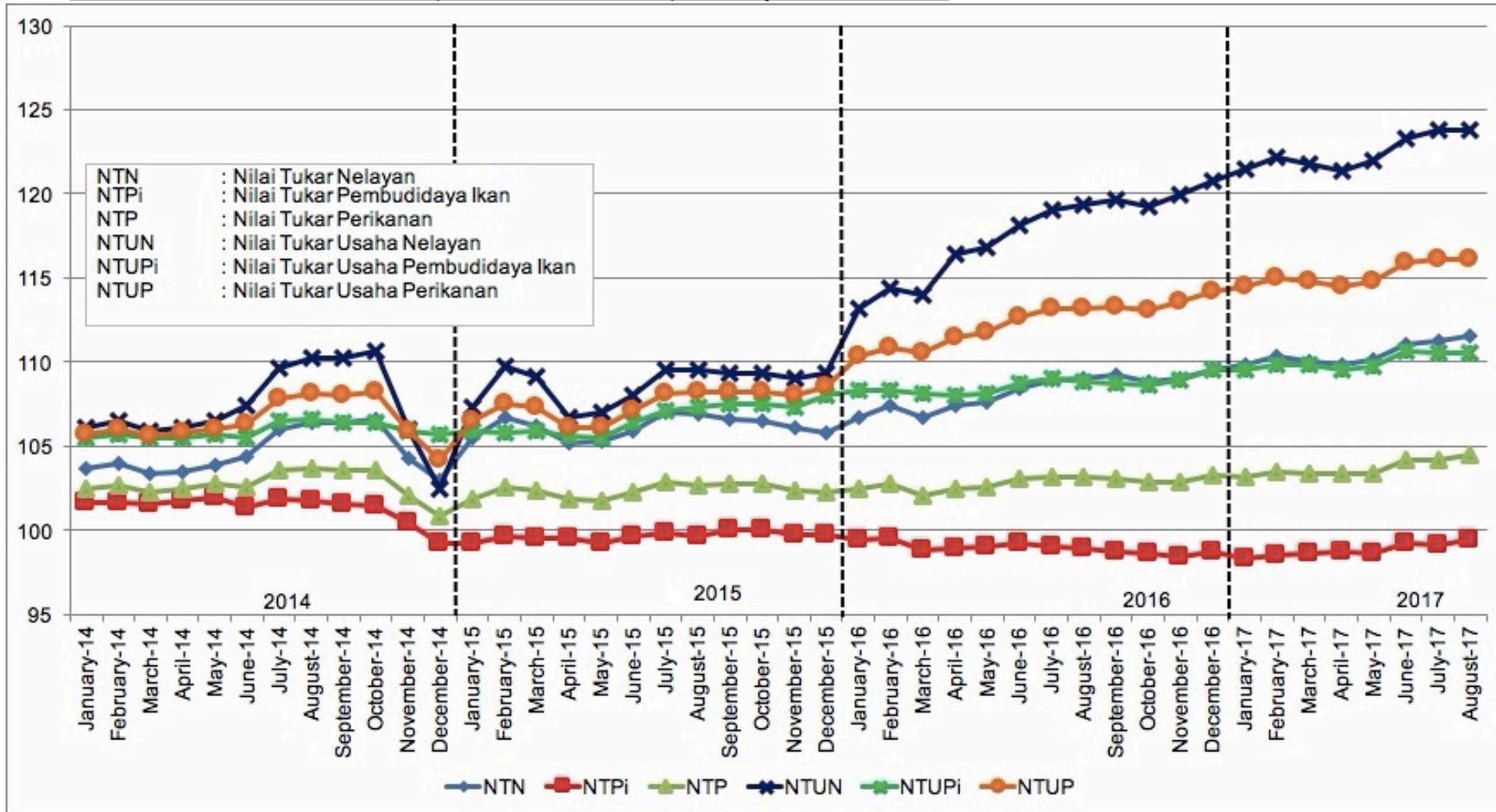
Indonesia's Seafood Trade Balance becomes No. 1 in ASEAN

Balance in Value, Seafood Products in ASEAN 2001-2016 (US\$ Thousand)



Fishermen Livelihood Improved

Terms of Trade in Fisheries Sector (*Nilai Tukar Perikanan*) Monthly from 2014-2017





The Indonesian Presidential Task Force to Combat Illegal Fishing (Task Force 115)

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