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RSIS COMMENTARIES

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Transnational Crime in the Fishing Industry: Asia's Problem?

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Synopsis

The neglected nexus of transnational organised crime and the fishing industry is a global problem, with particular relevance to Asia.

Commentary

ON 13 APRIL 2011 the United Nations Office on Drugs and Crime (UNODC) launched a report on transnational organised crime in the fishing industry. It focuses on three areas: trafficking in persons to work within the fishing industry, people smuggling and drug trafficking. There are other linkages to environmental crime, corruption and piracy. The findings have particular relevance for Asia, which accounts for 85 per cent of the world's fishers and 75 per cent of motorised fishing vessels. Southeast Asians, including children, also feature prominently among the victims of trafficking for forced labour.

Out of sight, out of mind

There are an estimated 45 million fishers worldwide. Including secondary sectors such as fish processing, the industry supports 180 million workers. The world fishing fleet consists of more than four million vessels. There are around 23,000 registered industrial fishing vessels and 740 fish carriers worldwide.

The UNODC highlights a general lack of governance and rule of law in the fishing industry, creating a climate in which transnational organised crime can infiltrate. In comparison with the international legal and regulatory framework governing the merchant marine, fishing boats and their crew are far less regulated:

- Dedicated fishing vessels are not included in the International Maritime Organisation identification number scheme;
- There is no comprehensive global register for fishing vessels, or regime governing safety and working conditions across the industry;
- Existing vessel monitoring systems focus on merchant shipping, allowing the movement and interaction of fishing vessels, including illicit trans-shipments at sea, to go undetected;
- The widespread use of 'convenience' registries makes it harder to detect and enforce against transnational crimes involving fishing vessels;

- A lack of Port State control to ensure fishing vessels conform with international regulations.

There is growing awareness of the need to close these gaps. The Food and Agriculture Organisation, for example, is currently scoping a global record of fishing fleets, and has recently introduced initiatives to extend port state controls to fisheries management.

Fishy business

The severe treatment and poor working conditions of trafficked workers in the fishing industry is a particular concern. Forced labour, physical punishments and deaths are not uncommon. The main actors in the trafficking chain are the operators, recruiters and senior crew. Fishing vessels are also used by traffickers to smuggle illegal migrants.

Drug smugglers have shipped consignments of cocaine and other drugs in frozen fish and use fishing equipment in order to avoid detection. Investigating authorities may also be reluctant to search suspect cargoes thoroughly to avoid compensation claims from spoiled fish.

The global impact of Illegal, Unreported or Unregulated (IUU) fishing is valued at between US\$10-24 billion per year. IUU activity, although not necessarily criminal or transnational, is a catalyst for transnational crime in various ways. The depletion of traditional fishing grounds encourages fishing vessels to push out to greater distances. Higher crewing costs lead operators to employ migrant workers, who are more likely to be victims of trafficking at sea. In a vicious spiral, as overfishing pushes up prices, so the financial incentives to fish illegally increase. And while fish stocks decline, the capacity of fishing fleets remains largely constant.

Overcapacity creates openings for organised crime to recruit seafarers and to use fishing vessels that can be easily adapted for smuggling, or acts of piracy. The connection between overfishing and piracy, though unproven, has been widely cited as a push factor in Somalia. Fishing vessels are themselves being targeted for use as motherships off the Horn of Africa.

Asia's problem

Southeast Asia is the principal location for trafficking persons for forced labour into the fishing industry. Thailand is the main destination country and many of those trafficked are from Myanmar, Cambodia and Laos. Thailand is also a source country for trafficking into the Malaysian and Indonesian fishing industry. As a major seafaring provider, the Philippines is targeted by recruiters. Trafficked workers may spend prolonged periods at sea, traded between fishing vessels in response to crewing requirements. Unable to escape they are de facto prisoners.

Trafficking into the fish processing industry is also commonplace. Fishing vessels are used to smuggle illegal migrants from the Middle East and South Asia through Southeast Asian waters and other destinations, although the evidence points more to ad hoc transportation arrangements than organised industry involvement.

Wider implications

In addition to the human and economic costs of transnational organised crime in the fishing industry, marine living resource crimes impact directly on food security. Aquaculture now accounts for one third of the global fish harvest, but as the demand for fish outstrips supply the involvement of organised crime in illegal fishing places more pressure on Southeast Asia's strained fisheries.

There are broader security implications too. As competition for dwindling stocks forces fishing fleets to push out further, the risk of confrontations in overlapping maritime jurisdictional claims also rises. The UNODC notes a positive trend of increased patrol and enforcement by the Malaysian authorities towards illegal fishing within Malaysian waters. However, the detention on 7 April of two Malaysian fishing boats by an Indonesian patrol vessel in a disputed area of the Malacca Strait demonstrates the potential for diplomatic fallout. Access to disputed fisheries in the South China Sea is a recurrent trigger for tensions among the many littoral states, including China and Vietnam.

The UNODC report should help raise awareness of a neglected problem on a global scale. But international agencies cannot solve the problem without the backing of member states. Closing the legal, regulatory and capacity gaps in which organised crime has embedded itself within the fishing industry will require particular buy-in and coordination from Asian governments, at the national and regional level. For ASEAN, targeting the trafficking networks that recruit many thousands of Southeast Asian nationals into forced labour in the fishing industry would be a good place to start.

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