



Discussion Document based on Blue Justice Forum webinar # 3 “The Copenhagen Declaration: Why does it matter”¹

1. Background

This discussion document is based on the third in a series of Blue Justice Forum webinars facilitated by the Blue Justice Initiative Secretariat in conjunction with the UNDP Blue Resilience project and co-hosted by the Norwegian Ministry of Trade, Industry and Fisheries.

The theme for the webinar was ‘**The Copenhagen Declaration: Why does it matter?**’

The webinar was presented by Gunnar Stølsvik, Policy Director of the Norwegian Ministry of Trade, Industry, and Fisheries

A total of 64 participants joined the webinar from 17 countries (Austria, Canada, France, Gabon, Germany, Greenland, India, Indonesia, Maldives, Norway, Philippines, Senegal, Sri Lanka, Togo, Trinidad and Tobago, United Kingdom, United States of America). The webinar was moderated by Emma Witbooi of the UNDP Blue Resilience project.

2. Topics in Focus

The Copenhagen Declaration – Historical Context

1. The concern about the possible connections between transnational organized crime and illegal fishing was first noted in the 2008 UNGA Ocean and Law of the Sea Resolution 63/112 (para 59), marking the starting point of the process leading up to the Copenhagen Declaration in 2018.
2. The resolution encouraged States to study the causes and methods of and factors contributing to illegal fishing; to increase the understanding of the possible connections between organized crime and illegal fishing; and to make the findings publicly available.
3. The resolution emphasized that, in doing so, States should bear in mind the distinct legal regimes and remedies under international law applicable to illegal fishing on the one hand and organized crime on the other.
4. Since 2008, notable policy developments at the international level leading up to the Copenhagen Declaration include:

¹ Two webinars were held on the same topic the 10 September, 8:30 and 15:00 CET.

- 2011: UNGA Ocean and the Law of the Sea Resolution 66/231, with a particular focus on human trafficking (para 104-106)
 - 2012: UNGA Oceans and the Law of the Sea Resolution 67/78 on “Trafficking in persons and forced labor on fishing vessels (Chapter IX)”
 - 2015 FAO Voluntary Guidelines on Flag State Performance – art. 2 (J) makes particular reference to mutual legal assistance (MLA) in investigations and judicial proceedings, acknowledging the need to share information in the criminal justice system
 - 2015 First International Symposium on Fish CRIME, Cape Town, South Africa
 - 2016:
 - Second International Symposium on Fisheries Crime, Yogyakarta, Indonesia
 - The Yogyakarta Recommendations – capturing the shared understanding of symposium participants on cooperative means to address fisheries crime
 - 2017:
 - Third International Symposium on Fisheries Crime, UN Building, Vienna, Austria
 - The Nordic Fisheries Crime Declaration – a regional Ministerial statement, the text of which served as a template for the Copenhagen Declaration
 - 2018:
 - Fourth International Symposium on Fisheries Crime, UN City, Copenhagen, Denmark
 - Copenhagen Declaration
5. On the research level, notable reports leading up to the Copenhagen Declaration include:
- 2011: Transnational Organized Crime in the Fishing industry – Focus on: Trafficking in Persons Smuggling of Migrants Illicit Drugs Trafficking, UNODC
 - 2013: Caught at Sea: Forced Labour and Trafficking in Fisheries, ILO
 - 2013: Evading the Net: Tax Crime in the Fisheries Sector, OECD
 - 2017: Chasing Red Herrings: Flogs of Convenience, Secrecy and the Impact on Fisheries Crime Law Enforcement, North Atlantic Fisheries Intelligence Group
 - 2019: Rotten Fish: A Guide on Addressing Corruption in the Fisheries Sector, UNODC.
6. Relevant research output since the Declaration:
- 2020: Blue Paper 16 commissioned by the High Level Panel on a Sustainable Ocean Economy entitled “Transnational Organized Crime in Fisheries Sector,” which expressly noted the value of states supporting the Copenhagen Declaration as part of political action to address organized crime in fisheries globally.

Copenhagen Declaration

7. Instigated by Norway and adopted on 15 October 2018.
8. Adopted by 8 ministers: from Faroe Islands, Ghana, Indonesia, Namibia, Norway, Palau, Solomon Islands and Sri Lanka.
9. The Declaration is not legally binding but rather a descriptive declaration of a problem – enabling relevant stakeholders to have a shared understanding of the issue at hand while stressing the need for national, regional and transnational cooperation in addressing the problem.
10. The Declaration underscores that failure to address organized crime in the fisheries sector will frustrate the achievement of the UN SDGs, in particular SDG 16 and 14.
11. It further emphasizes the importance of inter-agency cooperation at the national level and internationally to tackle the problem.
12. Today, the declaration has 28 supporting states and territories: Benin, Chile, Costa Rica, Faroe Islands, Fiji, Ghana, Greenland, Iceland, Indonesia, Kiribati, Liberia, Maldives, Marshall

Islands, Mexico, Mozambique, Myanmar, Namibia, Nauru, Norway, Palau, Philippines, São Tomé and Príncipe, Scotland, Seychelles, Solomon Islands, South Africa, Sri Lanka and Timor Leste

Yogyakarta – recommendations

(https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_26/E_CN15_2017_CRP3_e_V1703449.pdf)

The 2017 recommendations underscore:

13. The importance of investigating crimes along the entire value chain of the fisheries sector.
14. The need to use the broad range of laws available to investigate and prosecute these various crimes.
15. The value of cooperation between all relevant authorities and agencies at the national level to address fisheries crime.
16. The imperative of cross-border cooperation in international fisheries crime investigations and prosecutions.
17. The value of capacity building to strengthen law enforcement responses to address fisheries crime.
18. The importance of stimulating cross-disciplinary research to better understand fisheries crime

Copenhagen Declaration

19. The Declaration sets out a cooperative global path to work toward the fulfillment of the UN Sustainable Development Goals, particularly in relation to Goal 14 on “Life Below Water” and Goal 16 on “Peace, Justice and Strong Institutions.”
20. The Declaration is based on a need for the world community to recognize the existence of transnational organized crime in the global fishing industry. The Declaration further underscores:
 - This transnational activity includes crimes committed through the whole fisheries supply and value chain, which include illegal fishing, corruption, tax and customs fraud, money laundering, embezzlement, document fraud and human trafficking;
 - The inter-continental flow of illegal fish products, illicit money and human trafficking victims;
 - Inter-agency cooperation between relevant governmental agencies is essential at the national, regional and international levels;
 - There is a need for international cooperation, and developing countries are particularly affected; and
 - The particular vulnerability of small-island developing states and other Large Ocean Nations.

Why does the Copenhagen Declaration matter?

21. Achieving inter-agency cooperation and international cooperation requires political support and the Declaration is attracting growing political support globally.
22. The Copenhagen Declaration is the most comprehensive international political statement on this issue and is also a framework that is describing a global problem.
 - The substantive content of the Declaration backed up by research and the evidence found. It is a response to request put out in the 2008 UNGA resolution.

23. The Norwegian-initiated Blue Justice Initiative takes the operationalization of the Declaration forward in response to the express challenges developing countries are facing in addressing organized crime in fisheries.

The Blue Justice Initiative

24. Its vision is a sustainable and fair blue economy free from fisheries crime. The Initiative focuses on raising awareness, capacity building, inter-agency cooperation and international cooperation.

In sum

25. Since the concern about the possible connections between transnational organized crime and illegal fishing was first noted in the 2008 UNGA Fisheries Resolution 63/112, fisheries crime has been discussed in several international forums and studied by relevant international organizations.
26. The Copenhagen Declaration is a result of studies and the evidence found. The Declaration is the most comprehensive international political statement on the issue and is also a framework describing a global problem as a follow-up to the UNGA resolution of 2008.
27. To effectively tackle transnational organized fisheries crime, continuous high level support and awareness-raising on the issue are key.
28. The Blue Justice Initiative takes the Declaration from political level to practical level through the vision of “a sustainable and fair blue economy free from fisheries crime.”

3. General discussion (Q&A)

29. The Declaration’s non-legally binding nature does not distract from its importance as an explanatory global document that highlights agreement on the need to address the particular problem of organized fisheries crime via cooperative means. It complements binding international legal agreements on addressing organized crime globally, such as UNTOC, which include specific tools to facilitate international cooperation along the criminal procedural track. At national level states can also complement the Declaration with suitable provisions in their criminal laws.
30. The Declaration, along with broader international legal regime and processes geared at addressing international organized crime, do not contradict the international sustainable fisheries management legal regime aimed at addressing illegal, unreported and unregulated fishing: rather, they supplement it.