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Press Release

Legal Fishing and Poaching of Sharks

A situation of concern to all Timorese are the activities of illegal fishing in Timorese waters. The Ministry of Agriculture and Fisheries estimates that over the last few years, Timor-Leste has lost over \$200 million from illegal fishing. Timor-Leste's lack of capacity to provide for its maritime security and protect its natural resources has always been a concern for the leaders of the FALINTIL Timor-Leste Defense Force (F-FDTL) and the National Police of Timor-Leste (PNTL). Attempts have been made to reduce illegal fishing, however, this has tended to cause more problems than it resolves. In 2016 and the preceding years, the government of Timor-Leste allowed some companies to conduct legal fishing in Timorese waters, with the Ministry of Agriculture and Fisheries informing the media that this was a means to reduce illegal fishing. However, this failed to reduce illegal fishing, and has in fact cause more problems for the overfishing of Timorese waters.

The Chinese company Hong Long Fisheries Company Ltd, was licensed by the Timorese government through the Ministry of Agriculture and Fisheries to conduct fishing in Timorese waters on November 15, 2016. The problem has been that this company has been catching sharks, which is prohibited under Timorese law. Over the course of three months of fishing on Timor-Leste's south coast, this company caught 416 tons of fish, including 43.6 tons of sharks, using 15 fishing vessels. However, FM calculates that over this 90-day period, this fishing fleet is catching 10.9 tons of sharks a week. This is despite knowing that sharks are a protected species in Timor-Leste, and indicates a willingness to disregard Timorese law.

This is a serious infraction of Timorese law under Decree Law No.6/2004, Legal Regime for the Management and Regulation of Fisheries and Regulation. Article 157 (c) stipulates that; fishing of species whose capture is forbidden or whose weight or size is below the minimum authorized weights and sizes, whilst Article 157 (i) considers; the failure to comply with the conditions and terms established in the fishing permit. Sharks are a protected species in Timor-Leste and catching them is illegal under Timorese law.

Sanctions for serious infractions of Article 157 can range from penalties of \$500 to \$500 000. Article 161 stipulates that offences under Article 157 are punishable by fine and, cumulatively, by the suspension of the fishing permit for a period of between one to six months, and that in cases of recidivism of the offence within twelve months from the date the previous sanction was imposed, the fishing permit shall be revoked and the offender shall not be eligible for the renewal of the fishing permit or obtaining a new permit for a period of up to twenty-four months.

There is still a lack of policy for the management and administration of fisheries and protected areas, and a lack of effective monitoring. From a national security perspective, the coordination of measures to protect Timor-Leste's maritime resources is still lacking, with a National Maritime Authority not yet established. Such an authority would have the power to enforce such infractions of Timorese law. These failures only serve to embolden the actions of companies such as Hong Long Fisheries Ltd.

Recommendations

1. The investigation team formed by the Government needs to also involve criminal investigative authorities such as the Anti-Corruption Commission (CAC) and Scientific Criminal Investigation Police (PSIK) to process the fisheries company's licenses, adherence to statutes and investigation of fishing activities and catch types and limits.
2. Police criminal investigation services to conduct routine investigations of infractions that this report has identified.
3. The Ministry of Agriculture and Fisheries needs to develop policy, legislation and allocate the necessary equipment in order to develop the fisheries sector and protect maritime resources.
4. The Ministry of Defense to accelerate the creation of a National Maritime Authority (MNA) to ensure the coordination and control of Timor-Leste's maritime resources.

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