

FV “STS 50” aka “Andrey Dolgov” IMO 851477

The Last Journey of Stateless Ship

INTERPOL Secretariat General issued Purple Notice for modus operandi of fishing vessel “Sea Breeze” (IMO Number 8514772) in 2017.¹ It was reported by New Zealand and Australia government, as its stateless and crime alleged of IUU Fishing in several states and the convention area of CCAMLR. STS-50 aka Sea Breeze aka Andrey Dolgov, is considered stateless due to the false flag claimed, as it falsely flied of Cambodia flag. It has been identified to use 8 (eight) national flags, such as Sierra Leone, Togo, Cambodia, South Korea, Japan, Micronesia, Philippines, and Namibia. Its last flag was Togolese, which had been denied by the Government of Togo, as it raised case against captain of STS-50 of forgery and impersonation.

Pursuant to the Lloyd’s List Intelligence, it kept changing ownership, such as STD Fisheries Company Ltd and Red Star Company Ltd. The present registered and beneficial owners are in respectively Marine Fisheries Corporation Company Ltd and Jiho Shipping Company Limited. STS-50 was also alleged to commit transnational organized fisheries crime for a long period since its owner, Red Star Company Ltd was a Belize-based company and Belize relatively known as state that frequently provides convenience and protection organized crime enterprises, as modus operandi of impersonating beneficial owners’ identity.²

As reported by Chinese authorities, through DNA and taxonomic analysis on its five (5) containers fish of STS-50, it illegally caught Antarctic Tooth fish in the convention area of CCAMLR. In October of 2016, the Sea Breeze was on the CCAMLR non-contracting party Illegal, Unreported and Unregulated (IUU) Vessel List.³ During 2016-2018, refer to Automatic Identification System (AIS) intelligence reports, it operated actively in the general vicinity of the eastern coast of Africa. It also suspected to mislabel the caught species to avoid inspection. It had been apprehended and inspected by the Chinese authority, at Dalian Port, on 22 October 2017 and by the Mozambique authority, at Maputo Port, on 18 February 2018. Afterwards, it could escape on the day after from two different governments.⁴

¹ INTERPOL Purple Notice, Control No.: P 531/01-2017, File No.: 2017/495-1, Date of publication: 04/01/2017.

² Briquet, J & Favarel-Garrigues, G 2010, Organized Crime and States: The Hidden Face of Politics, Palgrave Macmillan US, New York, page 10.

³ Non-Contracting Party IUU Vessel List | CCAMLR <https://www.ccamlr.org/en/compliance/non-contracting-party-iuu-vessel-list>

⁴ See INTERPOL

Prior to the apprehension of STS-50, April 5, 2018, INTERPOL official notice, through National Central Bureau (NCB) INTERPOL Indonesia, proposes to board and inspect this vessel, as it navigated towards Indonesia water. It has been suspected to carry 20 Indonesian crews, as victims of human trafficking and without holding valid passports, due to being detained by Mozambique authority. The other 10 person are Russian as the Captain, Engine Master and officers. It also deployed 600 units of ready-to-use gillnet fishing gears with total length could reach up to 30 kilometers, as it targeted Antarctic Toothfish.

Coordinated law enforcements, with data supported by INTERPOL, CCAMLR, and AFMA, have stop, inspected, and apprehend the vessel by warship of KALSIMEULEU II.1-26, as it was spotted at 60 miles of Southeast Weh Island, Indonesia. It is an evidence of Indonesia commitment to combat IUUF at national and international level, in accordance to International measures of LOSC⁵ and IPOA-IUUF. Based on LOSC, article 73, the coastal State may exercise of its sovereign rights in the EEZ and take such measures to confirm compliance towards laws and regulations adopted in conformity with the Convention. As its fishing gear fully equipped, Indonesia authorities, i.e. fisheries officer, Navy and police, had applied law enforcement under National Fisheries Law⁶ since it did not have fishing license under Indonesia, as the right of coastal state to set measures of fishing license under LOSC article 62. As proven by inadequate registry documentation, Indonesia did not required to inform flag state due to its stateless.

Whilst the term of international water is not defined in LOSC, it provides useful brevity summarizing ocean space that are not amenable to claims of full sovereignty or can be relatively considered under the high sea regime.⁷ When STS-50 navigated in EEZ, it is conveniently referred to international waters. Due to indication of modern slavery of such human trafficking or labor force⁸ and its unconformity flag, refer to LOSC, article 110, a warship is justified to board a foreign ship on the high seas as it engaged in the slave trade or is without nationality or stateless. Thus, the measure taken by Indonesia warship is in compliance to LOSC and as a stateless vessel, it has no innocent passage right under LOSC article 19.

Furthermore, as STS-50 was operated in high sea, it had been violated several measures in conformity to LOSC, article 88, 91, 92, 99 and 118. It did not registered to one

⁵ Law of The Sea Convention Year 1982, as known as LOSC or UNCLOS.

⁶ Republic of Indonesia National Law of Fisheries Number 45/2009

⁷ McLaughlin, R. 2016, "Authorizations for maritime law enforcement operations", *International Review of the Red Cross*, vol. 98, no. 902, pp. 465-490

⁸ Kara, S 2017, 'Perspectives on Human Trafficking and Modern Forms of Slavery', *Social inclusion*, vol. 5, no. 2, pp. 1-2.

specific state, proven by such documentation and flied its flag as its genuine nationality, compliant to regulation of LOSC article 91 and 92. It also neglected peaceful purposes as it performs IUUF practices and violating measure of such sub regional or regional fisheries organizations, i.e. CCAMLR measures.⁹ It also suspected the transport of slaves, in such modern form of slavery.

In summary, the measures have been conducted by Indonesia, as the coastal state, in accordance to LOSC of Economic Exclusive Zone Regime and STS-50 operations can be accused under LOSC – High Seas Regime and violation of fishing measure under CCAMLR. STS-50 is only one of thousand stateless vessels that still operate in high seas at present time, exercising violating international instruments such as in fishing, labor, conservation and pollution. Hence, it requires global commitment of states to prevent and implement such measures the problems for our future ocean.

⁹ Text of the Convention on the Conservation of Antarctic Marine Living Resources, May 1980