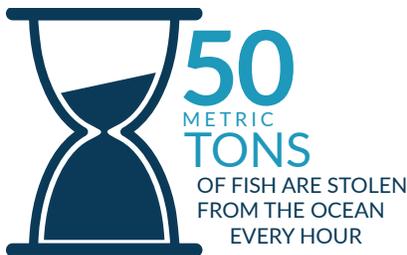


CAUGHT RED-HANDED BRIEF | SEPTEMBER 2018

CATCHING MARITIME CRIMINALS: A WHOLE-OF-GOVERNMENT APPROACH

By Robert Mazurek and Laura Burroughs

Efforts to fight illegal fishing around the world have improved rapidly in recent years. Dramatic public relations campaigns have highlighted the consequences of illegal fishing, and publicly shared global tracking of fishing vessels has exposed illegal activity. Illegal fishers are finding it more difficult to unload their catch, thanks to the recently enacted Port State Measures Agreement, which brings the fight against illegal fishing to ports around the world. But there is still a lot of work to be done: 50 metric tons of fish are stolen from the ocean every hour,¹ costing the global economy approximately \$23.5 billion each year, and illegal fishing vessels have been linked to numerous other maritime crimes and even conflict on shore.² Nations must prioritize interdiction and prosecution of illegal fishers, increase efforts to uncover associated crimes, and better understand the drivers for fisheries-related conflict. This will only happen by increasing the collection of intelligence on fishing vessels and engaging every maritime agency in enforcement efforts.



COSTING THE
GLOBAL ECONOMY

\$23.5
BILLION
PER YEAR



I. CAUGHT RED-HANDED

“ Illegal fishing is a leading cause of fisheries conflict. Illegal fishing spawns civil protests, police action, mass arrests, cross-border violence, and even armed conflict. And as growing competition over fish causes overfishing and stock decline, the risk of conflict grows ever more likely. ”

— Dr. Sarah Glaser, Secure Fisheries

Commercial fishing vessels vastly outnumber any other type of commercial vessel at sea³ and often operate undetected by authorities, as for many it is only a voluntary obligation to broadcast position data and carry international identification numbers.⁴ In recent years, a number of illegal fishing vessels have been associated with piracy, the transfer of arms and drugs, the transfer of weapons of mass destruction, the use of slave labor and indentured servitude, money laundering, fraud, terrorism, and murder.⁵

The high cost of surveillance and enforcement in the maritime domain increases developing countries' vulnerability to illegal fishing and associated maritime crimes. Maritime criminals take advantage of unpatrolled waters to steal valuable fisheries resources and conduct other illicit activities with impunity.

Government agencies with mandates to address illegal fishing, such as fisheries departments, frequently lack the resources to combat it. And those agencies that have maritime resources, such as navies, are often not mandated to focus efforts on illegal fishing. This misalignment was articulated by many state agencies in a series of workshops conducted in 2018 with Indian Ocean countries, underscoring the need for interagency collaboration to combine resources, knowledge, and experience in the fight against illegal fishing.



The Caught Red-Handed workshops were developed in collaboration with government representatives from Somalia, Seychelles, Comoros, Maldives, Kenya, Mauritius, Sri Lanka, Madagascar, Tanzania, Mozambique, and Djibouti. They focus on bringing together national maritime agencies to improve the collection of actionable human intelligence on illegal fishing vessels, improve information sharing, and advance a coordinated response to combat illegal fishing.

Participants shared unique expertise on illegal fishing and maritime conflict in a national context to catalyze interagency collaboration. But for many agency representatives, the workshops were their first time in the same room with one another. And while there are efforts to increase interagency cooperation, many agencies still operate in silos.

Many workshop participants have witnessed maritime conflict firsthand and have seen local examples of the link between illegal fishing and the smuggling of drugs or the trafficking of weapons. They also see links between illegal fishing vessels and land-based conflict, sometimes in aid of terrorist organizations.

A few recent examples include:

- In Mozambique, the fishing trawlers *Susan 1* and *Susan 2* are suspected of being part of a fishing venture with the North Korean government in violation of international sanctions. According to a 2018 investigative report by CNN, North Korea is participating in illegal fishing because “[fishing] boats are easy to move and conceal.”⁶
- Off the Yemeni coast, the Australian warship *The Darwin* intercepted an Iranian dhow that was carrying enough weapons to arm a potent ground force.⁷ Hidden in its cargo were 81 rocket-propelled grenade launchers, 1,968 Kalashnikov assault rifles, 49 PK machine guns, 41 spare machine-gun barrels, and 20 60-millimeter mortar tubes. The weapons appeared to have been offloaded in Somalia and transferred to smaller vessels for smuggling into southern Yemen.
- Illegal fishing has a long history of financing terror groups including ISIS and al-Shabaab, and the vessels have often (and increasingly) served as conduits for activity related to multiple terrorist attacks,⁸ including the infamous attack on the *USS Cole*⁹ and recent activity in the Gulf of Aden.¹⁰

While these examples garner international attention, illegal fishing is not sufficiently prioritized. In many countries, violating fishing laws is not even considered a criminal offense. As a result, enforcement of fisheries regulations is not allocated the vital resources needed for sufficient deterrence.



Weapons seized from smugglers on an Iranian dhow near Yemen's coast. Australian Department of Defense, via Small Arms Survey.



Navy officers consult a map at a maritime operations center. Jean-Pierre Larroque.

II. A GAP BETWEEN MANDATES AND RESOURCES

Participants of the Caught Red-Handed Workshops called for a reprioritization of resources and improved coordination between fisheries and non-fisheries agencies. Many believe that the state agencies that have the most maritime resources, including patrol vessels, aircraft, and satellite capabilities, need stronger mandates to fight fisheries-related crime. Workshop participants highlighted a problematic gap between agencies with capacity and agencies with illegal fishing-related mandates.

Government agencies with a mandate to address illegal fishing, such as fisheries departments, frequently lack the resources to combat it. And those agencies with maritime resources, such as navies, are often not mandated to focus efforts on illegal fishing.

For instance, Tanzania’s marine police patrol territorial waters up to 12 nautical miles, while the navy is charged with securing and patrolling the rest of Tanzania’s Exclusive Economic Zone (EEZ) out to 200 nautical miles from shore. The Tanzania Navy has ten boats of various sizes and capabilities and the marine police unit has four small boats. However, the Deep Sea Fishing Authority—the agency charged with fisheries management, licensing, and enforcement—currently has no vessels.¹¹

Kenya faces a similar problem. The Kenya Navy is the only agency with vessels that can operate beyond 12 nautical miles, but the navy’s national security mandate does not include combating illegal fishing. As a result, the Kenya Fisheries Service must rely on the navy for information collection and surveillance. Recently, the Kenya Fisheries Service obtained a patrol boat to monitor illegal fishing within the EEZ, but it is still being commissioned.

Even if navies have mandates to gather information on vessels suspected of illegal fishing, they still face gaps in knowledge and technical training that hinder their investigative capacity.¹² As a result, illegal fishers often operate one step ahead of surveillance personnel. In Mozambique, navy participants discussed how challenging it is to recognize illegal fishing because suspected vessels change their names and appearance and disable their vessel detection systems.

BARRIERS TO STOPPING ILLEGAL FISHING

HIGH COSTS OF SURVEILLANCE & ENFORCEMENT

GAP BETWEEN AGENCY RESOURCES & MANDATES

FISHING VESSELS GO UNDETECTED

LACK OF INTERAGENCY COORDINATION

State agencies in the Caught Red-Handed workshops also identified the need for training in maritime investigations to extend beyond illegal fishing inspections. As the complexity of maritime crimes increases, key maritime agencies say they are ill-equipped to conduct effective investigations. For instance, in Sri Lanka the navy is the lead agency in investigating human trafficking, drug smuggling, and illegal weapons trafficking, but they have had little coordination with the state’s national police bureau, which has direct access to INTERPOL’s global infrastructure of technical and operational support. Often this support is critical to a successful investigation. The ownership of illegal fishing vessels and the criminals themselves are frequently hidden behind complex networks of limited-liability companies, multinational crews, and “flag-of-convenience” states.



A member of the Somali armed forces, Berbera. Jean-Pierre Larroque.

III. UTILIZING INTERAGENCY COORDINATION

In the maritime realm, a single agency’s expertise is often only part of the solution. The agencies capable of patrolling a state’s EEZ—often the navies or coast guards—must be trained in collecting systematic and detailed information on suspect fishing vessels and turning this information into actionable intelligence. To act upon this intelligence, fisheries investigators need to be engaged and matched with their law enforcement counterparts trained in the investigation of organized crime, fraud, terrorism, forgery, the smuggling of drugs and arms, and other crimes. Some of these other agencies include:



NAVY/COAST GUARD

In many states the navy and coast guard have complementary roles, working across maritime domain awareness, security, defense, emergency response, and border protection. Usually one of these agencies has a mandate to fight maritime crime, including illegal fishing. Because of their patrol capabilities, they are often a country’s “eyes and ears” in the maritime space.¹³



NATIONAL POLICE BUREAUS

National police bureaus can supply trained investigators while offering an important link between the state and INTERPOL. INTERPOL supports institutionalized cooperation between national agencies and international partners, including through the establishment of National and Regional Environmental Security Task Forces (NESTs and RESTs). Through Project Scale, INTERPOL also works with member countries to address fisheries crime and all other related crimes. INTERPOL also facilitates regional and international operations to suppress crime, disrupt trafficking routes, and ensure the enforcement of national legislation.



CUSTOMS

Customs authorities also play a critical role in maritime security and investigations. Customs authorities both facilitate legal trade and intercept illegal trade in wildlife, including illegally traded fish. They work to control the state’s supply chain for goods while reducing the profitability of criminal activities. Located at larger commercial ports, customs authorities operate at a strategic point in the supply chain. The range and complexity of fish products and lack of timely documentation can create “red flags” that customs investigators can then link to other crimes.



PROSECUTORS

Prosecutors who are knowledgeable about maritime crimes are important to successful deterrence, but those with specialized training are scarce. The Indian Ocean Prosecutors Network, for which the United Nations Office of Drugs and Crime is the Secretariat, is an exception to this insufficiency. The network provides opportunities for senior prosecutors from the region to receive training on maritime crimes and discuss mechanisms for cooperation and information exchange.



JUDICIARY

The judiciary’s role in deterring illegal fishing activity is essential to fisheries management and enforcement. Strong judicial decisions that follow rule of law are more likely to attract compliance while lenient decisions are likely to promote unscrupulous fishing activity.

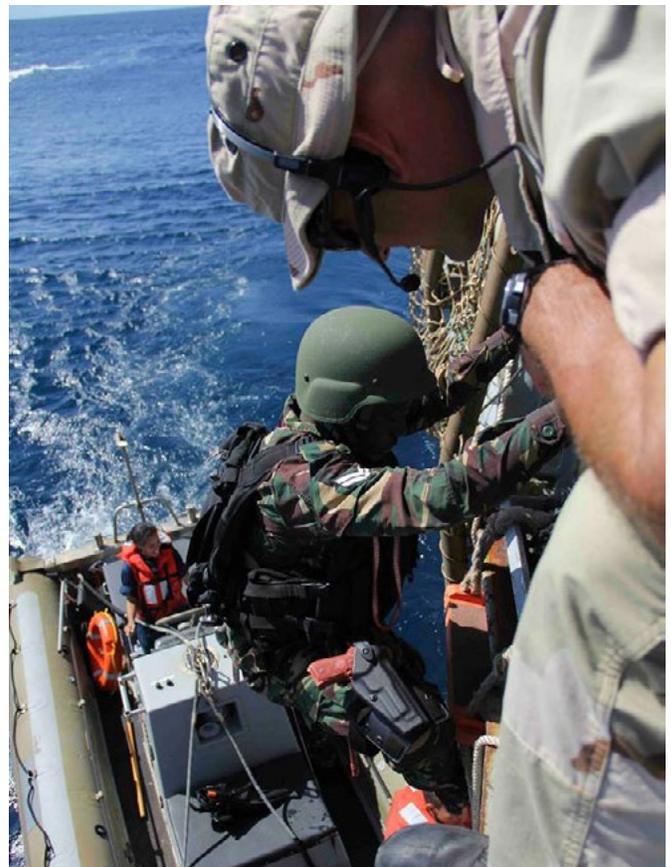


Communication between various agencies is key to a “whole-of-government” approach. Jean-Pierre Larroque.

IV. A “WHOLE-OF-GOVERNMENT” APPROACH

The fight against illegal fishing and other complex maritime crimes will require strategic partnerships and cooperation between agencies. Too frequently missing from these efforts are government policies that facilitate this cooperation and memorandums of understanding (MOUs) that cement these relationships.

Several countries participating in the Caught Red-Handed workshops offer hope. During a recent patrol in the EEZ of Seychelles,¹⁴ a Sri Lankan-flagged vessel was spotted by the Seychelles Coast Guard patrol ship *Andromache* near Mahe. A coast guard boarding team conducted an inspection and found evidence related to illegal fishing. The vessel was then escorted to Port Victoria and was handed over to the Seychelles Fishing Authority and the police. The Seychelles Fishing Authority assisted the police in gathering evidence as to the species and amount of fish found onboard the Sri Lankan vessel.



Sailors from the US and Tanzanian navy perform a boarding scenario in an international and inter-agency training event. U.S. Navy Photo by Lt. j.g. Jon Bullough/Released.

In Kenya, piracy cases catalyzed interagency coordination. A fisheries officer recently detected pirates on a fishing boat off the coast of Kenya and relayed this information to the Regional Maritime Rescue Coordination Centers in Mombasa and Dar es Salaam. This resulted in the arrest of the vessel operators, impoundment of the vessel, and confiscation of four AK-47s and 300 rounds of ammunition on board.¹⁵

In the Caught Red-Handed workshops, participating agencies have identified the need for even more interagency coordination. In Mozambique, Kenya, and Tanzania, maritime agencies also identified how the participation of additional stakeholders, including mariners, sport fishers, and industry, can increase the quantity of information about illegal fishing.

Caught Red-Handed states face significant challenges to combating illegal fishing and workshop participants emphasized the heavy toll illegal fishing takes on their economies and the livelihoods of artisanal fishers. Illegal fishing is something that many of them confront on a regular basis and have been fighting against for decades. This fight may seem futile for underfunded agencies still vying for the vessels and technology to do their jobs. However, multiagency collaboration multiplies the information and resources available to combat illegal fishing.

Caught Red-Handed has provided a venue for collaboration and information sharing, but there is still much to be done. For states to address maritime crime and conflict, illegal fishing must be prioritized, and agencies must be empowered with the resources and mandates to fight it.

The Caught Red-Handed workshops are convened and chaired by One Earth Future’s Secure Fisheries program and the United Nations Office on Drugs and Crime’s Global Maritime Crime Programme and supported by the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs and U.S. Naval Forces Africa.



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One Earth Future (OEF) is a self-funded, private operating foundation seeking to create a more peaceful world through collaborative, data-driven initiatives. OEF focuses on enhancing maritime cooperation, creating sustainable jobs in fragile economies and research which actively contributes to thought leadership on global issues. As an operating foundation, OEF provides strategic, financial and administrative support allowing its programs to focus deeply on complex problems and to create constructive alternatives to violent conflict.

SECURE FISHERIES

securefisheries.org  

Secure Fisheries is a program of One Earth Future. Secure Fisheries works with local, regional, and international stakeholders to strengthen fisheries governance, combat illegal fishing, and promote sustainability in fragile and post-conflict regions as a pathway towards greater peace and stability.

CONTACT US

 303.533.1715

 info@oneearthfuture.org

 525 Zang St. Broomfield, CO 80021



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