



INTERPOL

ENVIRONMENTAL SECURITY SUB-DIRECTORATE
PROJECT SCALE



STUDY ON FISHERIES CRIME IN THE WEST AFRICAN COASTAL REGION

September 2014

Acknowledgements

The INTERPOL Environmental Security Sub-Directorate (ENS) gratefully received contributions for the contents of this study from authorities in the following member countries:

- Benin
- Cameroon
- Cape Verde
- Côte d'Ivoire
- The Gambia
- Ghana
- Guinea
- Guinea Bissau
- Liberia
- Mauritania
- Nigeria
- Senegal
- Sierra Leone
- Togo

And experts from the following organizations:

- Environmental Justice Foundation (EJF)
- European Commission
- Fisheries Committee for the West Central Gulf of Guinea (FCWC)
- Hen Mpoano
- International Monitoring, Control and Surveillance (MCS) Network
- International Maritime Organization (IMO)
- Maritime Trade Information Sharing Centre for the Gulf of Guinea (MTISC-GoG)
- Norwegian Agency for Development Cooperation (Norad)
- Norwegian National Advisory Group Against Organized IUU-Fishing
- The Pew Charitable Trusts
- Stop Illegal Fishing
- Sub-Regional Fisheries Commission (SRFC)
- United States Agency for International Development / Collaborative Management for a Sustainable Fisheries Future (USAID / COMFISH)
- United Nations Office on Drugs and Crime (UNODC)
- World Customs Organization (WCO)
- World Bank

This study was made possible with the financial support of the Norwegian Ministry of Foreign Affairs.

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Acronyms

AfDB	African Development Bank Group
AFIS	Automated Fingerprint Identification System
AFRICOM	United States Africa Command
AIS	Automatic Identification System
AMLEP	Africa Maritime Law Enforcement Partnership
ANAM	<i>Agence Nationale des Affaires Maritimes, Senegal</i>
APS	Africa Partnership Station
BCSAP	<i>Brigade de Contrôle et de Surveillance des Activités de Pêche, Cameroon</i>
BNF	Bureau of National Fisheries, Liberia
CAMFA	Conference of African Ministers of Fisheries and Aquaculture
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCLME	Canary Current Large Marine Ecosystem
CIDA	Canadian International Development Agency
CIPA	Centre for Applied Fisheries Research, Guinea Bissau
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CNSP	<i>Centre National de Surveillance et de Protection des Pêches, Guinea</i>
COFI	FAO Committee on Fisheries
COREP	Regional Commission of Fisheries of the Gulf of Guinea
CRIMGO	Critical Maritime Routes in the Gulf of Guinea
DAFF	Department of Agriculture, Forestry and Fisheries, South Africa
DGAMP	<i>Directeur Général des Affaires Maritimes et Portuaires, Côte d'Ivoire</i>
DNPM	<i>Direction Nationale de la Pêche Maritime, Guinea</i>
DPH	<i>Direction des Pêches Halieutiques, Côte d'Ivoire</i>
DSPCM	<i>Délégation à la Surveillance des Pêches et au Contrôle en Mer, Mauritania</i>
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EEZ	Exclusive Economic Zone
EJF	Environmental Justice Foundation

ENRTP	Environment and Sustainable Management of Natural Resources including Energy
ENS	INTERPOL Environmental Security Sub-Directorate
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FCWC	Fisheries Committee for the West Central Gulf of Guinea
FCWG	INTERPOL Fisheries Crime Working Group
FISCAP	National Fisheries Inspection and Control Service, Guinea Bissau
FMC	Fisheries Monitoring Center
GDP	Gross Domestic Product
GGC	Gulf of Guinea Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICIS	INTERPOL Criminal Information System
IEZ	Inshore Exclusion Zone
ILO	International Labour Organization
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IPOA	International Plan of Action
IRT	Incident Response Team
IST	Investigative Support Team
IUU	Illegal, Unreported and Unregulated fishing
JMC	Joint Maritime Committee, Sierra Leone
MAEP	<i>Ministère de l'Agriculture, de l'Élevage et de la Pêche, Bénin</i>
MCS	Monitoring, Control and Surveillance
MCSCC	Monitoring, Control and Surveillance Coordination Center
MCSD	Monitoring Control and Surveillance Division, Ghana
MEA	Multilateral Environmental Agreement
MFMR	Ministry of Fisheries and Marine Resources, Sierra Leone
MINEPIA	<i>Ministère de l'Élevage, des Pêches et des Industries Animales, Cameroun</i>
MoU	Memorandum of Understanding
MRAG	Marine Resources Assessment Group

NAP	National Action Plan
NAVAF	United States Naval Forces Africa
NCB	INTERPOL National Central Bureau
NEPAD	New Partnership for Africa's Development
NEST	National Environmental Security Task Force
NFDS	Nordenfjeldske Development Services
NM	Nautical Miles
PAG	Pirate Action Group
PSC	Port State Control
PSMR	Port State Measures Resolution
RFB	Regional Fisheries Body
RFMO	Regional Fisheries Management Organization
ROP	Regional Observer Programme
SEAFO	South East Atlantic Fisheries Organisation
SICOSAV	<i>Service d'Inspection et de Contrôles Sanitaires Vétérinaires en Frontières, Côte d'Ivoire</i>
SIF	Stop Illegal Fishing
SRFC	Sub-Regional Fisheries Commission
TCU	Transnational Crime Unit
UK MMO	United Kingdom Marine Management Organisation
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USD	United States Dollars
VMS	Vessel Monitoring System
WACI	West Africa Coast Initiative
WAPIS	INTERPOL West African Police Information System Programme
WARFP	West Africa Regional Fisheries Program
WCO	World Customs Organization

Executive Summary

Illegal fishing and associated criminal activities, also known as fisheries crime, undermine the sustainability of marine living resources, and threaten the economic, social and political stability of coastal communities, especially in West Africa where small-scale or artisanal fishermen depend on sustainable near-shore fisheries for their source of revenue and survival.

The INTERPOL Environmental Security Sub-Directorate, through its Project Scale, supports and assists member countries in the effective enforcement of national and international fisheries laws and treaties. Fisheries crime in West Africa is truly transnational in its scope and extends across many crime types. This report gives key recommendations for an international law enforcement response to this complex crime among the 190 INTERPOL member countries.¹ It aims to guide INTERPOL's engagement on fisheries crime in this region, as well as globally, and inform the INTERPOL Fisheries Crime Working Group (FCWG) on avenues of engagement.

The information used to develop this report consisted of a review of open sources together with consultations with the INTERPOL National Central Bureaus (NCBs) and other law enforcement agencies that oversee the harvest and trade in marine products, as well as the monitoring, control and surveillance (MCS) of national waters, and other experts from non-governmental and international organizations active in fourteen West African member countries.

This report identifies major *modi operandi* enabling illegality in the fisheries sector in West Africa and the types of criminality that facilitate or accompany this illegality. It includes select cases that exemplify the types of illegality and criminality affecting the fisheries sector in West Africa. The common *modi operandi* identified in this report are:

- Surveillance avoidance, such as interfering with electronic monitoring systems and intentionally obscuring vessel markings and identity;
- Transshipment at sea which can facilitate the laundering of illegally caught fish by transferring catch to cargo vessels which then offload at distant ports;
- Abuse of vessel registries within the region and elsewhere to facilitate illegal fishing activities globally (exacerbated by the lack of transparency in most vessel registries);
- Licensing abuses such as fishing with fraudulent licenses (also exacerbated by the lack of transparency in the issuance of licenses in the region);
- Collusion with the artisanal sector, including illegal transshipment from artisanal to industrial fishing vessels;
- Industrial vessels fishing illegally in artisanal fishing zones.

Fisheries crime encompasses more than solely illegal fishing or other aspects of illegal, unregulated, and unreported (IUU) fishing, which is defined under several international agreements. For the purpose of this study, INTERPOL looked at all types of illegality and criminality that facilitate or accompany illegal fishing activities but reach beyond the traditional definition of illegal fishing. Corruption was identified repeatedly as a significant aspect of fisheries crime in the region. Customs fraud also facilitates illegal fishing, impacts tax revenues and poses a risk to public health. Furthermore, there is increasing evidence of individuals trafficked for forced labor to work on legal or illegal fishing vessels and of fishing vessels utilized to hijack other vessels in acts of piracy. For a law enforcement response to be wholly effective, there is a need to adopt an integrated approach to

¹ INTERPOL's global presence in Africa, the Americas, Asia and the South Pacific, and Europe: <http://www.interpol.int/Member-countries/World>.

fisheries crime, targeting diverse crime types in the fishing industry together and avoiding tunnel vision initiatives. Not least because the wide range of criminal activities that support illegal fishing are frequently beyond the response capacity of the fisheries authorities that are traditionally tasked with responsibility for the enforcement of fisheries rules. Many violations will only be detected at ports, border crossings, or in the review of documents as part of international trade. The agencies most likely to see evidence of these violations are not fisheries or Coast Guard officers but representatives of customs, health, and other border agencies that are not usually familiar with the nature and modus operandi of fisheries crime.

This report includes an overview of the many international and regional organizations and initiatives actively targeting fisheries crime in West Africa which are significantly supporting and developing the local capacity to address the issue. It is recommended that future efforts involve collaboration and cooperation to avoid a duplication of effort. It is necessary to share information and to work with a global mind-set to be effective. Additionally, training and capacity building events organized should include subsequent investigation of offenses at sea and subsequent investigations conducted after seizures, including information on possible violations in the waters of other coastal nations.

A summary of current issues and initiatives is provided for each of the fourteen countries in this report. This includes relevant agencies, current capacity, needs and gaps identified, and the law enforcement response to fisheries crime in individual countries. The limited capacity of many coastal states in West Africa to effectively patrol and monitor their waters is indicated, but numerous examples of effective prosecution of fisheries crime in the region are also outlined. It is recommended that agencies and national governments share information and resources, and coordinate surveillance through more efficient use of existing capabilities. The lack of coordination and communication among agencies and countries permits those engaged in fisheries crime to circumnavigate international and national laws. Law enforcement authorities often experience difficulty in even identifying when vessels are fishing illegally due to the lack of transparency and communication regarding registries and licensing. Recognizing the global and mobile nature of this crime, communication across agencies and between countries needs to be facilitated to prevent, investigate, and prosecute it.

INTERPOL is well placed to assist countries in facilitating law enforcement efforts to communicate, investigate and respond. Existing INTERPOL tools and services such as I-24/7 - the secure global police communications system - notices, and capacity building for law enforcement, as well as initiatives such as the National Environmental Security Task Force (NEST) and the Fisheries Crime Working Group, have proven ability to assist countries in enhancing their response to fisheries crime.

Key Recommendations

(1) Reinforce cooperation and coordination

Foster close relationships between the INTERPOL National Central Bureaus and other specialized national law enforcement agencies, such as fisheries authorities, Coast Guards, customs, and port authorities;

Recognize the links between fisheries crime and other crime types (such as human trafficking) in the law enforcement response, in order to avoid duplication of efforts, increase efficiency and create an enhanced combined response;

Foster relationships among relevant authorities and encourage inter-agency cooperation at the national level;

Explore opportunities within and between national governments for agencies to exchange information and data in line with applicable national and international rules, share resources and coordinate surveillance through more efficient use of existing assets;

Support engagement of different types of law enforcement from the West African region in the INTERPOL Fisheries Crime Working Group;

(2) Enhance information sharing

Encourage information sharing among countries to improve law enforcement response and create an accurate and relevant overview of the global situation;

Engage with different international stakeholders to help avoid duplication of efforts, especially as they relate to capacity building, training and other activities;

Explore opportunities for sharing of vessel monitoring system (VMS) data or other surveillance information in cases of presumed illegal activities to allow for easier follow-up and adequate sanctioning of these activities and enhanced maritime domain awareness;

(3) Raise awareness

Increase awareness of some types of illegal fishing as a form of transnational and organized crime;

(4) Support to other organizations and member countries

Support countries in updating INTERPOL notices on illegal fishing activities and regularly bring up to date fisheries law enforcement agencies on the activities of suspected vessels;

Provide support to the maritime forces of INTERPOL member countries that are assisting fisheries enforcement operations of coastal states to offer investigative support and to provide specialized training and analysis;

(5) Transparency

Encourage and support countries in developing secure and transparent fishing licence and registry systems in line with applicable international rules that can provide swift verifications by a competent authority in response to law enforcement inquiries;

Work with other international organizations and member countries to establish best practices for licensing, including transparency on the elements of a valid license;

Encourage public access to all fisheries legislations to enable global law enforcement to swiftly identify possible breaches of law;

Increase transparency on roles of anti-corruption units and INTERPOL support for encouraging their use in fisheries and other natural resource areas.

In most of the study countries, the basic technological infrastructure exists in the form of public government information services. These could host transparent fishing vessel registration and licensing regimes, and publish primary legislation and public bulletins if the

commitment to do so existed. However, there are significant financial challenges in the development of more sophisticated supporting infrastructure for fisheries management and governance overall, not least of which is the establishment of secure government e-mail addresses, including single points of contact for the relevant departments rather than the use of webmail accounts which are readily “hacked”.

1. Introduction

The INTERPOL Environmental Security Sub-Directorate, through its Project Scale, has developed this study on fisheries crime in West Africa. The study took the form of a review of open sources, combined with information received from member countries, organizations, experts and stakeholders active in the region, and other bodies which maintain information. Some of this information was provided by means of the INTERPOL Workshop on Fisheries Crime in the West African Coastal Region, held on 15 and 16 May 2014 at the INTERPOL Regional Bureau for West Africa in Abidjan, Côte d’Ivoire. The two-day discussions addressed current national and international initiatives in fisheries law enforcement, regional cooperation in the fisheries sector and national maritime security. In addition, ENS collected information through interviews, information exchanges and country visits.

The topics covered in the study are:

- Current national and international initiatives to address fisheries crime in West Africa;
- Primary *modi operandi* of illegal fishing operators in the region;
- Links to other crime areas that support or accompany fisheries crime;
- Needs and gaps identified by member countries and experts;
- Recommendations on the use of INTERPOL’s tools and services and the INTERPOL Fisheries Crime Working Group in supporting the efforts of member countries in the region.

Structure

The report provides a brief introduction to the external influences active in the region from foreign maritime forces and international organizations, followed by a brief discussion of each of the six most widespread *modi operandi* used by national and foreign fishermen in the region to (a) fish illegally, (b) evade detection by authorities and (c) circumvent loopholes in national legislation. Some specific examples were provided by member countries and organizations that best illustrate the different *modi operandi*. After highlighting the method of operation specific to illegal fishing, the report summarizes the crossover illegal activities that authorities identified most frequently as being tied to fishing activities, whether legal or illegal.

Furthermore, an overview is provided of the current initiatives in place in each of the West African member countries, and the activities and roles of relevant international, regional and non-governmental organizations identified as being active in the region, on issues related to illegal fishing.

Scope

The geographic scope of the report is the West African coastal region, INTERPOL member countries from Mauritania in the North to Cameroon in the South.



Figure 1: Countries included in the study

- | | |
|-------------------|-------------------|
| (1) Benin | (8) Guinea Bissau |
| (2) Cameroon | (9) Liberia |
| (3) Cape Verde | (10) Mauritania |
| (4) Côte d'Ivoire | (11) Nigeria |
| (5) The Gambia | (12) Senegal |
| (6) Ghana | (13) Sierra Leone |
| (7) Guinea | (14) Togo |

There exists a natural nexus between the work of government agencies, civil society, and international, regional and local organizations in addressing illegal fishing and associated violations or crimes. This report highlights the activities of a few organizations and programs active in the region, specifically those (a) having a law enforcement and investigative component related to fisheries monitoring, control and surveillance, and search and seizures, or (b) working closely with government agencies that enforce laws and regulations relating to the harvest and trade in marine products. Given the wealth of programs and organizations active in the region, this is by no means a comprehensive list, but it provides some examples of the types of activities already being conducted that should be taken into account prior to any new activities in the region.

2. Modi Operandi

The following section introduces the concepts of several modi operandi common in fisheries crime, such as: surveillance avoidance, transshipment, abuse of vessel registries, licensing abuses, interactions with artisanal vessels and sisterships.

2.1 Surveillance Avoidance

Vessels engaged in illegal fishing employ different techniques to avoid surveillance and detection by law enforcement. These include interfering with electronic monitoring systems, and intentionally obscuring vessel markings and identity. These techniques exacerbate the difficulty of law enforcement to monitor, identify and prosecute illegal activity by fishing vessel operators.

Automatic identification systems (AIS) and VMS enable authorities to track and monitor the location of fishing vessels, but both systems can be manipulated to evade detection. Avoidance techniques for both systems include entry of false or simulated data, and several methods of deliberate disablement in an attempt to be invisible to authorities.

AIS is a collision avoidance tool which transmits a vessel's position on radio frequencies intended for bridge-to-bridge radio communications. Information from AIS is publically available and can be picked up by some commercial satellite providers as well as by land stations. Unlike VMS, AIS is not usually intended for enforcement of fisheries regulations, with a few exceptions like the European Union (EU) Regulation establishing a community control system.² Because of its purpose of enhancing the safety of life at sea, AIS data is more widely available from open sources.

VMS is traditionally used by fisheries regulatory bodies to monitor the position, time at position, course and speed of fishing vessels. It is a key part of monitoring, control and surveillance programs at national and international levels. VMS data is either based on satellites for global coverage or mobile phone technology for near-shore applications. Access to VMS information is generally limited solely to government authorities in flag or coastal states. Even though most coastal states require by law that vessels have VMS installed, many vessels fishing in the region do not have VMS or interfere with the system to evade detection. Since competent authorities know that vessels are required to be transmitting on VMS, the absence of a VMS signal highlights vessels as unusual and worthy of investigation if a patrol asset sighted the vessel and was able to verify its VMS signal. This corroboration of VMS with sightings requires collaboration between the authority engaged in patrol and the authority responsible for the VMS; this lack of communication is an impediment in many states with VMS.

Available counter measures for law enforcement include cross checks against other surveillance information and logbook information, random patrols comparing visual sightings to the current VMS picture available to the patrol, thorough inspections of navigational records and devices, and discovery of the true fishing records. Additional license conditions may also be imposed, such as the placement of observers on board vessels and automatic return to port in the event of technical failure of the VMS.

² COUNCIL REGULATION (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

The patrol assets of West African countries for MCS are generally not sufficient to adequately patrol fishing areas, although the capacities of states vary. For example, some countries have a Fisheries Monitoring Center (FMC), established VMS and fisheries patrol vessels to carry out limited inspections, while several countries currently lack dedicated fisheries patrol boats or enforcement agreements with Navies or Coast Guards and a VMS system. There is a need for improved MCS in every country in this study.

Other prevalent techniques of vessel operators to avoid surveillance are the use of false markings, false vessel names, simultaneous multiple false identities and covering vessel names with tarpaulins to prevent visual inspection. These techniques make it very difficult for law enforcement or other sighting sources to reliably identify a vessel. This problem is amplified by the lack of international information sharing on fishing vessels which means that conclusively establishing the true identity of a vessel can prove extremely difficult. Obscured or inadequate markings are usually an offense in national legislation especially if done with the intent to deceive. Using false identities and forging documentation are crimes committed by vessel operators to circumnavigate detection by enforcement authorities. The counter measures are to insist on proper markings before vessels are allowed to leave port or engage in fishing activities, to prosecute for the offenses, for port state control authorities to establish vessel identities beyond doubt and for them to share the information with other countries and agencies.

Vessels also avoid surveillance by failing to carry observers, fishing without a license, incursions into the waters of neighbouring coastal states where they are not licensed to fish, and fishing prohibited species. Examples include the Korean-flagged Kum Woong 101 charged by Sierra Leone in September 2013 for fishing within the Inshore Economic Zone (IEZ) and failing to carry an observer, and the vessels owned by Panofi Company Ltd found fishing without a license in Liberia. Fishing without a license is a form of surveillance avoidance, because it ensures that the coastal state has no indication that the vessel will be operating in its waters and may need additional inspection or investigation to ensure compliance.

One of the major drivers of illegal fishing in West Africa is the poor capacity of governments to effectively monitor the activities of vessels because of a lack of the necessary patrol and monitoring assets. However, even for those countries that do have some patrol and surveillance capacity, there is a need to provide training and capacity building to states for MCS. Most importantly, there is a need for information sharing between agencies and between countries so that states can reliably, quickly and conclusively establish vessel identities and monitor suspicious vessels.

2.2 Transhipment

Transhipment is a term used when two vessels meet and pass cargo (such as fish and supplies) between them. Refrigerated cargo vessels, also known as reefers or carriers, can carry several types of bulk frozen products, but many specialize in fishery products transhipped directly from fishing vessels. Transhipment can take place in port between vessels, in controlled harbors near to shore where there are favorable conditions for anchoring or shelter from prevailing winds, or on the high seas hundreds of kilometers from land or any inspection authority. For this last reason, transhipment in managed fisheries is often banned on the high seas and/or may be subject to stringent national and international controls such as the presence of observers.

According to the International Commission for the Conservation of Atlantic Tunas Regional Observer Programme (ROP) for At-Sea Transhipments, all transhipments of ICCAT species (tuna and tuna-like species) must take place in port unless they are monitored under the ICCAT Regional Observer

Programme Authorized Carrier Vessels.³ It should be noted that the programme does not apply to purse seiners which therefore must tranship at designated nearshore transshipment sites. Because of breaches of this Recommendation by some purse seiners and reefers, the legality of imports derived from such transshipments have led to the suspension and rejection of imports at the European Union border, following actions taken by the EU within the application of the Regulation to establish a community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (“EU IUU Regulation”).⁴

In order for carrier and longline vessels to receive transshipments of ICCAT species at sea, the following conditions must be met:

	Carrier Vessels	Longline Vessels
Authorization by the “flag state” to operate in the Atlantic	<input checked="" type="checkbox"/>	
Be included in the ICCAT Record of Carrier Vessels	<input checked="" type="checkbox"/>	
Onboard presence of observer from the ICCAT ROP when receiving transshipments at sea	<input checked="" type="checkbox"/>	
Masters/operators must sign a Memorandum of Understanding (MoU) with the implementing consortium	<input checked="" type="checkbox"/>	
Pass a pre-sea inspection by the observer before embarkation	<input checked="" type="checkbox"/>	
Be included in the ICCAT Record of Vessels greater than 20 meters		<input checked="" type="checkbox"/>
The longline vessel flag must be that of one of the parties participating in the ROP		<input checked="" type="checkbox"/>
Authorization by its “flag state” to carry out transshipments at sea to the assigned carrier vessel	<input checked="" type="checkbox"/>	

Economic conditions

Transshipping is a commercial reality. Fishing vessels are highly nomadic. It makes commercial sense for them to tranship and resupply near the fishing grounds, which may be mid-ocean. Many fishing vessels can be serviced by one reefer, and valuable fishing time is not lost by long journeys to designated transshipping sites near to shore.

When remote tracking information is available, such as AIS or VMS, vessel tracks can be analyzed to highlight risks that transshipping has taken place. However, few national authorities in the study area appear to have this capability. If national authorities are provided with this type of analysis, they will be able to conduct targeted inspections of suspect vessels when they arrive in port. Transshipment does

³ Recommendation 06-11 available on the ICCAT website: <http://www.iccat.int/en/ROP.htm>

⁴ COUNCIL REGULATION (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999

not only represent a fisheries regulatory risk. Out of sight of the authorities, any cargo can be exchanged. Crew members can also easily be moved across vessels, facilitating the occurrence of forced labor at sea. Even when reefer vessels do broadcast vessel tracking information, vessels that come alongside reefers are often not visible to any tracking tools, unlike the reefer whose pattern of behavior in drifting for a few days indicates a risk that undetected and unmonitored vessels have come alongside it. That reefer then has access to secure port facilities and all the logistics of onward supply chains.



Figure 3: A transshipping operation underway in West African waters between two stern trawlers and a refrigerated fish carrier (reefer). Note the large black fenders (Yokohamas) necessary to prevent the ships from coming into contact with each other. These are carried by the reefer, and their presence on the deck of a reefer indicates that the vessel is likely to engage in transshipping. Black marks on the sides of fishing vessels and reefers are also an indication that fenders have been used and that transshipping may have taken place.

It is also not uncommon for fishing vessels to tranship to one another, even though this is illegal in many national and regional regimes without permission from the national authorities and appropriate fishing logbook records.

➤ *Example*

A fish buying agent is contacted by a processor in Southeast Asia. Supplies of tuna from the Pacific have risen in price so far above the price in the Atlantic that it now makes sense to source raw material from the Atlantic. The agent brokers a deal with a fishing vessel company that has a purse seiner on the fishing grounds in the mid-Atlantic and a reefer nearby. Several hundred tons of tuna are transhipped from the purse seiner to the reefer at sea in contradiction of ICCAT Recommendation 06-11. The reefer carries at least 5,000 tons of tuna and arrives in port after a three-week voyage. The brokered catch is containerized in port and sent to Southeast Asia for processing and ultimately exported to Europe, the United States of America or other markets. Had the purse seiner been compliant and gone to port, the price margin would have been eroded. The purse seiner can also stay “on the fish” with several hundred tons of hold capacity newly available for an extended voyage as a result of the illegal activity. This activity has often gone undetected because of a lack of effective flag state implementation of ICCAT Recommendation 03-14 which provides minimum standards for the establishment of vessel monitoring systems for tuna vessels operating in the ICCAT area.

2.3 Abuses of Vessel Registries

Under international maritime law, all merchant vessels must be registered to and documented by a country. The country of registration, commonly referred to as the “flag state”, assumes primary responsibility and accepts to exercise regulatory control over the actions of the vessel in its waters and on the high seas. The vessel is bound by the laws of its flag state. Vessel registration and the roles and responsibilities of flag states towards their vessels, and vice versa, are defined under the United Nations Convention on the Law of the Sea (UNCLOS).

The responsibilities of flag states vis-à-vis their vessels include regular inspection, certification of equipment and crew, and issuance of safety and environmental security documentation. Some flag states may decide to specifically grant authorization to fish for vessels registering as fishing vessels, making them subject to additional health and safety conditions (UNCLOS, Article 94).

The following are examples of registry abuses practiced worldwide in relation to fishing vessels and are particularly relevant to West African coastal states:

- (1) Registration of fishing vessels with no prior provenance verifications as to registration, owner, operator or activity history, or “(Regional Fisheries Management Organization) RFMO IUU-listed” status;
- (2) Registries and licensing authorities that do not cooperate with or are unresponsive to verification requests from other states for routine checks or investigation of possible illegality;
- (3) Operating under multiple identities and flags, and changing flags at sea (prohibited by UNCLOS, Article 92) to avoid detection by law enforcement authorities of illegal activities;
- (4) Use of “flags of convenience”, registration to states other than the nationality of the vessel’s owner, for the purpose of avoiding the regulations of the beneficial owner’s country and effectively making any violations or crimes difficult to prosecute in criminal or civil court.

Vessel registries, organizations responsible for registering and maintaining information on a vessel and its owners and operators, may be governmental agencies or private agencies hired by governments. States often assign administration of their registry to commercial operators located in other countries. Separation of the registry from governmental control can make oversight difficult, as the company administering the registry can be unresponsive to requests for verification of registration. The registry may not cooperate fully with coastal states or even with the state whose flag it represents. This potential disconnect between state and registry can make it difficult and time-consuming for authorities to verify the validity of past claims by vessels requesting registration under their flag. There is generally no standard for international information sharing and no central database of records of the identity and history of fishing vessels. Because of this, ships are known to change names and flags of registration to avoid detection by authorities. Vessels that have a history of multiple names and flags of convenience suggest possible “flag hopping” to avoid detection by law enforcement authorities of prohibited behaviors. These circumstances and activities make it difficult for national authorities to maintain comprehensive oversight of the past activities of a vessel’s operators.

Operating under multiple identities and flags, and changing flags at sea to avoid detection by law enforcement authorities of illegal activities

Article 92 of UNCLOS requires vessels to have one nationality (i.e. be registered to a state) and prohibits vessels from claiming more than one nationality. A vessel claiming no or multiple nationalities is considered “stateless”. In September and December 2013, the governments of Norway and New Zealand issued two international Purple Notices to alert INTERPOL member countries to the

modi operandi of vessels believed to change flags at sea and to operate under multiple identities or false identities.

➤ *Case study: FV Thunder*

The INTERPOL Purple Notice on FV Thunder (observed name in December 2013, time of publication) was issued at the request of the government of New Zealand, in cooperation with the governments of Norway and Australia, to inform member states of the modus operandi possibly used to conceal illegal activities by the owners and operators of this vessel. The international diffusion of the notice allows authorities to take appropriate measures should the vessel attempt to make use of their ports. The FV Thunder and the FV Snake, mentioned below, are listed by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the South East Atlantic Fisheries Organisation (SEAFO) IUU vessels lists which implies that contracting parties and cooperating non-contracting parties of these RFMOs are requested to take actions against these vessels. The EU has placed this vessel in its own IUU vessels list and measures referring *inter alia* to refusal of call ports, granting of flag and importation of fisheries products caught by this vessel.

The FV Thunder was observed with one of three different names, call signs and flags eight different times between July 2012 and August 2013. Some flag changes are believed to have occurred overnight, at sea, which is prohibited under UNCLOS. Removable name plates may also allow vessels like the FV Thunder to rapidly change identities. This, coupled with the aforementioned difficulty and time-costliness of performing background verifications on vessels, makes it difficult for many coastal or prospective flag states to know for certain which vessels have docked in their ports or operated in their waters.

Highlighting the difficulty in effective investigation into beneficial ownership of the vessel, attempts to confirm the current registration of the vessel to Nigeria, and historical information which may suggest beneficial ownership in Togo, have been unsuccessful.

Date	Name	Flag	Call Sign
	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>
Aug 2013	Thunder	Nigeria	5NTV
Apr 2013	Wuhan 4	Mongolia	JVAY9
Apr 2013	Thunder	Nigeria	5NTV
Oct 2012	Wuhan N 4	Mongolia	JVAY9
Oct 2012	Thunder	Nigeria	5NTV
Aug 2012	Kuko	unknown	JVHL4
Aug 2012	Thunder	unknown	5NTV
Jul 2012	Wuhan No. 4	Mongolia	JVAY9
Apr 2010	Typhoon I	Deregistered from Togo	
Jan 2004	Typhoon I	Togo	5VTN6
May 2003	Typhoon I	Belize	V3BK3
Jan 2002	Rubin	Seychelles	xx
Oct 1998	Rubin	St. Vincent & the Grenadines	J8VL5
xx	Vesturvón	xx	xx
Jan 1986	Arctic Ranger	United Kingdom	GHMA

Figure 4: Suspected name, flag and call sign history of the FV Thunder

➤ *Case study: FV Snake*

An INTERPOL Purple Notice was issued at the request of the government of Norway in September 2013 on the FV Snake (name in September 2013, at time of publication), to seek more information on the vessel and to warn of a possible modus operandi similar to that of the FV Thunder. The vessel has had at least eleven names between 2003 and the publication of the purple notice in 2013, with suspected additional names since 2013. Like the FV Thunder, the FV Snake is believed to have been registered to Togo in 2003 and 2009.

Sighted	Name	Evidenced by	Flag	Evidenced by	Radio Call Sign	Evidenced by
From May 2013	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>	<i>INTERPOL for official use only</i>
May 2013	<i>Snake</i>	Painted on hull	Libya	Homeport “Tripoli” painted on hull	5AWC	Painted on hull

Figure 5: Sightings of FV Snake from May 2013 to March 2014

Use of “flags of convenience”, registration to states other than the nationality of the vessel’s owner, for the purpose of avoiding the regulations of the owner’s country and effectively making any violations or crimes difficult to prosecute in criminal or civil court

The term “flag of convenience” refers to the registration of vessels with countries with few qualifying conditions such as a genuine link to the vessel owner. The use of a flag of convenience can provide economic and regulatory advantages to ship owners, in addition to reducing operating costs and giving greater flexibility in employee selection as many flag states impose restrictions on the percentage of foreign nationals operating on vessels in their registry. The use of flags of convenience may also allow vessel owners wishing to circumvent the regulations of their countries to operate under the flag with lesser restrictions or ability for regulatory control, often in terms of worker and environmental standards. Several countries within the region have been accused of being flags of convenience. Repeated unsuccessful attempts by law enforcement within the region and outside to seek basic confirmations of registry and investigative information from the relevant authorities highlight the frequent disconnect between registry authorities and law enforcement agencies. This disconnect has also been apparent in registries outside of the region that have been approached by law enforcement in relation to vessels operating in the region for flag-state confirmation.

➤ *Case study: MV INESA*

In July 2014, an INTERPOL Investigative Support Team (IST) was deployed at the request of the Senegalese authorities to provide support in the investigation of suspected fisheries-related violations by the vessel MV INESA. The government of Liberia was also investigating suspected violations committed in its waters and had requested assistance from Senegal and INTERPOL to conduct a joint inspection of the vessel. In 2012, the vessel was fined USD 200,000 by the government of Panama as the Seta No. 73 for illegal transshipment activities. No evidence was found of infringements of Senegalese or Liberian fisheries regulations, but follow-up activities have been initiated in respect to transshipping events.

It should be noted that INTERPOL has no legal authority to analyze evidence, including logbooks. However, at the request of authorities, INTERPOL can assist in carrying out these activities by advising, for example, on promoting avenues for international cooperation and mutual legal assistance, and optimizing opportunities to apply INTERPOL's tools and services, such as to cross-check nominal data in INTERPOL databases; issue notices on vessels, modi operandi and individuals; and exchange information through INTERPOL's secure communications network.

2.4 Licensing Abuses

The absence of transparency in fishing license regimes of most West African countries makes the identification and investigation of possible violations exceedingly difficult. Most African countries do not publish lists of vessels with valid licenses, and dissemination of information is rarely of sufficient quality or timeliness to allow for its effective use by other vessels such as from the artisanal sector or transiting merchant vessels that may provide sightings of suspect vessels. This lack of transparency creates an environment that encourages and facilitates the abuse of fishing license regimes in coastal states.

In some African coastal countries, information regarding the number of licenses granted by governments and sold to foreign or nationally flagged commercial fishing boats is very difficult to obtain, even for other parts of the government, as it is considered confidential. As such, the likelihood of having a precise number of commercial boats holding licenses to fish in these countries is very low. Information on the location and means of contacting vessel registries, beneficial owners and the terms and conditions of their fishing licenses is often not accessible to investigators or other analysts. This makes it even more difficult for patrol assets or for the general public to have a clear idea at any given time on who is allowed to fish and under which conditions, where the ships are registered, and who are the operators. Transparency is therefore dependent not only on the availability of information, but also on the timely sharing of this information, its quality, its accessibility and accuracy. Best practices in transparency are crucial and matter greatly when investigations are carried out by external investigators trying to support the investigators of coastal states.

Private licenses and the activities of fishing agents were also identified as issues related to licensing abuses. These agents purport to act on behalf of state authorities but may have corrupt business relationships with coastal state politicians and be based outside the issuing country. Payments made to these agents often do not go to verifiable state bank accounts. Agents have also been accused of issuing forged licenses. This creates risks for license purchasers who are unable to verify whether their license is valid or how the fees have been distributed, which may lead to accusations of bribery or to penalties incurred for reliance on licenses that are denied to exist or determined to be invalid.

Another major impact is to introduce huge supply chain risks where exports are contaminated by unverifiable licenses or potentially illegal unlicensed activity. Exports may be denied market access as a consequence (for example to the EU). These impacts can affect an entire fish catching and processing sector with serious economic consequences. It is widely suspected that agents are often granted the freedom to carry out these illegal activities due to corruption, and the only solutions are licensing transparency and financial accountability. A related problem occurs in opaque joint-venture agreements. These are often made with a politically connected partner under local reflagging arrangements which hides the beneficial ownership wherever that may be and undermines the true economic value of the fishery to the coastal state.

➤ *Case study: FV Premier*

The case of the FV Premier provides an excellent example of how vessel owners and operators attempt to abuse licensing regimes, and take advantage of the lack of transparency and the expectation of limited communication between law enforcement in developing countries.

The FV Premier was a tuna purse seine vessel owned by a Korean company that was alleged to have fished in Liberian waters in 2011 and 2012 without a valid license. After these allegations came to light, a letter was sent to the Korean government claiming to come from the Liberian Bureau of National Fisheries that cleared the vessel of any illegal fishing activities. This letter was also sent to several fishery authorities in eastern Africa where the vessel's operators were trying to offload its catch and apply for fishing licenses. The letter was confirmed to be a forgery by representatives of the Liberian government.

Because of extensive cross-continental communication between law enforcement agencies and fisheries authorities across Africa, several countries restricted the activities of the vessel in their waters, including:

- Kenya and Mozambique denied the FV Premier a fishing license to operate in their respective waters;
- Seychelles denied the FV Premier permission to offload its catch in Port Victoria (based on the Indian Ocean Tuna Commission (IOTC) Port State Measures Resolution (PSMR));
- In April 2013, renewal of the FV Premier's fishing licence was denied by Tanzania;
- Comoros stated its intent to deny the FV Premier any application for a fishing licence;
- Mauritius denied a request by the vessel's operator to offload its catch in Port Louis.⁵

The FV Premier eventually offloaded its catch in Colombo, Sri Lanka, and the vessel's owner settled with the government of Liberia for one million US dollars in claims.

This case highlights several major issues that contribute to fisheries crime in West Africa, including the lack of transparency for valid fishing licenses, the use of forged documents, the ability of vessels to fish without licenses or to fish for extended periods of time without being observed by coastal state authorities, and the extensive communication required between law enforcement and competent authorities across national boundaries. In this case, much of that communication was facilitated by the FISH-i initiative in East Africa, including the Nordenfjeldske Development Services (NFDS) MCS Adviser in Liberia financed by the West Africa Regional Fisheries Program (WARFP).⁶ However, there remains a need for secure and rapid communication infrastructure for law enforcement to communicate on possible violations in the fisheries sector, such as through INTERPOL's secure communications network.

2.5 Interactions with Artisanal Vessels

West African small-scale fishing vessels are numerous, and many are either highly nomadic or operate in states other than those from which they come. Increasing attempts are being made to bring this sector under control by registration and licensing regulations (World Bank, 2009). Along much of the

⁵ Stop Illegal Fishing Case Study Series 07 – July 2013

⁶ The FISH-i initiative was established to strengthen regional fishery related information and intelligence sharing to enable countries of Africa to implement the recommendations from the first Conference of African Ministers of Fisheries and Aquaculture (CAMFA) - See more at: www.stopillegal fishing.com/sifnews_article.php?ID=98#sthash.emiIgMLa.dpuf

West African coast, there is significant interaction between small-scale fishermen using canoes (also known as *pirogues* in Francophone countries) and industrial fishing vessels. This presents a classic fisheries management problem where different fishing gear types want access to the same fishing grounds. The conflict is usually between mobile gear (trawlers) and static gear (nets and traps) or low impact methods such as handline bait fishing.

To avoid these problems, several countries have created Inshore Exclusion Zones, an area along the coast reserved by law for small-scale fishermen, using specific fishing methods and with the aim of conserving fish stocks on which the local communities depend. Well-documented cases exist for several coastal states where the IEZ has been regularly violated by trawlers and the gear of the small-scale fishermen destroyed. In addition, due to the small mesh size of the nets, trawlers catch a very high proportion of juvenile fish which are then discarded. Experts from several coastal states reported significant problems with keeping industrial vessels, especially those trawling for demersal species and shrimp, out of the IEZ. Even when effective enforcement of an IEZ is in place, consultations with experts illustrated that foreign-owned industrial operators have engaged in a practice of buying high-profit fish species only found in near shore fisheries from small-scale fishermen to sell for export. It is worth noting that, in West Africa, rural populations rely on artisanal fishing as their main source of protein, and artisanal fishing zones in West African coastal states may already be fished above sustainable levels. There is a serious threat to the small-scale fishing sector without intervention and management, with some coastal states in the region already suffering from severe overfishing. This phenomenon is exacerbated by the highly nomadic nature and large numbers of small-scale fishing fleets which has created significant overcapacity in the region and led to widespread illegal fishing problems.



Figure 6: Senegalese pirogues

Conflicts between the artisanal and industrial sectors have generally decreased in the region, but there is a trend whereby pirogues enter the Exclusive Economic Zones (EEZ) of neighboring countries and then land in their country of origin, demonstrating a transnational aspect of illegality, even within the artisanal sector. There are also accusations that the artisanal sector encroaches into the waters of neighboring countries because it is being pushed out of its own national waters by industrial vessels that infringe and overfish in its IEZ.



Figure 7: Launch of a new pirogue in the Gambia

Transshipment from industrial vessels

Representatives from several countries in the study area reported collusion between the vessels in the industrial and artisanal sectors, whereby industrial vessels intentionally transfer catch to pirogues that then transfer catch to port for sale. For example, an investigation is currently underway by the Marine Unit of the Ghanaian Police into a fishing canoe that bought 2,080 slabs of processed fish from an industrial vessel and transhipped the catch at sea. Consultations with experts in the region also identified the practice of trawlers selling frozen “trash” fish to canoes which is then sold directly to inland markets, because this fish is not valued for export.

Transshipment to industrial vessels (motherships)

Another form of reported collusion between the industrial and artisanal sectors is the transshipment of catch from pirogues to industrial vessels acting as motherships. This undermines the effectiveness of IEZs, because it allows artisanal vessels to fish much more without trips to shore. Where an IEZ exists in which trawling activities are banned, local fishermen may catch and sell prime fish to foreign trawlers, often motherships.

In contrast to a refrigerated cargo ship, a mothership (often an old trawler) is defined here as a vessel which takes catch from many small fishing vessels (pirogues or canoes) or carries the pirogues to the fishing grounds. The mothership loads the fishermen and their canoes aboard the mothership, and takes them to offshore fishing grounds to be launched, or the mothership may sit outside an Inshore Exclusion Zone or protected area and send the canoes into it. Small vessels also operate from land-based fishing beaches but offload their catches to the mothership before returning to land. In some cases, the mothership may also conduct fishing activities. Motherships are distinct from support vessels which provide equipment and supplies but do not carry fish. They are also different from refrigerated cargo vessels which take catch from industrial fishing vessels. The following are examples of motherships off the coast of West Africa from reports or information shared by enforcement authorities in several countries.

2.6 Sisterships

- *Case study: Transshipment between sister vessels to the Samudera Pasific No. 8, subject of INTERPOL Purple Notice No. 151*

In January 2014, the government of South Africa requested INTERPOL Purple Notices (No. 151 and 152) in order to locate two vessels whose operators were suspected of illegal fishing and of subjecting their crews to labor and human rights abuses. The two fishing vessels, Samudera Pasific No. 8 and Berkat Menjala No 23, were among a fleet of ten detained by the South African Department of Agriculture, Forestry and Fisheries (DAFF) in November 2013 on suspicions of fishing offenses and fraudulently sharing the same fishing license. A total of 75 crew members were removed from the vessels, where they had been forced to work and live in substandard, unsafe and unhygienic conditions, and had not been paid for several months. It was also discovered that the vessels held fake registration documents.

The South African DAFF believes that the two stateless vessels fled the port of Cape Town on 29 December 2013 to avoid further investigation. The authorities requested the INTERPOL Purple Notices to warn other countries of the potential threat posed to the safety and security of the persons on board, in addition to a pollution risk to the marine and coastal environment. The vessels are likely to have changed their flags, names and other identifiers.

Background

In May 2014, INTERPOL was informed that Senegalese authorities had acted on Purple Notice 151, for the vessel Samudera Pasific No 8. In the first quarter of 2014, ANAM detained a vessel of similar appearance but deduced it was another vessel called the Samudera Pacific No. 18. Against Senegalese orders, the vessel absconded from the port of Dakar in a similar manner to which the Samudera Pasific No. 8 had fled South African jurisdiction. A few months later, a fishing vessel named Tai Yuan 227 entered Dakar with the same master and crew that had left on the Samudera Pacific No. 18, and it in turn was detained for related maritime offenses. The three vessels are believed to be operated by the same companies and to operate together. On 13 May 2014, an INTERPOL team visited the Tai Yuan

227, which was detained at the port of Dakar, alongside officials from ANAM, NCB Dakar, customs, fisheries, National Police and the Port Authorities. Since the investigative work and searches had already taken place, this visit was an opportunity for the combined agencies to examine the vessel and share their observations on the modus operandi of this fleet.

Observations

The Tai Yuan 227 was built as a tuna longliner but has not been used for fishing for some time. Its fishing gear appears to be non-operational or non-existent. It is most likely used as a fish carrier or reefer and support vessel, taking fish at sea from other fishing vessels of a similar type and operated by the same company. It has been used to swap crews at sea and could have been used to tranship other material, including fuel, food, or fishing supplies.

The *primary evidence* for this is the presence of fenders (defence) on the foredeck (see *Figure 10* below) which would not normally be on the fishing deck of a longliner. These fenders are to protect vessels from banging against each other whilst transhipping. They also make it easy to transfer crew between vessels.



Figure 8: Fenders on board FV Tai Yuan 227, indicative of transhipment activity

Secondary evidence is the absence of evidence of recent fishing operations:

- (1) No transponders or radio frequency detection antennae;
- (2) No fish working equipment (knives, lines, hooks, hauling equipment, etc.);
- (3) Inoperable hauling and shooting equipment;
- (4) Very dirty conditions on deck but no evidence of any recent fish processing (e.g. traces of fish parts).

Other matters

- Working conditions: extremely dirty and cramped conditions in common areas and accommodation.

International obligations

- (1) If a vessel operates as a carrier of tuna or support vessel to tuna fleets in the ICCAT area, it must be authorized as a tuna vessel by its flag state and placed on the ICCAT authorized vessel list.
- (2) If it has carried tuna and is either stateless or the flag state is not a contracting party to ICCAT, the vessel is eligible for presumed IUU listing under ICCAT.

- (3) If it had been previously designated as a “fishing vessel” on the ICCAT list, its status should now designate “carrier”.

Vessels controlled by the same operator where some of the fleet exhibits a history of illegal activities can justifiably all be subjected to extra scrutiny in port or at sea. INTERPOL can assist in raising regional awareness of the interconnected nature of the operations in order for national authorities in the region to take action and prioritize inspection and then cooperate with each other in exchanging the resulting information for law enforcement.

3. Links to Other Crime Types

3.1 Corruption

Corruption is a significant aspect of fisheries crime in the West African region that enables illegality in the fisheries sector and undermines the rule of law.⁷ Its effects on public trust in government and lost revenue for the state mean that its impacts are more likely to extend beyond the fisheries sector than the impacts associated with other criminal activity.

Throughout the course of this case study, a significant portion of the experts consulted cited some form of corruption as being a contributing factor to fisheries crime in the region. The corruption cited took several forms and affected different countries in different ways, but it appears that corruption is a contributing factor and must be taken into account in any course of action to address fisheries crime. This is in line with the majority of assessments of governance and law enforcement in the region.

There are three main forms of corruption that affect the fisheries sector in West Africa. It is important to reiterate that not all of these forms were mentioned as issues in every country included in the study, but the different types were mentioned with enough frequency that they warrant mention.

The first form is bribery of field-level law enforcement officers. This may occur unsolicited if a violation has been identified on board a vessel or in a port facility, or it may be solicited by the officer to avoid an inspection altogether. This is a significant issue for all types of law enforcement in many countries where pay is low and/or sporadic and personnel are poorly trained and equipped for their jobs.

The second form involves the issuance of fishing licences and may occur at middle or high levels of fisheries authorities. As discussed in the section on licensing abuses, the lack of transparency on what companies, individuals, and vessels have been issued licences in a given country means that public accountability for the management of fishery resources is extremely limited. There are accusations that licences are issued based on bribes to issuing officials. This diverts money that should go to the state into the hands of individual government officials. It also possibly results in the issuance of more fishing licences than are sustainable for certain waters, however this is hard to evaluate due to the lack of transparency of licence lists in most countries.

This situation is exacerbated in countries that require the use of local “fishing agents”. In some countries in the region, the law requires that any foreign company or individual wishing to apply for a

⁷ INTERPOL defines corruption as “any course of action or failure to act by individuals or organizations, public or private, in violation of a duty or obligation under law or trust for profit or gain.”: www.interpol.int/Crime-areas/Corruption/Corruption

permit from the government use a fishing agent who will make the application to the government on behalf of the company or individual. The agents then make use of personal contacts within fisheries administrations to arrange licences. As discussed in the section on licensing abuses, there are reports that agents in several countries have produced fraudulent licences that lead to the detention of vessels and fines for vessel operators after fishing activities have begun.

The third form of corruption pertains to investigations and fines for illegal activities under the purview of fisheries administrations. When the operator or owner of a vessel is accused of committing a violation of fisheries laws or regulations, there is an expectation of due process whereby the facts of the case are reviewed by an independent party and then a penalty is assessed if appropriate. In some countries, this occurs within the judiciary or some form of administrative court. However, there are accusations that operators are paying fines set by fisheries authorities without independent review, and funds from these fines are not properly accounted for by the competent authority and may constitute bribes to officials or be accompanied by side payments for reduced penalties. As in the case of the licence lists, increased transparency in the assessment and levying of fines or other punishment would significantly decrease the perception of corruption surrounding illegality in the fisheries sector.

While the forms of corruption alleged may appear specific to the fisheries sector, they are merely facets of universal corruption which affects all regions and all levels of society. It also undermines political, social and economic stability and may be closely linked to organized criminal activities.

3.2 Customs and Food Hygiene Regulations Fraud

Customs fraud is a component of fisheries crime in West Africa that impacts tax revenues, enables illegal fishing, and poses a risk to public health. At their core, customs regulations generally require that all goods crossing a national border be accurately identified by their country of origin and customs commodity code. Both are vital to determining applicable import tariffs, import regimes and the application of food hygiene regulations. Other compulsory information requirements are details of the exporter, importer and value. These allow governments to determine which agencies may need to review or inspect the shipment to make sure that all applicable national laws and regulations are being followed. This accuracy of the declaration may impact the amount of revenue that governments collect through tariffs. Manipulation of the declaration may also help obfuscate illegal fishing by listing a different species that has a less regulated status or listing contents as an entirely non-fish related product. These kinds of fraud in the customs system may pose risks to human health, because they may result in consignments not being properly inspected or reviewed by health inspectors in consumer markets. The two types of fraud are similar in that they may both use false customs and health documentation to disguise the country of origin or the real identity and flag of the vessel that caught the fish. It is often accompanied by misleading labelling on the packaging of the import, or an outer wrapper that shows a false species declaration and an inner label that is accurate.

➤ Case study: Mis-labelling of puffer fish

A significant example of this last type of fraud was discovered by Italian authorities in 2009. Health inspectors noticed a shipment of 3,500 kg of frozen fish from Spain that included many different names of species that were not in line with EU regulations for identifying species. Some scientific names were included on the invoice, so inspectors were able to corroborate the scientific names with a visual identification of most of the fish in the consignment. However, that still left several hundred kilograms of fish product that had only the common name, indicating that the remaining fish were a type of monkfish that had originated from the Food and Agriculture Organization of the United Nations (FAO) statistical area 34, an area that encompasses all of West Africa. Because of the way the

fish was processed, species identification based on morphological characteristics was impossible. Additionally, the way in which the fish was processed seemed to the inspectors to indicate that it was done so intentionally to make identification of the species more difficult. Based on these concerns, Italian authorities sought DNA confirmation of the species. This analysis revealed the unidentified portion of the consignment was actually fish of the family *Tetraodontidae*, also known as “puffer fish” or “fugu”. Fish of this family can accumulate tetrodotoxin, one of the most potent paralyzing toxins known, which can result in serious consequences and possibly death in consumers (F. Barontini, Nov - Dec 2010). The European Commission subsequently issued an alert about the shipment, warning European countries of its danger. Judicial actions were also taken against the Spanish business that mislabelled the shipment. While this violation of customs law (as well as several other laws) was discovered and properly addressed, it is important to note the degree of international cooperation between law enforcement that was required to investigate the incident once the mis-labelling was confirmed through DNA analysis. It is also worth noting that present information does not indicate whether the fish were illegally harvested. This case shows how global commodification of fishery resources from West Africa and elsewhere make it exceedingly difficult for inspectors in any country to clearly determine what they are looking at, where it came from, and whether it poses a threat to human safety.

The use of motherships and illegal transshipments at sea to reefers also constitute a type of customs fraud, because they evade typical border controls that would allow for national authorities to ensure compliance with fishery, tax and health regulations. While transshipment is discussed in greater detail in another section of this report, it is important to highlight that this modus operandi is intentionally designed to avoid oversight from competent authorities in the coastal state in addition to being a frequently more cost-effective way of conducting fishing operations. A single reefer might receive shipments from vessels operating in several coastal states without any of those coastal states being aware of the fishing operations, especially in a region with severely limited patrol and investigative capacity. This kind of transnational collusion to evade law enforcement authorities requires extensive cooperation between law enforcement in different countries to identify activities that may be violations of customs laws.

3.3 Human Trafficking

There is an established link between vessels involved in illegal fishing and vessels that exploit their crew for forced labor (UNODC, *Transnational Organized Crime in the Fishing Industry*, 2011). Human trafficking for forced labor in the fishing sector is a severe global problem, equating to modern-day slavery. Fishers, many of them migrant workers, are vulnerable to serious human rights abuses. Recent studies have described widespread cases of human trafficking for forced labor in the industry, and workers being beaten, starved, forced to work for days without sleep, and even murdered.⁸

The fishing industry is particularly susceptible to human trafficking due to the lack of law enforcement capacity and regulations regarding fishing vessels. Whereas living and working conditions on board merchant vessels are governed by international regulations and Port State Control (PSC) measures, there is currently no equivalent framework applicable to fishing vessels. Under international law, the flag state has primary responsibility to ensure that there are adequate working conditions on board fishing vessels flagged to its state. Traffickers may take advantage of this and register their vessels to

⁸ 2013 Surtees, 2012, ILO Stringer et al., 2011; Robertson, 2011; de Coning, 2011; EJF, 2010; Derks, 2010; Brennan, 2009; UNIAP, 2009; UNIAP, 2007; Pearson et al., 2006ab

states that are unable or unwilling to exercise their jurisdiction. When fishing vessels are in the territorial waters of countries that lack any type of coastal law enforcement, fishers are left completely unprotected. Added to this, fishers may spend months or even years isolated at sea, without access to reporting mechanisms to authorities or any prospect of law enforcement intervention. Vessels such as motherships which normally stay docked for long periods of time, or vessels that tranship and are resupplied from reefers at sea, can easily avoid port controls where human trafficking victims are more likely to be identified by law enforcement authorities or to report their abuse.

The global community is becoming increasingly aware of the extent and severity of human trafficking in the fishing industry. The establishment of international labor standards, which set uniform minimum employment standards specific to the fishing industry, is a testament to this and will contribute to the prevention of human trafficking in the industry.⁹ The attention has primarily focused on the Greater Mekong Sub-Region, where large-scale human trafficking has been uncovered. It is worth noting that many foreign vessels associated with human trafficking in this region are engaged in illegal fishing in West Africa. To date, the number of officially reported cases of human trafficking on board fishing vessels in West Africa remains extremely low. The lack of capacity of local governments to monitor illegal activity at sea, combined with a lack of awareness, make identifying and prosecuting human trafficking in the fishing industry in West Africa an extremely difficult task. Even when intercepted, many human trafficking cases are treated as associated forms of crime such as a breach of immigration laws.

Various reports indicate that human trafficking in the fishing industry in West Africa exists, and is intricately linked to illegal fishing. The Environmental Justice Foundation (EJF) report “All at Sea” (EJF, 2010) documented various cases of human trafficking and labor abuses aboard illegal fishing vessels in West Africa. The human rights abuses suffered include physical and emotional abuse, incarceration, forced labor without pay and inadequate living conditions. According to the United States Trafficking in Persons Report (U.S. Department of State, 2014) along the coastline of sub-Saharan Africa, forced labor is more apparent on Asian and European-flagged fishing vessels seeking to catch fish in poorly regulated waters. The report states that traffickers have exploited victims in the territorial waters of Senegal, as well as aboard small lake-based boats in Ghana. In April 2014, six Taiwanese nationals, five of whom remain at large, were sentenced to ten years in prison for their part in trafficking 74 Cambodians to work under slave-like conditions on fishing boats off the coast of African countries (Daily Cambodia). Upon arrest of the Russian-flagged Oleg Naydenov in the port of Dakar in December 2013, government representatives in Senegal reported their belief that the sailors aboard the vessel, which was alleged to have illegally fished in Senegalese waters, did not dare leave the boat for fear of losing their payroll or being unable to return home.

The child trafficking that exists in the artisanal sector in Lake Volta, Ghana has also been well documented. An INTERPOL operation in 2011 resulted in the rescue of 116 children from forced labor in the fishing industry.¹⁰ There are various reports that child trafficking on Lake Volta is continuing despite efforts to stamp it out.

There is a need to raise awareness among Coast Guards, naval services and fisheries and customs inspectors, as well as fisheries ministries and governments, to recognize and intercept human trafficking in fisheries in West Africa. Human trafficking and illegal fishing can to a large extent be

⁹ ILO and the IMO have established a number of binding legal instruments that will improve fishers’ safety and working conditions: the ILO’s Work in Fishing Convention (No. 188), the IMO’s Torremolinos Protocol and the IMO’s Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (TCW-F)

¹⁰ INTERPOL: <http://www.interpol.int/News-and-media/News/2011/PR044>

simultaneously addressed. Measures taken to improve the enforcement of fisheries laws, such as increased transparency and cross-border, multi-agency cooperation in the fishing sector, the development of fisheries management policies, training, and increased monitoring, control and surveillance assets, will also help to increase the identification of human trafficking victims and prosecute traffickers in the fishing industry.

3.4 Drug Trafficking

According to the United Nations Office on Drugs and Crime, a marked increase in multi-ton seizures of drugs suggest that, in the past decade, West Africa has emerged as a hub for drug trafficking between South America and Europe. According to a statement in May 2014, illicit drugs, including heroin and cocaine, are heavily trafficked in the region.¹¹ Based on an analysis of seizures in Europe, UNODC estimates that some 27 per cent (or some 40 tons) of the cocaine consumed annually in Europe, worth about USD 1.8 billion at the wholesale level, presently transit West Africa (UNODC, *Drug Trafficking as a Security Threat in West Africa*, 2008).

In October 2007, nearly seven tons of cocaine were intercepted by the Spanish authorities on two former fishing vessels which had left Venezuela for Senegal. In one case, six crew members – four Ghanaians and two Dutch nationals – were arrested after Spanish police intercepted a vessel transporting 3.7 tons of cocaine off the coast of Senegal, worth an estimated 285 million euros. It is believed that criminal organizations have implanted themselves throughout West Africa and smuggle drugs within shipments of legal goods. Cocaine, primarily, is sent from South America to Western Africa in fishing vessels or cargo vessels, to be stockpiled, repackaged and sent to Europe by air or sea, particularly to the Atlantic coasts of Spain and Portugal.¹² Fishing vessels and container ships leave African ports towards Europe, avoiding detection and controls by using highly frequented maritime passageways, blending in with normal maritime traffic and dissimulating drugs in specially designed compartments of the vessels, such as modified oil tanks.¹³

According to a 2007 report by UNODC, since the early 2000s, Guinea Bissau has rapidly become a “transit hub for organized criminal networks trafficking drugs from Colombia, Venezuela and Brazil through West Africa to Europe”.¹⁴ Faced with rising gas prices and diminishing fish stocks, some fishermen may use their vessels to engage in drug and human trafficking as a means of supplementing their income. Due to its geographic configuration, an archipelago off the coast of Bissau called the Bijagos Islands is known to be used to unload large shipments of cocaine from boats to then be redistributed onto smaller fishing vessels. When not using vessels, traffickers may land small planes on makeshift runways or drop bags from the air. Large hauls are divided onto many smaller fishing boats and “proceed along the coast to unload their cargo in the Gambia, Senegal and Guinea-Conakry”.¹⁵

In November 2013, 400 kilograms of cocaine worth USD 500 million were reportedly seized from a Guyanese fishing vessel off the coast of Ghana. A court in Accra subsequently sentenced two persons from French Guiana and Ghana to 35 years in prison for illegal importation of cocaine into Ghana.

¹¹ UNODC: www.unodc.org/unodc/en/press/releases/2014/May/drugs-and-crime-threat-mobilizes-international-support-for-west-africa-coast-initiative.html

¹² *Courrier International*: www.courrierinternational.com/article/2007/11/12/l-afrique-terre-de-transit-pour-la-cocaine

¹³ UNODC: www.unodc.org/documents/data-and-analysis/Cocaine-trafficking-Africa-fr.pdf

¹⁴ IRIN: www.irinnews.org/fr/report/79507/guinea-bissau-fishermen-turn-to-trafficking-as-fish-profits-drop

¹⁵ *Courrier International*: www.courrierinternational.com/article/2007/11/12/l-afrique-terre-de-transit-pour-la-cocaine

3.5 Maritime Piracy

The Gulf of Guinea, stretching from Ghana to Gabon, is of economic and strategic importance for West African countries and to the rest of the world. Nigeria and Angola are among the world's ten biggest exporters of crude oil. Thus, security in their national waters, such as safe passage to harbors in the region, is of crucial importance as insecurity could have a negative impact on their economy and global energy production. Security is paramount to West Africa's fishing industry as it provides sustenance and employment opportunities for the West African populations. Inevitably, the lack of effective fishing vessel controls fosters criminal activities such as maritime piracy and illegal fishing.

Maritime piracy is defined under the United Nations Convention on the Law of the Sea as "illegal acts of violence or detention committed on the high seas against ships or aircraft." Maritime piracy is a serious problem, and it poses a threat to the safety of vessels and their crews, and also to the economies of affected countries. While piracy in Somalia's Gulf of Aden is presently declining, it has increased in West Africa and become increasingly violent, threatening shipping activities of oil, metals and agricultural commodities for Western markets.

The original motive of pirate action groups (PAGs) was generally cargo theft, however Nigerian criminal gangs and pirates have now turned to crew kidnappings, often targeting oil tankers whereby the most valuable crewmembers are kidnapped for ransom. West African pirates are known to be interested in seizing refined oil products such as gasoline. Oil smuggling generates huge cash rewards for pirates. Furthermore, pirates in the Gulf of Guinea are known for their violent *modi operandi*, which often involve the kidnapping, torture and killing of crew members. The progressively violent methods used by these groups are believed to be part of a cognizant business model with low risk and high returns, in which violence and intimidation are widely used.

Incidents of piracy in West Africa occur mostly in Nigerian waters. However, criminal boardings have been reported in the waters of Liberia and Angola. Benin, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Ghana, Guinea, Sierra Leone and Togo have also experienced piracy incidents since 2010. Maritime kidnap-for-ransom activities soared in the beginning of 2014 off the coast of Nigeria's Niger Delta. So far this year, there have been 24 piracy/maritime crime incidents across West Africa¹⁶ followed by one attack in May and three hijackings in June. Many more events go unreported.

In 2014, two vessels, MT Omat and MT Ortakayo-1, were arrested in Nigerian waters for suspicious oil deals, both failing to get required operating approvals, along with the FT Silver Streak which had engaged in illegal fishing activities. The FT Silver Streak was arrested for illegal fishing and its crew handed over to the Federal Department of Fisheries in Nigeria for further investigation and prosecution.¹⁷ This case illustrates how the lack of surveillance resources that enables maritime piracy also enables illegal fishing in the region.

Illegal fishing activities in the Gulf of Guinea are a longstanding security concern that is increasingly difficult to tackle, since many coastal states do not have the capacity to patrol their waters. Additionally, the lack of information sharing between agencies and between countries makes it difficult to identify suspect vessels.

Nonetheless, with growing maritime piracy incidents and illegal fishing activities, an increased focus

¹⁶ According to NYA International – Q1 Piracy Assessment – West Africa

¹⁷ According to This Day Live article (dated 08/02/2014): <http://www.thisdaylive.com/articles/navy-arrests-three-vessels-for-illegal-oil-deals-fishing/170898/>

on the Gulf of Guinea presents an opportunity for greater international cooperation such as through the Maritime Trade Information Sharing Centre for the Gulf of Guinea (MTISC-GoG).¹⁸

In the same manner, on 17 March 2014, the European Union adopted its strategy on the Gulf of Guinea¹⁹ and adopted specific EU policy conclusions for the area to support the efforts of the region and its coastal states in addressing the many challenges of maritime insecurity and organized crime.²⁰

4. Organizations and Initiatives

4.1 The African Development Bank

The African Development Bank Group (AfDB) promotes sustainable economic growth, agriculture and rural development. The Bank Group has funded several fisheries projects, such as the fisheries portfolio in Benin and Cameroon, which provided the largest source of financing to their fisheries sector and allowed better governance of fisheries - fundamental requirements for long-term sustainable use. The AfDB annual meeting held in May 2014 highlighted the importance of increased commitment to protecting West African coastal waters from illegal fishing.²¹

4.2 European Commission

The European Union which is, *inter alia*, a customs union, is composed of 28 member states which apply the same rules governing imports. In order to prevent the marketing of IUU products, the European Union has created its own system to prevent, deter and eliminate illegal, unreported and unregulated fishing. The EU IUU Regulation entered into force in 2010. It is a non-discriminatory instrument, applying both to domestic and foreign operators and to all exports to the EU, based on existing international instruments. It does not introduce any new conservation and management measures.

The system requires that all fishery products entering the EU be accompanied by a catch certificate which is validated by a competent public authority of the flag state of the vessel catching the fish. By means of this instrument, the competent authorities of the flag state validate that the catches were made in accordance with applicable laws, regulations and international conservation and management measures. Products which are not accompanied by a valid catch certificate are denied entry into the EU. Furthermore, only flag states approved by the EU can validate catch certificates.

Countries which fail to adhere to their responsibility as a flag, port, coastal or market state and refuse to cooperate may be pre-identified ('yellow card') and then identified ('red card') as non-cooperating third countries. Ultimately, they can be placed on the list of non-cooperating third countries and no longer be able to trade fish with EU countries. To date, thirteen countries have been notified of the possibility of being identified as non-cooperating third countries ('pre-identified').²² Of these thirteen countries, three were identified and listed as non-cooperating third countries and are now facing an import ban and corrective measures. Guinea is the only West African state that has been identified and

¹⁸ More information available at: www.mtiscgog.org

¹⁹ See: www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141582.pdf

²⁰ See: www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141576.pdf

²¹ Highlights of the 2014 Annual Meetings are available at: www.afdb.org/en/annual-meetings-2014/

²² Belize, Cambodia, Guinea, Curacao, Fiji, Ghana, Korea, Panama, Sri Lanka, Togo, Vanuatu, Papua New Guinea, the Philippines.

placed on the list of non-cooperating third countries.²³ Ghana²⁴ and Togo²⁵ have been pre-identified as non-cooperating third countries.²⁶

Furthermore, the European Commission has investigated a number of cases involving vessels from various countries operating in particular in West Africa. The European Commission has been active in its enforcement actions in West Africa, a result of which sanctions have been imposed on flag and coastal states.²⁷

A communication system between the member states and the European Commission was created for mutual assistance to ensure that the union catch certification scheme can be applied properly and to direct the controls of the member states, check the situations of risk, and request investigations on presumed IUU fishing activities and serious infringements. The European Commission has also promoted the exchange of information and cooperation between the competent authorities in EU member states. As a consequence, numerous imports have been rejected by EU member states.

The European Commission has also cooperated actively with many developing countries on IUU issues providing technical assistance through the ACP Fish II and Environment and Sustainable Management of Natural Resources including Energy (ENRTP) schemes with the aim to contribute to the sustainable and equitable management of fisheries in the developing regions. EU assistance is focused on strengthening fisheries policy development and implementation of catch documentation schemes (including the implementation of the IUU Regulation). The European Commission has also offered targeted training capacity building actions on catch certification and monitoring, control and surveillance policies.

The European Commission is working with more than 30 third countries cooperating actively on fisheries management policies and improving instruments used to prevent, deter and eliminate IUU fishing. The aim is for these countries to introduce the necessary measures for the cessation of IUU fishing activities and the prevention of any such future activities, rectifying any act or omission leading to that situation. Many countries have used this opportunity to implement structural changes in their fisheries management policies and promote the sustainability of resources, social development and economic growth.

4.3 Fisheries Committee for the West Central Gulf of Guinea

The Fisheries Committee for the West Central Gulf of Guinea (FCWC) is a Regional Fisheries Body (RFB) that aims to strengthen the regional cooperative framework in the areas of MCS, implementation of fisheries policies and partnership development.²⁸ The Committee collaborates closely with fisheries directors and MCS officers based in each of its six member countries in order to support them in the development of fisheries registries, trainings, exchange of information and the establishment of good practices, such as authentication of fishing documents.²⁹

The FCWC currently does not have a mandate to manage the fisheries in its region. Its main focus is to

²³ OJ C 346, 27.11.2013 and OJ L 91, 27.03.2014

²⁴ OJ C 346/26, 27.11.2013

²⁵ OJ C 354, 17.11.2012

²⁶ For more information: http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm

²⁷ European Commission: http://europa.eu/rapid/press-release_MEMO-14-408_en.htm

²⁸ The RFBs are a group of countries or organizations that are parties to an international fishery arrangement and work together towards the conservation and management of fish stocks.

²⁹ Liberia, Côte d'Ivoire, Ghana, Togo, Benin and Nigeria

ensure and strengthen regional cooperation between its member countries supporting the effective management and development of their fisheries. Other areas of focus are over-fishing in fisheries; prevention, deterrence and elimination of illegal, unreported and unregulated fishing; development of sustainable aquaculture; and improvement of the livelihoods of small-scale fishers and processors.

4.4 INTERPOL Fisheries Crime Working Group

The INTERPOL Fisheries Crime Working Group helps to assess the needs of INTERPOL's member countries and facilitate information sharing.

The Working Group has four strategic goals:

- Enhance and develop the capacity, capability and cooperation of member countries to effectively enforce fisheries and crossover crimes;
- Encourage and assist the exchange of information and intelligence related to fisheries crime among member countries;
- Provide analytical and operational support to member countries in the enforcement of fisheries law and regulations;
- Encourage and facilitate networking, channels of communication and exchange of technical expertise between member countries for the purpose of fisheries law enforcement.

The FCWG provides a basis for long-term strategic approaches to countries which may face major issues in the field of fisheries law enforcement.

The following most likely significant fisheries issues have been identified through the FCWG:

- Lack of political willingness to prioritize environmental crime and specifically illegal fishing;
- Limited capacity and resources in several coastal states committed to reducing illegal fishing;
- Need to identify points of contact in order to better coordinate law enforcement actions among relevant fisheries enforcement agencies;
- Socio-economic impacts and revenue loss due to illegal fishing;
- Need to avoid overlapping with other international efforts and initiatives;
- Need to recognize that each country has different national legislation that defines crime;
- Need to expand INTERPOL's tools and services to fit fisheries crime needs;
- Identification of linkages between fisheries crime and other crimes (e.g. corporate crime, tax evasion, document fraud, money laundering).

The Board is composed of the following members:

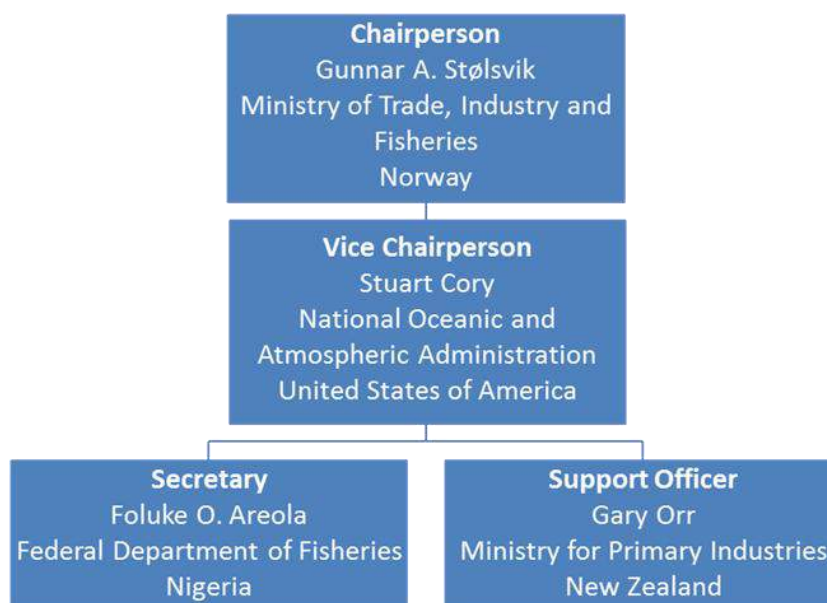


Figure 9: FCWG Board in September 2014

4.5 Green Customs Initiative

The Green Customs Initiative is a partnership of international organizations cooperating to prevent the illegal trade in environmentally-sensitive commodities such as toxic chemical products, hazardous wastes and endangered species. Its objective is to enhance the capacity of customs and border protection personnel to detect and prevent illegal trade in environmentally-sensitive commodities covered by the relevant conventions and multilateral environmental agreements (MEAs), such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Joint trainings covering the relevant international agreements is a key component of the program. Green Customs is designed to complement and enhance existing customs training efforts under the respective agreements.³⁰

CITES covers sixteen species of fish in Appendix I (threatened with extinction, most international trade prohibited) and 87 in Appendix II (may become threatened with extinction if trade is not controlled). These include species of fish, corals, mollusks, marine turtles, manta rays and sharks, some of which can be found in the West African coastal region such as the Great White Shark (*Carcharodon carcharias*), Whale Shark (*Rhincodon typus*) and species of Hammerhead Sharks (*Sphyrna lewini*).³¹

The Green Customs Initiative has developed a guidebook to MEAs and conducts national, regional and sub-regional workshops. By informing customs and border patrol officers on the legal restrictions and requirements for importation of CITES regulated marine species, the Initiative further supports international efforts to detect, deter and counter the illegal trade in illicit marine products.

³⁰ Green Customs Initiative: www.greencustoms.org/background/

³¹ CITES: <http://checklist.cites.org/#>

4.6 International Commission for the Conservation of Atlantic Tunas

The International Commission for the Conservation of Atlantic Tunas is an RFMO responsible for maintaining populations of tuna and tuna-like species found in the Atlantic Ocean to levels that permit maximum sustainable yield. To date, ICCAT has 49 contracting parties.³² ICCAT maintains a list of tuna fishing vessels, fish carriers and support vessels authorized by the national authorities of contracting parties.

ICCAT has acted on the removal of the exemption of fishing vessels from the International Maritime Organization's (IMO) Ship Identification Number Scheme by the IMO Maritime Safety Committee's 92nd meeting. ICCAT Recommendation 13-13 makes it mandatory (by 01/01/2016), for all vessels on the ICCAT vessel record of 20 meters and over to obtain an IMO number. Other Regional Fishery Management Organizations have adopted similar measures and more than 22,000 fishing vessels globally have already been issued IMO identification numbers.

ICCAT has also adopted a binding resolution on Contracting Parties, Cooperating non-Contracting Party, Entity or Fishing Entity (hereinafter referred to as CPC) to implement a vessel monitoring system for its commercial tuna fishing vessels, carrier vessels and support vessels exceeding 20 meters and:

- a) require its fishing vessels to be equipped with an autonomous system able to automatically transmit a message to the land-based fisheries monitoring center of the flag Contracting Party or Cooperating non-Contracting allowing a continuous tracking of the position of a fishing vessel by the CPC of that fishing vessel;
- b) ensure that the satellite tracking device fitted on board the fishing vessels shall enable the vessel to continuously collect and transmit data location, at any time, to the FMC of the flag CPC.³³

As established by the "Recommendation by ICCAT Further Amending Recommendation 09-10 Establishing a List of Vessels Presumed to Have Carried out Illegal, Unreported, and Unregulated Fishing Activities in the ICCAT Convention Area" [Rec. 11-18], the ICCAT Secretariat ensures publicity of the IUU vessels list adopted by ICCAT at its annual meeting by placing it on the ICCAT website.

4.7 International Monitoring, Control and Surveillance Network

The International Monitoring, Control and Surveillance Network (or International MCS Network) was established to improve the efficiency and effectiveness of MCS for fisheries-related activities.³⁴ It aims to facilitate bilateral and multilateral cooperation for the collection and exchange of information among national and international parties responsible for fisheries MCS activities.

³² ICCAT: www.iccat.int/en/introduction.htm

³³ Recommendation by ICCAT concerning minimum standards for the establishment of a vessel monitoring system in the ICCAT convention area

³⁴ International MCS Network: www.imcsnet.org/wp-content/uploads/2013/09/Governing-Framework_English_2013.pdf

The International MCS Network helps liaise between countries to promote the exchange of inspection and surveillance expertise and equipment between countries. In September and October 2013, in collaboration with the Dutch Navy and within the framework of the *African Winds* program, it organized two training programs in Ghana (for Ghanaian fisheries officers) and Benin (for the Navy and the Ministry of Food and Agriculture). The programs included operational/at-sea and classroom trainings on MCS practices such as performing vessel boardings, searches and seizures.³⁵ Expert trainers provided by the Network discovered that the fisheries inspection authorities of both countries lacked specialized equipment, such as mesh gauges, for fisheries inspections. The International MCS Network liaised with authorities in the Netherlands who were able to provide mesh gauges that were no longer in use in their country.³⁶

4.8 Stop Illegal Fishing

Stop Illegal Fishing (SIF) is a working group of the New Partnership for Africa's Development (NEPAD) and a not-for-profit organization. SIF focuses on facilitating cooperation between communities, government agencies, organizations and other actors as well as to build experience of tools, systems and policy requirements to address illegal fishing. One example of an SIF project is a community surveillance program in Sierra Leone and Guinea in which artisanal fishermen were given the tools and equipment (GPS, radios) to support local authorities in gathering information and evidence against illegal fishing operators. Over the course of the program, sightings of illegal incursions dropped dramatically, while in the four-month period between 2011 and 2012, the government of Sierra Leone generated over USD 300,000 in fines based on reports from local communities.³⁷

Launched in December 2012, FISH-i Africa is an SIF initiative and specialized Task Force of seven Southeast African coastal states that share information and intelligence to enable targeted enforcement action. FISH-i Africa was established to strengthen regional fishery related information and intelligence sharing in order to enable countries to implement and fulfil regional and international recommendations and commitments.³⁸ A pilot FISH-i Africa program in West Africa is being implemented in 2015, in cooperation with Trygg Mat Tracking, the FCWC and its member states (Liberia, Côte d'Ivoire, Ghana, Togo, Benin and Nigeria). The program will lead a series of workshops throughout 2015 and the first half of 2016, with opportunities for collaboration.

³⁵ International MCS Network: www.imcsnet.org/2013/08/imcs-network-collaborates-with-dutch-navy-to-hold-mcs-capacity-building-workshops-in-ghana-and-benin/

³⁶ International MCS Network: www.imcsnet.org/wp-content/uploads/2013/07/Winter-2013-Newsletter.pdf

³⁷ Stop Illegal Fishing: www.stopillegalfishing.com/doc/sif_cs5.pdf

³⁸ For example, recommendations from the first Conference of African Ministers of Fisheries and Aquaculture "that MCS systems and regional cooperation should be strengthened and that urgent actions at national and regional levels are required to deter and eradicate IUU Fishing", and regional and international commitments such as the SADC Statement of Commitment to Combat IUU Fishing and the IOTC Resolution on Port State Measures.

➤ *Trygg Mat Foundation and Trygg Mat Tracking Foundation*

The Trygg Mat Foundation was created to work on issues concerning ecologically safe food production, but increasingly over the last decade, the Foundation has focused on fisheries management and illegal fishing. Motivated by the pioneering Directorship of the late Gunnar Album, many diverse, advanced and ground-breaking technical and analytical skills were developed in-house. Such tools became decisive in holding illegal fishing companies to account and provided invaluable support to national law enforcement authorities, development agencies, IGOs and NGOs, including the following authoritative public service website: <http://tryggmat.no>

In 2013, Gunnar Album and his team formed the Trygg Mat Tracking Foundation to develop these specialist services and provide expert fisheries intelligence analysis to fisheries authorities and relevant international institutions. More information can be found at: <http://www.tm-tracking.org>

4.9 Sub-Regional Fisheries Commission

The Sub-Regional Fisheries Commission (SRFC) comprises the governments of seven West African countries, represented by their Ministers of Fisheries.³⁹ The Commission aims to harmonize in the long-term policies of member countries in terms of preservation, conservation and management of fisheries resources and to strengthen regional cooperation. The SRFC's purview is to coordinate sub-regional MCS operations, assist its member countries to establish national vessel registries, develop and maintain a sub-regional registry of fishing vessels active in the waters of member countries, update and implement the convention on sub-regional cooperation in the practice of maritime hot pursuit, follow the progress of VMS programs, promote cooperation between national authorities responsible for MCS, and support the continuous improvement of MCS capacity in member countries.⁴⁰

The Secretariat of the SRFC also facilitates information exchange in cases where a vessel flagged to a member country of the SRFC or operating under its authorization, is identified while conducting illegal fishing activities in the waters of another member country. Between 2011 and 2013, regional operations conducted under the SRFC resulted in the recovery of more than USD 200,000 in fines, inspections of more than 700 pirogues and 30 industrial vessels, and the arrest of approximately 35 pirogues and 20 industrial vessels, mainly trawlers.⁴¹ The SRFC is currently developing a regional vessel "black list" based on these multilateral surveillance operations, to act against vessels involved in illegal fishing activities.⁴²

³⁹ Cape Verde, Senegal, the Gambia, Guinea, Guinea Bissau, Mauritania and Senegal. More information at: <http://spcsrp.org/>

⁴⁰ SRFC: www.spcsrp.org/Presentation/Suivi%2C+Controle+et+Surveillance

⁴¹ Since 2011, the SRFC has coordinated a series of regional operations among its West African member countries, targeting illegal fishing vessels, and during which national fisheries enforcement officers were dispatched on speedboats.

⁴² This list is a compilation of countries considered non-cooperative against illegal, unreported and unregulated fishing.

4.10 United Nations Office on Drugs and Crime

The United Nations Office on Drugs and Crime has conducted two important studies related to crime in the fishing industry which document IUU fishing and related crimes such as piracy (UNODC, “Transnational Organized Crime in the Fishing Industry”; “Combatting Transnational Organised Crime Committed at Sea”, 2011, 2012). It has also established the link between different crime types at sea which are in line with the findings of this report, that fisheries crime is intricately linked to other crime types such as drug trafficking and human trafficking.

Together with INTERPOL, the United Nations Department of Political Affairs and the Department of Peacekeeping Operations, UNODC established the West Africa Coast Initiative (WACI), which strives to create Transnational Crime Units (TCU) to enhance national and international coordination, as well as to enable intelligence-based investigations to combat the growing problem of illicit drug trafficking, organized crime, and drug abuse in West Africa (Guinea Bissau, Liberia, Sierra Leone and Côte d’Ivoire).

4.11 World Bank – West Africa Regional Fisheries Program

The World Bank has developed the West Africa Regional Fisheries Program to provide support to seven member states of the Sub-Regional Fisheries Commission along with Liberia and Ghana.⁴³

The objective of the program is to sustainably increase the overall wealth generated by the exploitation of the targeted marine fish resources in participating countries, and the proportion of that wealth captured by these countries by: strengthening the national capacity to sustainably govern and manage their fisheries, reducing illegal fishing, and increasing the value and profitability generated by the fish resources and the proportion of that value captured by the countries.⁴⁴

Through the program, the MCS systems in some countries have been enhanced with monitoring centers equipped with radios and satellite-based VMS linked to fishing vessels through VMS transponders. Training has been provided to fisheries inspectors and observers who are encouraged to participate in more frequent coordinated fisheries patrols.

The government of Sierra Leone has received funds in the form of a credit from the International Development Association toward the cost of the West Africa Regional Fisheries Program - Sierra Leone, and it intends to apply part of the proceeds of this credit to payments under the contract for the procurement of a patrol vessel.

Some significant results have been observed in Ghana such as the registration and licensing of 8,000 marine fishing canoes and the establishment of a fishing enforcement unit in June 2014. A satellite-based fishing vessel monitoring system is in procurement for the 2,200 mile EEZ as well as 24 hour/day monitoring.⁴⁵ Cape Verde, Liberia and Sierra Leone are still to finalize and roll out their new policy reform. A satellite-based fishing vessel monitoring system is in place in each country. However, the capability of the systems is diminished by unreliable electrical grids and internet connection. Almost all participating countries have reached a 100 percent registration rate for the artisanal fleet.

⁴³ Cape Verde, the Gambia, Guinea, Guinea Bissau, Mauritania, Senegal, Sierra Leone

⁴⁴ The World Bank: www.worldbank.org/projects/P106063/west-africa-regional-fisheries-program?lang=en&tab=overview

⁴⁵ The World Bank: www.worldbank.org/projects/P108941/west-africa-regional-fisheries-program?lang=en&tab=overview

Additionally, Cape Verde has piloted an incentive-based registration system which is now reported as a best practice in West Africa.⁴⁶

4.12 Maritime Forces

➤ *African Winds*

The annual *African Winds* training activities fall under the Africa Partnership Station (APS), the United States Naval Forces Africa (NAVAF) maritime security cooperation program. 221 military personnel from the Armed Forces of Benin, Ghana, Togo, Cameroon, Senegal, Morocco and Nigeria along with 668 crew members of the Dutch Navy vessel “Rotterdam” participated in *African Winds 2013* (August to November 2013). The three-month training program consists among others of exercises in amphibious raid, maritime counter terrorism, vessel boarding, stop and search, and oil rig operations. Hands-on training in monitoring, control and surveillance of fishing activities at sea and in port are also included in the training curriculum of *African Winds 2013*, with trainers provided by the International Monitoring, Control and Surveillance Network. The International MCS Network has provided trainers for previous fisheries-related exercises under the APS in Ghana (2010), Togo (2011) and Gabon (2011). (Source: www.navy.mil.ng/press/26.news#.U8x2oIT8KUK)

The maritime forces of several countries, most notably France, the Netherlands, Portugal, the United Kingdom and the United States, provide significant support to enhance the maritime domain awareness and surveillance capacity of many countries in the region through a variety of means. This support has a significant impact on the ability of coastal states to effectively enforce their sovereignty in the maritime domain. A key part of this enforcement is the ability to enforce their laws and regulations pertaining to fishery resources.

All of the countries listed above have conducted trainings and workshops to assist countries within the region in enhancing their maritime domain awareness and familiarity with maritime operations. These have been especially useful for those countries with few surface patrol assets. These trainings and workshops have primarily focused on maritime law enforcement overall, including responses to maritime piracy and counter-drug operations with some material on fisheries enforcement.

The most direct impact from the support of these countries’ maritime forces has come from “ship-rider” support for coastal states. In the ship-rider model, enforcement officers from the coastal state deploy on the patrol assets of other countries for the purpose of enforcing the coastal state laws. This type of operation has primarily been conducted under the United States’ Africa Maritime Law Enforcement Partnership (AMLEP). This effort, coordinated by the Africa Command (AFRICOM) of the U.S. Department of Defense, has allowed several coastal states to conduct law enforcement operations throughout their Exclusive Economic Zones with significant surveillance support. In addition to surveillance support and a surface patrol asset, AMLEP operations usually include law enforcement personnel that accompany coastal state enforcement officers on boardings of vessels of interest.

⁴⁶ Implementation Status & Results Report WARFP 06 July 2014

The United States has conducted AMLEP patrols with Sierra Leone, Senegal, Cape Verde, the Gambia and Ghana resulting in several significant seizures during the course of these patrols. As an example, one patrol in 2011 by the U.S. Coast Guard Cutter FORWARD in support of Senegal and Sierra Leone led to 19 boardings, 10 of which resulted in detentions of the vessels with over USD 450,000 in fines and 75 tons of fish seized. It is notable that this type of support resulted in such significant seizures, because it demonstrates the frequency and severity of fisheries violations that can be discovered when additional resources are available for training and surveillance capacity.

It is also of particular note that training and capacity building events organized by external militaries have not included much on the subsequent investigation of offenses located at sea. While the discovery of these offenses are commendable, there is limited information on the quality or outcomes of subsequent investigations conducted after the seizure, including information on possible violations in the waters of other coastal nations.

➤ *Frameworks for regional cooperation in fisheries law enforcement*

The Memorandum of Understanding on Port State Control for West and Central African Region (1999, amended in 2012), or the **Abuja MoU**, aims to develop a system of harmonized port state control inspection procedure for the West African coastal region. The over-arching mission of the MoU is to reduce and eventually eliminate substandard shipping, prevent marine pollution, improve the living and working conditions of crew aboard ships, and facilitate regional cooperation and information sharing. (More information at: <http://www.abujamou.org/index.php>)

Created by the Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), and the Gulf of Guinea Commission (GGC), the **Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships, and Illicit Maritime Activity in West and Central Africa** was signed on 25 June 2013 to enhance regional cooperation in combating maritime piracy and other illegal activities at sea. Among others, the signatories to the Code of Conduct agree to cooperate on transnational organized crime at sea, maritime terrorism, IUU fishing and other illegal activities by sharing and reporting information, and interdicting ships and/or aircrafts suspected of engaging in illegal activities (Article 2). Article 8 of the Code of Conduct addresses measures to address IUU fishing specifically. (Code of Conduct: <http://pages.au.int/sites/default/files/Code%20of%20Conduct.pdf>)

5. Status of Countries

5.1 Benin

The coastline of Benin is 125 km long, with an EEZ of 27,750 km², and a continental shelf of 3,100 km². Its inshore fishing area expands nearly 1,900 km².⁴⁷ Benin's waters hold over 250 species of fish, including healthy stocks of tuna, ten species of crustaceans and four species of cephalopods. The artisanal fisheries is composed of a fleet of around 800 artisanal fishing boats (pirogues and canoes)

⁴⁷ Sea Around Us Project: www.seaaroundus.org/eez/204.aspx

with over 5,080 fishermen (Fisheries survey, report 2009) from Benin, Ghana and Togo. There are currently no industrial vessels flagged to Benin, but some industrial vessels are licensed to fish in Beninese waters. All industrial vessels land in the port of Cotonou, as it is the only port in Benin with limited facilities (African Winds report, 2013). In 2013, the Department of Fisheries began issuing licenses to tuna fishermen, which had previously not been the case. The Department is now trying to establish a monitoring program to provide information on activities at sea. As of September 2014, there are fifteen vessels licensed to fish: thirteen Ghanaian tuna fishing vessels and two Korean and Nigerian trawlers.⁴⁸

A National Action Plan (NAP) against IUU fishing was developed with the support of FAO and adopted by Benin's ministerial council in 2007. Building on the Plan for the Development and Management of Fisheries of 1997 and in cooperation with the Canadian International Development Agency (CIDA), the NAP is a unifying tool which assesses the scale of IUU fishing in Benin and proposes measures to effectively address this problem. The National Action Plan proposes: training of maritime fisheries inspectors, reform of the fisheries licensing and control system, establishment of a license registry, improvement of the system for collecting statistics of landings at the port of Cotonou, establishment of a system of information sharing between members of the ECOWAS WAPIS / INTERPOL project for which Benin will host the pilot phase (in progress)⁴⁹ including the fisheries field, and organization of the tuna fisheries. A ministerial decree to this effect was drafted and submitted for signature by the Ministers of Fisheries and Finance.

The responsibility for monitoring, control and surveillance of fishing activities in Benin lies with the Department of Fisheries of the Ministry in charge of fisheries (the MAEP) with stakeholders in several ministerial departments: Defense, Public Security, Maritime Economy and Finance. The Department of Fisheries has begun discussing the possibility for a decree with naval authorities for MCS, which would be the first such decree to be developed in the sub-region. In 2011, the government of Benin strengthened the response capacity of the naval forces in regards to maritime piracy and armed robbery at sea by purchasing three new 33-meter patrol vessels, and developed an extensive training program for all relevant actors, including fisheries enforcement officers. The Directorate of Fisheries envisages to establish a committee of monitoring and surveillance of fisheries, with the engagement of local fishing communities.

The government of Benin cooperates with other authorities and organizations, including the following ongoing or planned activities:

- Fisheries Cooperation Project underway with Ghana;
- Cooperation with INTERPOL for the sharing of information on illegal fishing;
- Successful collaboration with the United Kingdom Marine Management Organisation (UK MMO) on the activities of vessels in waters under the jurisdiction of Benin;
- Collaboration with the Environmental Justice Foundation for sharing of information on activities of vessels;
- Accession to ICCAT (in progress);
- Accession to the International Monitoring, Control and Surveillance Network (in progress);

The fisheries legislation was adopted by the National Assembly on 6 June 2014 and enacted in the first week of September 2014.

⁴⁸ Division Pêche Maritime Industrielle, Direction des Pêches, Benin

⁴⁹ Funded by the EU and implemented by INTERPOL in collaboration with ECOWAS, the WAPIS programme aims to create a national and regional infrastructure for police information exchange in 16 West African countries.

5.2 Cameroon

Cameroon is a coastal country of Central West Africa. It has a coastline of approximately 360 km and an EEZ of 15,400 km². Some of its fish stocks are shared with Nigeria, Gabon and Equatorial Guinea.

In Cameroon, illegal fishing has impacted both the industrial and artisanal sectors. According to the Ministry of Livestock, Fisheries and Animal Industry (MINEPIA), the IUU loss in this country was more than CFA 20 billion (EUR 30,500,000) in 2009.

The industrial fishing sector has an estimated 20,000 tons annual average production. In 2012, nearly 70 industrial fishing vessels were officially permitted. These consisted mainly of trawlers targeting shrimp and species of demersal fish.

Despite its sizable industrial sector, Cameroon imports between 150,000 and 200,000 tons per year of frozen fish for the domestic market, as the national catch is not able to meet national needs. During 2012, Cameroon imported nearly 197,000 tons of frozen fish which constitutes a significant outflow of capital.

According to representatives of the fisheries department, discussions among national authorities about the cooperation against illegal fishing were very difficult prior to 2005. Starting in 2005, the national government established the Brigade for Monitoring and Control of Fishing Activities (BCSAP) in order to set up a MCS system in Cameroon. The BCSAP has more than 30 officers to ensure the monitoring and control of fishing activities, one mid-range patrol vessel, eight inshore patrol vessels and two sets of equipment for two radio telecommunication stations (Douala and Kribi). Representatives of the fisheries department estimated that 20 inspections were conducted at port and at sea between 2007 and 2012, resulting in the arrest of ten illegal fishing vessels. At present, human capacity and equipment have been insufficient for effective MCS, according to representatives of the fisheries department, due to the absence of an offshore patrol vessel or patrol boats in sufficient numbers to patrol their waters. Additionally, a VMS was established in 2007 but is not currently functional.

In an effort to overcome these constraints, MINEPIA signed a cooperation agreement with the Ministry of Defense in December 2013. This agreement intends to pool resources of both Ministries, specifically in MCS activities. In terms of regional and international coordination, the Regional Commission of Fisheries of the Gulf of Guinea (COREP)⁵⁰ and MINEPIA developed a registry of industrial fishing vessels, and INTERPOL supported the government of Cameroon in law enforcement trainings for MINEPIA officers.

Cameroon has also developed a National Plan of Action to prevent, deter and eliminate IUU fishing with the support of the FAO.⁵¹ This plan includes restrictions on fishing quotas, creation of marine protected areas, technical measures such as permitted fishing gear, control measures on the registration of catches, data processing and increased port inspections. According to available data, this plan was not yet approved in 2013.

⁵⁰ The Regional Commission of Fisheries of the Gulf of Guinea, or Commission Régionale des Pêches du Golfe de Guinée in French, harmonizes fisheries policy and legal frameworks of parties: <http://corep-se.org/>

⁵¹ The FAO Committee on Fisheries (COFI), at its 23rd session in 1999, considered illegal fishing as a matter of high priority, particularly by fishing vessels flying “flags of convenience”, and a growing threat to the achievement of sustainable fisheries. The Committee recommended the elaboration of an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA).

5.3 Cape Verde

Cape Verde is a small group of islands of the Atlantic Ocean located about 500 km west of the coast of Senegal and has a wide variety of marine resources. It has an EEZ of 734,265 km². In 1993, Cape Verde signed a treaty on maritime delimitation with Senegal and ten years later with Mauritania. At this stage, there is no agreement with the Gambia.

Tuna is one of the primary target species in Cape Verde, along with species of sharks, and is one of the most highly exported fishery products, primarily to the European market. Most foreign fishing vessels operating in the Cape Verdean EEZ are longliners and purse seiners.

A number of agreements between importing countries and Cape Verde aim to transform Cape Verde into a hub for fish trade, due to its strategic point of contact with the major shipping routes of the Atlantic.

The Cape Verdean government regularly implements measures to protect the artisanal fishing sector from conflicts with industrial vessels, as well as to reinforce its control over quotas caught by the industrial sector. During the Rio+20 United Nations Environment Programme (UNEP) conference in 2012, the President of Cape Verde stated that the government was adopting a number of national measures to protect its fish stocks. Besides implementation of fisheries policies, Cape Verde took part in law enforcement operations coordinated by the Africa Command of the U.S. Department of Defense, strengthening its ability to exert sovereignty over its EEZ.

5.4 Côte d'Ivoire

The fishing industry of Côte d'Ivoire encompasses artisanal and industrial fishing along the coast (550 km) and within the EEZ which spreads over 200,000 km². The annual catch is about 101,000 tons.

Following an economic crisis, a new government was implemented in 2011. In 2013, Ivorian Minister of Transport, Mr Touré Gaoussou, communicated during the 36th celebration of World Maritime Day held in Abidjan, that the government was willing to “adopt definitely a restrictive legal document on maritime safety and security” to fight against piracy in Ivorian waters.

There is substantial open source reporting on illegal fishing in Ivorian waters since 2007. Fishermen have highlighted the presence of illegal, unreported, and unregulated fishing activities. Additionally, the domestic production in artisanal fishing has been steadily falling since 2001 from 76,000 tons to 48,578 tons in 2007 (Direction de la Pêche Halieutique, DPH, 2008). This decrease in fish stocks has led many fishermen to extend their fishing activities farther away from the usual fishing areas often at their own risks. In April 2009, the DPH seized Nigerian, Korean, Chinese and Ghanaian flagged vessels in the Ivorian EEZ for illegal fishing activities.⁵²

There appear to be efforts to pass new fisheries legislation, such as a new maritime code that will include major innovations for sustainable development. This new maritime code is currently under examination by the government of Côte d'Ivoire.

⁵² Les Cahiers d'Outre-Mer 251 - Aspects de la Côte-d'Ivoire, Céline Yolande Koffie-Bikpo - La pêche maritime en Côte d'Ivoire face à la piraterie halieutique, Juillet-Septembre 2010

The Minister of Animal Resources and Fisheries, Mr Kobenan Kouassi Adjoumani, has indicated that “the government is opting for the revision of the fisheries law, taking into account the relevant dispositions of good governance and fight against illegal fishing”.⁵³

The European Union provides support to the government of Côte d’Ivoire to combat illegal fishing. This includes capacity building for personnel of the Animal Resources and Fisheries Department and assistance towards the modernization of the catch reporting system. The objective is to increase the availability of fisheries products at the national level, strengthen the capacity of the fisheries administrations, improve governance in the fisheries sector, heighten surveillance and implement a participative and responsible system in fisheries management and control.

5.5 The Gambia

The Gambia is the smallest country in mainland Africa. It has a population of 1.7 million, of which an estimated 400,000 are Senegalese (World Bank, July 2007). It has a continental shelf area of 4,000 km² and an EEZ of 22,630 km². The coastline is 80 km long. No industrial fishing vessel is allowed to fish within the seven nautical mile limit which is exploited by artisanal fishermen. The seas off the Gambia are located where two major oceanic currents converge along the coast of West Africa. The cold water of the Canary Current Large Marine Ecosystem (CCLME) flows southward from Mauritania and Senegal and meets the eastward-flowing warm Guinea Current. It is a highly productive area with rich pelagic and demersal fisheries resources. Fishing contributes on average three percent to the nation’s gross domestic product (GDP).

The industrial fleet is composed of foreign owned trawlers primarily targeting high value, bottom-feeding demersal fish (sole, shrimp, snappers, cuttlefish and octopus). The industrial fisheries account for as little as ten percent of national fish consumption. This is due to the fact that over 90 percent of industrial fishing vessels legally operating in the Gambia are foreign owned, and export to EU countries such as Belgium, the Netherlands, Spain and France.⁵⁴ Ghana, Nigeria, the United States, Canada and Hong Kong are also major importers of Gambian fishery products.

The Fisheries Department is the principal public technical agency for the administration and implementation of national fisheries policies and management plans. MCS is the joint responsibility of the Gambian Navy and the Fisheries Department. The Navy is responsible for maritime surveillance and holds an up-to-date list of licensed fishing vessels from the Director of Fisheries.

The Gambia lacks most of the necessary infrastructure to support the fisheries sector. Most of the landing sites along the Gambian coastline do not have basic facilities. Historically, industrial vessels did not land their catches in the country, creating a significant obstacle for Gambian authorities to effectively monitor the offload of catch from their waters. Recently, a deep water landing dock was constructed in Banjul with the support of the African Development Bank and the Arab Bank for economic development.⁵⁵ This will help the Gambian authorities to better monitor the fishing industry. Senegal operates a VMS system on behalf of Gambia for all industrial vessels licensed to fish in the Gambia. Gambian authorities have real-time access for all Gambian vessels and automatic

⁵³ Declaration during the INTERPOL Workshop on Fisheries Crime in Abidjan, 15-16 May 2014

⁵⁴ FAO: ftp://ftp.fao.org/fi/document/fcp/en/FI_CP_GM.pdf;
http://unctad.org/en/PublicationChapters/ditc2013d4_ch02_en.pdf

⁵⁵ Coastal Resources Center, University of Rhode Island:
www.crc.uri.edu/download/BaNafaa_Y2_3rd_QR_April_June_2011_508.pdf

transmission of VMS data to the Gambia on Senegalese vessels transiting through or fishing in Gambian waters.⁵⁶

5.6 Ghana

Ghana has a coastline of about 550 km in length and an EEZ of 218,100 km². It is host to a large tuna fishing fleet and relies heavily on the European market. Ghana is the third largest exporter of tuna to Europe (EUR 130 million of fish are imported into the EU each year). The United Kingdom accounts for up to 60 percent of Ghanaian fish exports.

Ghana has experienced a major decline in its fish stocks that is widely believed to be linked to illegal fishing methods such as pair trawling, light fishing, and the use of explosives and mono-filament nets. Concerns about illegal fishing by Ghanaian-flagged ships have resulted in the suspension or denial of several tuna shipments into the European market.

Ghana was issued with a “yellow card” by the EU in November 2013 and given six months to address perceived deficiencies in its fisheries management.⁵⁷ In July 2014, given credible progress made, the government was granted a further six months to continue improving its fisheries management and control.⁵⁸

To date, Ghana has engaged with the Environmental Justice Foundation, the European Union, the United States African Maritime Law Enforcement Partnership and the Fisheries Committee for the West Central Gulf of Guinea in order to gain support in addressing fisheries crime in its waters.

EJF has recently started to work with the government of Ghana to help fishermen in waters around Port Elmina where there is a high level of illegal fishing activities by ensuring that its community surveillance boats respond to calls from fishermen and other members of the fishing community who witness illegal fishing. Personnel on these community surveillance boats track illegal vessels by taking photos and videos and recording GPS positions to document the violations and submit them to local government and European authorities for investigation and possible sanctions.⁵⁹

The Ghanaian government has also actively engaged with external military forces to increase its maritime enforcement capacity. Specifically, Ghanaian and U.S. maritime forces completed in early 2014 a three-week combined maritime law enforcement operation as part of the African Maritime Law Enforcement Partnership. During the operation, the U.S.-Ghana team boarded three fishing vessels that had fished illegally in Ghanaian waters. A fisheries agent from the Fisheries Commission of Ghana, embedded within the combined boarding team, recorded six infractions under Ghanaian fisheries regulations for these vessels, leading to possible fines of up to USD 2 million.⁶⁰

Ghana is engaged with the EU and is in a dialogue process since May 2013 aimed at strengthening its capacity to combat IUU fishing. Ghana and the EU have discussed a range of corrective actions for Ghana to meet its obligations as a trading partner of the EU. Quoted in June 2014, Former Minister

⁵⁶ Presentation by Robert Gallagher, Consultant to the FAO:

www.oceandocs.org/bitstream/1834/328/2/Pages%20from%20FAO%201-103-2.pdf

⁵⁷ European Union: http://europa.eu/rapid/press-release_IP-13-1162_en.htm

⁵⁸ European Commission:

http://ec.europa.eu/information_society/newsroom/cf/mare/itemdetail.cfm?item_id=17498&subweb=343&lang=en

⁵⁹ GhanaWeb: www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=294430

⁶⁰ Official blog of the mission: www.ghana.usembassy.gov

Nayon Bilijo announced new regulations by the end of 2014 under a legislative reform which would impose severe sanctions on IUU fishers and repeat offenders, and “include the introduction of new control measures on Ghana-flagged vessels that intend to fish in neighbouring countries.”⁶¹

Ghana’s Monitoring Control and Surveillance Division (MCSD) and Fisheries Enforcement Unit are very operational and equipped with: VMS to cover all industrial vessels, new vehicles acquired to increase monitoring activities, generators to ensure surveillance around the clock, and communication tools in major fishing ports and centers. VMS tracking reports allow authorities to corroborate statements prior to a fishing vessel discharging and selling or exporting fish. In addition, all fleets (industrial and artisanal) have been re-registered, and licenses are subject to revocation when operators are found guilty of illegal fishing activities. The MCSD and Fisheries Enforcement Unit also provide stakeholder sensitization and education on fisheries laws and voluntary compliance. Other measures are yet to be implemented, such as the purchase of two patrol vessels.

➤ *Hen Mpoano*

Hen Mpoano (“Our Coast”) is a program developed and supported by USAID to examine the current regulatory structures in place for coastal fisheries in Ghana and to help assemble the conditions for good governance along the coast of Ghana. In partnership with *Africa Winds* and building on best practices from the Fisheries Ministry in Tanzania, Hen Mpoano supports the Fisheries Commission of Ghana and works closely with the Navy, Marine Police Unit and local fishing communities. It proposes a multi-disciplinary approach to ensuring good governance across all levels by providing trained lawyers, prosecutors and MCS officers in fisheries regulations and analyzing fisheries data for the Fisheries Commission. The program engages local fishermen and the private sector, alongside government agencies, interest groups and non-governmental organizations. Hen Mpoano also examines how the harvesting of oil and gas in the coastal region are pushing coastal communities into other areas.

5.7 Guinea

Guinea is bordered in the north by Guinea Bissau, Senegal and Mali, and in the south by Sierra Leone, Liberia and Côte d’Ivoire. It has a coastline of approximately 320 km and an EEZ of 116,584 km², and the second largest continental shelf of West Africa. It is believed that more than 1.5 million people of the 11 million habitants of Guinea depend directly on fish products for their livelihoods (Goujet et al. 1992; Anon. 2003; N’Dia 2004; WFC 2005). Guinea is also one of the poorest countries in the West Africa region and one of the most affected by illegal fishing.

Over the last few years, the marine resources of Guinea have been negatively impacted by the constant presence of “flag of convenience” vessels and a large foreign fleet fishing illegally in Guinea’s waters. The Marine Resources Assessment Group (MRAG) estimated that more than USD 100 million worth of marine products is caught illegally in Guinean waters every year (MRAG, 2005).

Gaps have been identified in Guinea’s MCS resources. Among other issues, Guinea lacks effective VMS and has minimal monitoring or enforcement of distant water fleets. The Guinean government has established some programmes with the participation of civil society in order to better control the

⁶¹ CAJ News Agency: <http://allafrica.com/stories/201406050752.html>

coastal waters against illegal fisheries operators, but a lack of economic resources limits these kinds of initiatives.

The French government has provided Guinean law enforcement authorities with enforcement support and training for the fisheries sector, in an effort to reinforce their capacities. The WARPF has also initiated activities to strengthen the capacity of the Guinean government to combat this crime type.

The EU issued a “yellow card” to Guinea in November 2012⁶², followed by a “red card” in November 2013⁶³ and black-listing in March 2014.⁶⁴ The basis for these actions are explained in the relevant published legal documents.⁶⁵

5.8 Guinea Bissau

The coastline of Guinea Bissau extends over 274 km from the border with Senegal in the north to the border of Guinea (Conakry) in the south, with a further 80 islands. Its EEZ is about 106,117 km². According to the FAO, there are approximately 107 ship owners and 1,125 fishermen.

Guinea Bissau has an extensive problem with IUU fishing primarily due to the government’s limited institutional capacity to regulate the fishing sector. The government has endeavoured to regulate foreign fishing in the EEZ by selling and issuing licenses. A new protocol was initiated in February 2012 with the European Union, but its adoption was deferred following a military coup in April 2012. At this stage, there is no protocol in force, and European vessels are not allowed to fish in the EEZ of Guinea Bissau.

Decree No. 24/2011 was published in June 2011 and approves a regulation on artisanal fishermen to operate in the waters under the jurisdiction of Guinea Bissau. It aims to regulate the General Legislation on Artisanal Fisheries enacted within the inland waters and territorial sea. In particular, it specifies the requirements of fishing vessels, and regulates fishing zones, licensing, and gear and methods used. It also prescribes inspections, controls and fines to be paid for illegal artisanal fishing activities.

Guinea Bissau has bi-lateral fisheries agreements with Senegal and China.⁶⁶ The most recent EU fisheries agreement was temporarily suspended by the European Commission in June 2012, under Article 96 of the Cotonou Agreement, due to the transitional government. However, in July 2014, EU Fisheries Commissioner Damanaki and Prime Minister Pereira agreed to re-activate the ratification procedure of the Fisheries Partnership Agreement between the EU and Guinea Bissau.⁶⁷

Guinea Bissau signed a cooperation agreement with Senegal in 1978 aimed at covering bilateral relations on both offshore oil sector and fisheries with a view to establishing a Senegal-Guinea Bissau ‘Common Zone’. This cooperation agreement was renewed in 2006. Guinea Bissau also has MCS

⁶² European Commission: http://europa.eu/rapid/press-release_IP-12-1215_en.htm

⁶³ European Commission: http://europa.eu/rapid/press-release_IP-13-1162_en.htm

⁶⁴ European Commission: http://europa.eu/rapid/press-release_IP-14-304_en.htm

⁶⁵ European Commission:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:354:0001:0047:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:346:0002:0025:EN:PDF>

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014D0170&from=EN>

⁶⁶ World Maritime News: <http://worldmaritimeneews.com/archives/130757/eu-guinea-bissau-rekindle-fishery-ties/>

⁶⁷ Ibid.

agreements with Guinea and with Cape Verde, including conditions to allow hot pursuit in the case of a MCS operation.

Guinea Bissau has received grants from the World Bank under the WARFP, but there was no activity under this program for two years. Activity has resumed since the entry into power of the new administration. The development objective of the project is to strengthen the country's capacity to govern and manage targeted fisheries, reduce illegal fishing and increase local value added to fish products.⁶⁸

5.9 Liberia

Liberia is situated within the East Central Atlantic region of the Gulf of Guinea. Liberia has a coastline of around 579 km, a continental shelf averaging 34 km in width, an EEZ of 246,152 km² and an IEZ of 14,176 km². The fishing area extends from the shrimp rich Shebro grounds bordering Sierra Leone in the west, to the Cavalla River Basin bordering Côte d'Ivoire in the east. The tuna pelagic fishing grounds extend into the Atlantic Ocean.

Liberia has taken significant steps to address IUU fishing, particularly through enhanced transparency of governance in the fisheries sector. The Bureau of National Fisheries (BNF) is responsible for regulating fishing activities in Liberian waters. The newly established BNF website was launched in April 2012 and financed by the WARFP. It is designed to publish information on the country's fisheries sector including a list of licensed vessels.

Fishing with dynamite and poison is a prevalent problem in Liberian estuaries and rivers. Dynamite is widely used in mining operations, but its unregulated use in fisheries breaches both fisheries regulations and penal codes designed to protect life and property. This is a powerful example of how fisheries crime is related to other crime types and evidence of a constructive approach by the Liberian Bureau for National Fisheries to using non-fisheries regulations to tackle associated criminality.

The Bureau of National Fisheries, through the WARFP-Liberia, has undertaken various activities to improve the management and regulation of fisheries in Liberia. The BNF has also collaborated with other international organizations to achieve these aims.

According to a World Bank official, the number of trawlers fishing in Liberian waters has drastically reduced, from at least 40 trawlers and pair trawlers fishing up to the beach, down to two vessels with much improved catch rates. With the support of international MCS Advisers, Liberia has exposed unlicensed and falsely licensed pelagic fisheries for tuna, generating nearly USD 7 million in fines. Three separate forged licensing systems were identified, including one set that originated from outside the country. Liberia has established an inter-agency MCS Coordinating Committee (MCSCC) with representatives of the Coast Guard, Port Authority, Maritime Authority and others, and a Fisheries Monitoring Center (FMC) with VMS.

5.10 Mauritania

The EEZ of Mauritania is 155,442 km² with an inshore fishing area of 24,596 km². Its coastline and continental shelf extend 754 km and 28,341 km² respectively.⁶⁹ Despite rich fishing grounds, Mauritania does not have a substantial traditional fishing sector, and has for many years granted

⁶⁸ International Waters Results notes – 07-09-2011

⁶⁹ Sea Around Us Project: www.seaaroundus.org/eez/478.aspx

licences to foreign fishing companies. Mauritania started to systematically exploit its fishery sector in 1979, and has since signed bilateral fishery agreements with several neighbouring countries and with Russia, Japan and the European Union.⁷⁰

According to estimates, less than ten percent of fish caught are unloaded at Mauritanian ports, and a much smaller percentage is processed locally.⁷¹ Almost all fish landed are exported as gross frozen products. In order to monitor compliance with the various quotas, catches of demersal fish are landed in the port of Nouadhibou. However, the port of Nouadhibou does not have enough handling equipment to unload frozen fish quickly, and pelagic fish cannot be landed due to capacity limitations.⁷² Transshipment of catches from trawlers to large refrigerated transport ships must therefore take place just outside the port, to allow offloading while ensuring that authorities have the possibility to conduct random inspections.⁷³

The Fisheries Code of 24 January 2000 is Mauritania's primary legislation governing the exploitation of marine resources in the Mauritanian EEZ. The law dictates fishing rights of foreign vessels, offloading of catch in Mauritanian ports, the country's licensing regime and protocol relative to identification of vessels, documentation and processing standards. It also determines the agency with responsibility for control and surveillance, law enforcement authorities, and punishment (fines and seizures) for violations. The Code of Merchant Shipping of 31 January 1995 defines the terms for seizing vessels and the roles and responsibilities of port authorities in this regard. The Ministry of Fisheries and the Maritime Economy maintains a website with the current fisheries legislations: <http://www.peches.gov.mr>.

The government of Mauritania adopted its first management plan in 2006 focusing on octopus fisheries. In August 2012, a comprehensive two-year fisheries protocol - the Fisheries Partnership Protocol - between the European Union and the government of Mauritania entered into force on a provisional basis. Among other conditions, the protocol sets precise species-specific quotas and defines the number of ships and maximum catch per species. With an annual EU budget of 70 million euros, the agreement offers fishing opportunities for demersal species, including shrimps, tuna and pelagic fisheries. Both sides signed the latest two-year agreement in 2012, enabling more than 100 European vessels from eleven EU countries to fish in Mauritanian waters.⁷⁴

The agreement also prohibits octopus fishing, increases licensing fees for ship owners, extends the fishing ban area for pelagic fish from 12 to 20 nautical miles from shore and requires that 60 percent of crew members working on foreign vessels operating in the EEZ be Mauritanian. It also includes a human rights clause and requires a two percent contribution of catches to the Mauritanian government for social welfare programs.

⁷⁰ The Financial Times:

www.ft.com/intl/cms/s/2/d27109e6-b8c9-11e3-835e-00144feabdc0.html#axzz36tH5VBv4

⁷¹ Katsarova, I. (2013). EU-Mauritania fisheries agreements. Library of the European Parliament, Briefing 130562REV2. Accessed 24 May 2014,

[http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130562/LDM_BRI\(2013\)130562_REV2_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130562/LDM_BRI(2013)130562_REV2_EN.pdf)

⁷² World Ocean Review: <http://worldoceanreview.com/en/wor-2/fisheries-policy/mangement/mauritania-senegal-and-the-difficult-path-towards-good-fisheries-management/>

⁷³ Ibid.

⁷⁴ European Commission: http://ec.europa.eu/fisheries/cfp/international/agreements/mauritania/index_en.htm

5.11 Nigeria

Nigeria has a coastline of about 853 km and an EEZ area of 210,900 km². The IEZ is 32,959 km². The 200 nautical-mile EEZ provides fisheries resources for industrial/commercial fishing operators. Nigeria is endowed with vast fisheries in both the coastal and inland waters, with a total inland water surface area of 14,000,000 ha which lends itself to fish culture to produce more than 2 million metric tons of fish annually.

According to Nigerian government officials, Nigeria has a total annual fish demand of 2.66 million metric tons, a domestic production of 700,379 metric tons and a supply deficit of 1.956 million metric tons.

The Federal Ministry of Agriculture and Water Resources has exclusive responsibility for managing marine resources, and a shared responsibility with the State for inland resources. The Navy also deploys officers for illegal fishing.

Nigerian law requires all industrial fishing boats operating within Nigerian waters to be licensed, and catches from industrial vessels must be inspected by a fisheries inspector before or after landing.⁷⁵ Trawlers are required to submit catch statistics as well as submit licenses, gear and catch for inspection. All fishing trawlers are required to inform and get permission from the Navy before leaving and while returning to the harbor (Ganapathiraju, Pramod and Tony J Pitcher). Transshipment at sea and the sale of fish at sea are not permitted under Nigeria's fishing regulations. Nigeria does not register any vessels for tuna fishing, but there are reported sightings of tuna vessels in Nigerian waters (purse seiners, longliners and pole-liners). There is no dedicated fish landing facility. At the moment, most companies operate from private jetties, making it difficult for inspectors to monitor operations. By law, all vessels must have VMS installed. Inadequate MCS resources make monitoring and detection difficult.

5.12 Senegal

Senegal is located at the edge of two of the most productive fishing zones in the world, the CCLME and the Gulf of Guinea Large Marine Ecosystem. Senegal has a 531 km long coastline, with an EEZ of 180,895 km². The country has one of the largest and most developed fishing industries in West Africa, and has experienced a development of its fisheries infrastructure over the last years.

The artisanal fishing industry, which represents a fleet of 12,624 pirogues, supplies food for domestic consumption and is a significant source of domestic trade. According to the United States Agency for International Development (USAID), IUU fishing cost Senegal a loss of around USD 300 million in 2012, representing an equivalent of two percent of the country's GDP (USAID, Estimation Préliminaire des Captures de la Pêche Illicite Non Déclarée et Non Réglementée au Sénégal, 2013).

The Senegalese government has implemented a National Plan of Action against IUU fishing. The plan focuses on ensuring control and surveillance of fishing activities, from catch to trade, and reinforcing inspections at sea and at port. The government also works to create an operational and institutional framework to guide fisheries protection and surveillance, including the establishment of coastal surveillance stations, the placement of observers on board fishing vessels, the creation of a national program for registration of artisanal vessels.⁷⁶ Finally, the government plans to revise the legal

⁷⁵ The Sea Fisheries Decree of 1971

⁷⁶ Direction de la Protection et de la Surveillance des Pêches

framework of the maritime fishing code and its implementation decree, as well as create marine protected areas and protected zones. Senegal is a member of SRFC, which is developing a database similar to an IUU vessel “black list”, and is included in the SRFC Regional Action Plan for fisheries in West Africa.

Multiple cases have been reported of foreign fleets fishing illegally in Senegalese waters, such as the Russian vessel Oleg Naydenov which was seized in December 2013 by the National Marine Authority. During the arrest, there was evidence of fresh fish on board, and the Senegalese authorities could corroborate that the vessel was indeed fishing illegally in Senegalese waters. In an effort to control these illegal activities, the Senegalese authorities imposed a fine of over USD 1 million or CFA 600 million. According to multiple sources, the vessel was detected a few months later operating in Mauritanian waters.

Multiple agencies in Senegal have authority in different areas relevant to fisheries control. The primary agencies are ANAM of the Ministry of Fisheries and Maritime Affairs – responsible among others for vessel control and technical verification of documentation – and the Directorate for Fisheries Protection and Surveillance (Direction de la protection et de la surveillance des pêches, DPSP). These agencies are supported by the naval forces, the Gendarmerie, Police and the Ministry of Environment and Protection of Nature. The Senegalese Navy is also supported by the French Navy and Air Force for maritime surveillance.

5.13 Sierra Leone

Sierra Leone, with an EEZ of 155,700 km², a shelf area of 30,000 km², and a coastline of 560 km, is rich in biodiversity including several valuable species of shrimp, cephalopods, lobster, small pelagics (bonga), large pelagics (tuna) and demersals (croakers, snappers, groupers). The IEZ is five to six nautical miles from the baseline to the shore and reserved exclusively for artisanal fishermen. The fisheries sector contributes approximately eight percent to the country’s GDP and is estimated to provide about 80 percent of annual animal protein intake for Sierra Leoneans (European External Action Service, European Commission, EAAS).

The artisanal sector operates in coastal waters and estuaries and contributes to the majority of national fish supplies. The industrial fisheries mainly exploits demersal stocks and shrimp, with by-catches of pelagics in the trawl fishery. The industrial fleet consists of trawlers and purse seiners owned by foreign companies. Transshipment at sea is illegal in Sierra Leone.

The Ministry of Fisheries and Marine Resources (MFMR) has the primary responsibility for fisheries policy implementation. Several sources have indicated that the amount of IUU fishing in Sierra Leone has drastically reduced in recent years. These sources state that the number of trawlers operating illegally in Sierra Leonean waters has significantly reduced, resulting in increased output of local fishing communities. However, trawlers have been observed operating in the IEZ in recent months.

The MFMR oversees the Joint Maritime Committee (JMC), an inter-agency collaborative effort which includes, among others, the Navy, the Office of National Security, the Port Authority and Customs, to coordinate monitoring and compliance responses to illegal fishing.⁷⁷

⁷⁷ Ministry of Fisheries and Marine Resources, Management and Functional Review – Update, February 2012: www.psru.gov.sl/sites/default/files/sites/default/files/reports/MFR%20Update%202012%20Fisheries%20%26%20Marine%20Resources.pdf

Currently, Sierra Leone has a functioning VMS system for monitoring of vessels fishing in the Sierra Leonean EEZ. In order to conduct patrols, the Ministry has a memorandum of understanding with the Sierra Leonean Navy to conduct joint surveillance/patrols in Sierra Leonean waters. The Isle of Man donated a patrol vessel that has greatly helped with near shore patrolling. However, there is still a lack of adequate patrol vessels.

According to a representative from the MFMR, since 2009 the government of Sierra Leone has apprehended several Asian vessels fishing illegally in Sierra Leone and mainly in the IEZ. The government has cooperated with the government of Spain on information sharing on fish catches and fines, the government of Liberia regarding arrest and deportation of vessels to Liberia, and the government of the Gambia regarding the arrest of a vessel and the payment of recognizance. Since 2009, more than twelve vessels have paid fines for fishing illegally in Sierra Leonean waters, amounting to approximately USD 6 million, examples of which are the FV Two Star and FV Six Star which were fined on 5 February 2014.

The government is currently considering a complete review and modernization of the current laws governing fisheries. Recommendations that have been put forward include new marine protected areas, ongoing investments in patrol vessels, training and capacity building for enforcement, and technical assistance towards fish product certification for export to EU markets. The Ministry of Fisheries has provisionally secured USD 8 million from the World Bank through the WARFP for the construction of a National Fisheries Harbor which may prevent illegal fishing practices such as transshipment. However, at the time of writing this report there was uncertainty about the future of this initiative related to disagreement about the opening of the IEZ to industrial fishing.

5.14 Togo

The EEZ of Togo measures approximately 15,375 km², with a continental shelf of 1,048 km² for a narrow coastline of 56 km. Its inshore fishing area measures 950 km².⁷⁸ In response to IUU fishing in Togolese waters, authorities have suspended the registration of fishing vessels and the issuance of fishing licenses to foreign vessels. Several vessels flying the Togolese flag have been deregistered for suspected illegal fishing activities in other countries' waters. A new law is currently being developed to address violations and crimes committed under the Togolese flag. The lists of vessels stricken from the Togolese registry are exchanged with external and regional organizations responsible for fisheries management, such as CCAMLR, ICCAT, and the EU.

The Ministry of Agriculture, Livestock and Fisheries has overall responsibility for fisheries. Togo requires an annual fishing permit issued by the Minister in charge of fisheries for fishing vessels greater than 25 gross tonnages, while the Director of Fisheries issues for vessels of 25 gross tonnages or less. If a ship owner wishes to register a fishing vessel to Togo, the owner must first apply for a fishing license for this vessel. On the national level, the Directorate of Maritime Affairs can only register a fishing vessel when the ship-owner is able to obtain a fishing catch certificate issued by the Minister of Agriculture, Livestock and Fisheries.

Togo is a stakeholder in the following regional instruments: (i) Convention on minimal conditions on access to the waters of the zone regulated by the Fisheries Committee for the West Central Gulf of Guinea; (ii) Regional action plan to tackle IUU fishing in the zone of the FCWC and (iii) Directive of the West African Economic and Monetary Union (UEMOA, by its French acronym) regarding the monitoring, control and surveillance systems for fisheries. Togolese authorities exchange information

⁷⁸ Sea Around Us Project: www.seaaroundus.org/eez/768.aspx

on fishing vessels within the framework of the FCWC. Under the European Union CRIMGO (Critical Maritime Routes in the Gulf of Guinea) project, Togo takes measures to monitor maritime waters and cooperate with other countries in the sub-region.⁷⁹

In terms of maritime surveillance, the Navy and the Coast Guard have patrol vessels and conduct inspections at sea, including in collaboration with the fisheries services. In 2010, Togolese authorities inspected a Togolese flagged fishing vessel for having operated fishing activities without authorization. In 2011, a Ghanaian flagged fishing vessel was inspected following fishing activities operated without approval. In 2010, the Togolese fisheries authorities, with the support of the Navy, boarded a Ghanaian flagged vessel believed to be beneficially owned by Chinese nationals in Togolese waters without a fishing license. Catches were seized and the boat fined. Additional actions have been taken in Togo such as: imposition of fines to five owners of fishing gears related to light fishing activities, and seizure of illegal fish nets in port by agents of the Fisheries directorate.

⁷⁹ Activities under the CRIMGO project focus on increasing the capacity of law enforcement agencies and enhancing cooperation and coordination in response to threats to maritime security in the Gulf of Guinea of a trans boundary nature. Priority threats include armed robberies, hijackings and cargo theft. - http://ec.europa.eu/europeaid/news/2013-01-10_crimgo_en.htm

5.15 Competent Authorities

Country	National registration of fishing vessels	Granting, suspension and withdrawal of licenses to fishing vessels registered under the State's "flag"	Attestation to the validity of information provided in catch certificates and validation of catch certificates	Control and enforcement of laws and regulations applicable to fishing vessels
Benin	Direction de la Marine Marchande / Ministère en charge de l'Economie Maritime; Service Contrôle et Suivi des Produits et des Filières Halieutiques de la Direction des Pêches	Direction des Pêches / Ministère en charge de la Pêche; Service Contrôle et Suivi des Produits et des Filières Halieutiques de la Direction des Pêches	Service Contrôle et Suivi des Produits et des Filières Halieutiques de la Direction des Pêches	Direction des Pêches / Ministère en charge de la Pêche
Cameroon	Ministère des Transports	Ministère de l'Elevage, des Pêches et Industries Animales	Ministère de l'Elevage, des Pêches et Industries Animales	Ministère de l'Elevage, des Pêches et Industries Animales
Cape Verde	Institut Maritime et Portuaire	Direction Générale des Pêches	Direction Générale des Pêches et Institut National Développement des Pêches	Direction Générale des Pêches
Côte d'Ivoire	Directeur Général des Affaires Maritimes et Portuaires (DGAMP)	Ministre des Ressources Animales et Halieutiques	Directeur des Services Vétérinaires, Service d'Inspection et de Contrôles Sanitaires Vétérinaires en Frontières (SICOSAV)	Directeur de l'Aquaculture et des Pêches
The Gambia	The Gambia Maritime Administration	Director of Fisheries	Director of Fisheries	Director of Fisheries

Ghana	Directorate of Fisheries	Directorate of Fisheries	Directorate of Fisheries	Directorate of Fisheries
Guinea	Agence Nationale de Navigation Maritime	Direction Nationale de la Pêche Maritime (DNPM)	Centre National de Surveillance et de Protection des Pêches (CNSP)	CNSP
Guinea Bissau	Maritime Authorities of the Ministry of Transport and Telecommunications	Secretary of State of Fisheries and the Maritime Economy	Not applicable, as there are no exports – but in the future it will be the Secretary of State of Fisheries and the Maritime Economy	National Fisheries Inspection and Control Service (FISCAP) and the Centre for Applied Fisheries Research (CIPA)
Liberia	Liberia Maritime Authority	Bureau of National Fisheries	Bureau of National Fisheries	Bureau of National Fisheries
Mauritania	Direction de la Marine Marchande	Direction de la Pêche Industrielle	Délégation à la Surveillance des Pêches et au Contrôle en Mer (DSPCM)	DSPCM
Nigeria	Nigerian Maritime Administration and Safety Agency	Federal Ministry of Agriculture and Water Resources	Fisheries Resources Monitoring, control and Surveillance	Fisheries Resources Monitoring, control and Surveillance
Senegal	Agence Nationale des Affaires Maritimes (ANAM)	Ministre de la Pêche et des Affaires maritimes	Directeur de la Protection et de la Surveillance des Pêches and Directeur des Industries de Transformation de la Pêche	Direction de la Protection et de la Surveillance des Pêches
Sierra Leone	Sierra Leone Maritime Authority	The Ministry of Fisheries and Marine Resources	The Ministry of Fisheries and Marine Resources	The Ministry of Fisheries and Marine Resources

Togo	Ministère des Travaux Publics et des Transports, Direction des Affaires Maritimes	Ministère de l'Agriculture de l'Elevage et de la Pêche, Direction des Pêches et de l'Aquaculture	x	Ministère de l'Agriculture de l'Elevage et de la Pêche, Direction des Pêches et de l'Aquaculture Ministère des Travaux Publics et des Transports, Direction des Affaires Maritimes Marine Nationale
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Figure 10: States and their competent authorities notified to the European Commission
Source: List of flag state notifications EU IUU

Conclusion

Fisheries crime in West Africa includes many illicit activities beyond the traditional description of illegal fishing, and the law enforcement response required is beyond the capability and authority of most fisheries authorities to investigate and prosecute. The transnational scope and complexity of these activities require extensive cooperation between law enforcement agencies within national governments and across national boundaries. The transnational aspect of the criminal activities that facilitate illegal fishing in West Africa and elsewhere stretch far beyond the region and require law enforcement cooperation on a global level. It is likely that these principles hold true for fisheries crime in other regions of the world that have low levels of law enforcement capacity and significant fishery resources.

Because of the transnational and global nature of this crime type, INTERPOL is well placed to assist countries in facilitating law enforcement efforts to investigate and respond. INTERPOL tools and services such as I-24/7, notices, and capacity building for law enforcement as well as initiatives such as the National Environmental Security Task Force and the Fisheries Crime Working Group have already demonstrated their ability to assist countries in enhancing their response to the transnational aspect of fisheries crime.

There are already significant efforts being undertaken by developed countries and intergovernmental organizations to provide assistance to coastal states in West Africa to improve their capacity to address illegal fishing and fisheries crime. It is important that INTERPOL work to complement these efforts and not duplicate them, but also to recognize INTERPOL's role as the primary mechanism for law enforcement agencies to communicate globally. It is also important to recognize the limited ability of coastal states to effectively patrol and monitor activities within their waters. This makes it essential that patrol support from maritime forces is put to maximum use by effective information sharing and follow up investigative support that is not necessarily the specialty of military forces. The limited surveillance capacity in the region also means that there is a reduced likelihood of illegal operators being caught in the act. It is more likely that their activities will be discovered after the fact through investigation of suspect activities or shipments and by effective risk-based investigations in other countries, both within the region and externally.

The limited enforcement capacity in developing countries also highlights the need for greater transparency in licensing regimes and vessel registries in order to facilitate effective and efficient investigations of suspect activities. A consistent theme throughout this study was the difficulty in determining what vessels were allowed to lawfully operate in what areas. These difficulties included both fishing licenses as well as vessel registries. There are several examples in which speedy access to this information would aid in law enforcement efforts to investigate fisheries crime. These include:

- (1) A health or fishery inspector in a market/receiving country that is trying to determine the veracity of a health or catch documentation certificate.
- (2) A coastal or port state officer that is trying to determine the legitimacy of a flag state claim by a suspect vessel's operator.
- (3) The crew of a maritime patrol vessel transiting the region is trying to determine if the vessels they sight fishing within coastal state EEZs are engaged in lawful activities.

While there are some examples of successful transnational law enforcement cooperation on the issue of fishing licenses and registries, the majority of experts consulted for this study identified this lack of transparency as a major impediment to investigation of fisheries and associated offenses. Information from vessel registries and fishing licenses is frequently unavailable even to other agencies within the

same government, let alone to law enforcement in other nations. This type of transparency does not necessarily require that governments post updated information publicly. It is most important that governments are capable of responsiveness to requests from law enforcement within the government and when requested through the NCB by law enforcement in other countries. It is worth noting though that many countries publicly post their vessel registry and fishing license lists, significantly enhancing transparency and enabling global law enforcement and the general public to judge with ease whether a vessel has operated legally. In the context of West Africa and other developing countries, this kind of public transparency may also serve to dissuade corruption by preventing government officials from issuing fishing licenses or national documentation after reports of possible illegal behavior have already been received. It would also deter attempts at the creation of fraudulent license or registry documents by providing an instant check on the provenance of such documents.

Finally, transparency and responsiveness in regards to fishing licenses and vessel registries will also help law enforcement by facilitating investigations of beneficial ownership. While it is important to identify and deter illegal activities of vessel operators, law enforcement representatives place equal weight on determining the identity and culpability of vessel owners in those illegal activities. In the majority of significant cases reviewed as part of this report, the beneficial owners of vessels accused of illegal activities were not based in the coastal or flag state in question. This was readily acknowledged by investigators throughout the region and in other countries as a significant issue that required access to information from fishing licenses and vessel registries for successful investigation. This is not an issue of the information not being kept, it is an issue of the ability of governments to share the information with law enforcement internally and internationally to aid investigations.

Improvements to transparency, surveillance, and investigative capacity for fisheries will also bring large dividends to maritime domain awareness for coastal states in other areas. Because fishing activities represent a significant portion of maritime activities within coastal state waters, the ability to effectively monitor and investigate activities within this sector will improve the ability to govern the non-fisheries sector and deter activities such as maritime piracy and drug smuggling by creating the ability to conduct risk-based investigations when there is a link to the fisheries sector. Additionally, a compliant and well-monitored fisheries sector is likely to help give its full attention as a government that is trusted to effectively oversee the activities of the sector and can help identify other maritime crimes or suspicious vessels.

Additionally, the ability for illegal operators to use other modus operandi such as mother or sisterships, document fraud and customs fraud would also be reduced by improvements to surveillance, investigative capacity, and the transparency of licenses and vessel registries discussed in this report. In all of the areas discussed in this report, the use of INTERPOL's tools and services such as the NEST and the I-24/7 secure communications system may be of use in making the necessary connections to enable effective investigations across boundaries, but only if law enforcement within the region takes the necessary steps to use those tools.

Although in need of improvement, there appear to be adequate legal provisions for fisheries enforcement and investigation of associated criminal activities in all countries in this report. The recommendations of this report aim to reduce fisheries crime in a region in danger of suffering irreversible damage to natural resources that are critical to the economic and food security of many West African countries.

Annex 1: Notices

Countries may come across information or intelligence on criminals operating in their country, but who are currently based in or travelling through another INTERPOL member country. In such cases, countries may want to share pertinent and vital criminal information with other countries as rapidly as possible. This may be achieved through the diffusion of INTERPOL notices.

The system of international notices helps law enforcement agencies in all 190 member countries with investigations by facilitating the sharing of information instantly with relevant enforcement officers around the world. The information shared in a “notice of diffusion” is recorded in INTERPOL’s information system and can be accessed by authorized member countries. Officers wishing to request a notice should contact their NCB to determine what information will be required. The NCB will then submit the request to the INTERPOL General Secretariat, which will publish the notice in accordance to INTERPOL policy.

The INTERPOL Environmental Security Sub-Directorate can assist in the drafting and development of notices.



Red Notice

To seek the location and arrest of a person wanted by a judicial jurisdiction or an international tribunal with a view to his/her extradition.



Blue Notice

To locate, identify or obtain information on a person of interest in a criminal investigation.



Green Notice

To warn about a person’s criminal activities if that person is considered to be a possible threat to public safety.



Yellow Notice

To locate a missing person or to identify a person unable to identify himself/herself.



Black Notice

To seek information on unidentified bodies.



Orange Notice

To warn of an event, a person, an object or a process representing an imminent threat and danger to persons or property.



INTERPOL–United Nations Security Council Special Notice

To inform INTERPOL’s members that an individual or an entity is subject to UN sanctions.



Purple Notice

To provide information on modi operandi, procedures, objects, devices or hiding places used by criminals.

Annex 2: INTERPOL's Tools and Services

All 190 INTERPOL member countries are connected through a secure communications system known as I-24/7. This gives police real-time access to criminal databases containing millions of records. INTERPOL's Command and Coordination Centre is operational around the clock and can deploy specialized response teams to the scene of a serious crime or disaster or to assist with security preparations for a major international event.

I-24/7 INTERPOL Secure Global Police Communication System and ICIS INTERPOL Criminal Information System

I-24/7 (INTERPOL 24 hours a day 7 days a week) delivers fast, secure and reliable information permitting immediate analysis and identification. I-24/7 is the network that enables investigators to access INTERPOL's range of criminal databases. Authorized users can search and cross-check data in a matter of seconds, with direct access to databases on suspected criminals or wanted persons, stolen and lost travel documents, stolen motor vehicles, fingerprints, DNA profiles, stolen administrative documents and stolen works of art.

ICIS (INTERPOL Criminal Information System) is the Organization's general database which is used to store data on individuals, details of offenses and all items of information linked to the persons and events in question. This general database is composed of several databases, such as:

ASF Nominal Database

To search international criminals, providing access to their criminal history, related notices, extradition arrangements, photographs, fingerprints etc. Information is also provided on missing persons, including children.

ASF Stolen and Lost Travel Documents Database

To search travel documents reported lost or stolen. This database enables INTERPOL National Central Bureaus and other authorized law enforcement entities (such as immigration and border control officers) to ascertain the validity of a suspect travel document in seconds.

ASF Stolen Vehicles Database

To search identification details for vehicles reported as stolen around the world.

Stolen Vessel Database

Police and other law enforcement officers in all member countries can access the database to make queries or add new entries from any location connected to I-24/7. By using a dedicated graphic user interface, officers in the field can access the database from remote locations, allowing them to conduct checks of vessels at land and sea border points.

ASF Stolen Works of Art Database

To search artwork and cultural heritage stolen in all parts of the world.

DNA Profiles Database

It contains over 140,000 DNA profiles from 69 countries. Strict data protection rules are fully maintained when DNA profiles are shared: NCBs retain full ownership, control destruction and can restrict access. I-24/7 technology ensures that NCBs have the option to grant access to national forensic institutes should they wish.

Fingerprints

INTERPOL General Secretariat's Fingerprint Identification System (AFIS) contains information which is fed by scanning or importing electronic files and latent marks left at crime scenes. The target is to enable national AFIS systems to link to one-another through I-24/7. Member countries can directly populate the INTERPOL AFIS system via the appropriate channel.

Child Sexual Exploitation Images

More than 3,000 victims from more than 40 countries and more than 1,900 offenders have been identified using this database.

Firearms

The INTERPOL Firearms Reference Table allows investigators to properly identify a firearm used in a crime (its make, model, caliber, etc.). It contains more than 250,000 firearms references and 57,000 high-quality images. The INTERPOL Ballistic Information Network is a platform for the large-scale international sharing and comparison of ballistics data, holding more than 200,000 records.

Fusion Task Force

A database of more than 10,000 persons suspected of being linked to terrorist activities. More than 160 member countries currently contribute to terrorism related matters.

Although I-24/7 is initially installed in INTERPOL National Central Bureaus, INTERPOL encourages member countries to extend their connections to national law enforcement entities such as border police, customs and immigration, etc. NCBs control the level of access other authorized users have to INTERPOL services and can request to be informed of enquiries made to their national databases by other countries.

INTERPOL Incident Response Team

An INTERPOL Incident Response Team (IRT) is deployed at the request of a member country during a crisis situation. There are two types of IRT:

- Disaster – an emergency response to a manmade or natural disaster. The IRT delivers concentrated attention to urgent issues and problems arising from the disaster or crisis, focusing all available INTERPOL resources on the situation at hand.
- Crime – the deployment of specialized personnel to assist and support a member country faced with a major or serious police issue. Crime IRTs provide specific expertise and investigative support to police.

An IRT can be briefed, equipped and deployed anywhere in the world within 12 to 24 hours of an incident.

Expert assistance

An IRT is typically composed of expert police and support staff, and is tailored to the specific nature of the crime or disaster and the type of assistance INTERPOL is requested to provide.

IRTs can provide a range of investigative and analytical support at the incident site in coordination with the General Secretariat, such as:

- Issuing international notices for fugitive terrorists whose arrests are sought by member countries;
- Database queries of fingerprints to quickly identify suspects;
- Access to the database of lost or stolen travel documents;
- Money laundering expertise;

- Coordination of response to disaster victim identification through a wide network of international experts and laboratories.

To date, more than 80 teams have been deployed to countries across the world.

INTERPOL Investigative Support Team

An INTERPOL IST is composed of experts from INTERPOL's Environmental Security unit, Command and Coordination Centre, and DNA unit to provide national authorities with technical assistance and required equipment to determine the origins of illegally trafficked wildlife endangered species to potentially identify the criminal networks behind large scale environmental criminal activities.

Through ISTs, forensic analysis can be completed, and results enable INTERPOL to continue supporting national governments in transnational investigations and to coordinate targeted police interventions as part of international efforts.

Hotspots can be identified through the use of DNA and isotope analysis which help police better target criminal networks involved in transnational organized trafficking in wildlife, waste and natural resource products.

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