

# Whole of Africa Maritime Dialogue

Fisheries crime and maritime security: the case for cooperative law enforcement effort in Africa

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1. To what extent is fisheries crime enforcement integrated into maritime enforcement in Africa?
2. Why should fisheries crime be regarded as a law enforcement concern rather than fisheries management?
3. What is the extent of fisheries crime in Africa & what does it matter?
4. What impacts does fisheries crime have on national economies, food security etc?
5. What impact does climate change have on fisheries and fisheries crime?
6. What law enforcement gaps around fisheries crime are criminals exploiting?
7. What should African maritime professionals be most concerned about regarding fisheries crime in the year ahead?

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## What is fisheries crime?

- Fishing sector vulnerable to organised crime
- Evidence of: human trafficking, drug smuggling, corruption, document fraud, economic crime & large-scale illegal fishing
- UN: link between illegal fishing and TOC at sea
- Illegal fishing 'risk indicator' of fisheries crime
- International Ministerial Declaration (2018)

# VALUE CHAIN - FROM HOOK TO PLATE

A whole of government approach to addressing fisheries crime



MARITIME AUTHORITIES  
COAST GUARD

CUSTOMS  
FISHERIES AUTHORITIES  
TAX AUTHORITIES  
FOOD SAFETY AUTHORITIES  
OTHER RELEVANT AUTHORITIES AND POLICE  
LABOUR INSPECTION

INTERNATIONAL CO-OPERATION AGREEMENTS

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## **1. Extent to which fisheries crime enforcement is integrated into maritime enforcement in Africa?**

- 1) To what extent integrated into legal enabling framework?
- 2) To what extent integrated at operational level?

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- **West Africa:**
  - Yaoundé Declaration & 2013 Code of Conduct: ‘other illicit maritime activity in the area’
  - Integrated Coast Guard Network: unlawful acts in maritime spaces
  - Dislocation: fisheries arrangements (compliance): 8 RFBs (advisory)
- **Eastern Seaboard:**
  - Djibouti Code of Conduct & 2017 amendment: ‘TOC in maritime domain & illegal activities at sea
  - SADC: 2011 Maritime Security Strategy
  - Dislocation from fisheries: SADC Fisheries Protocol & MCSCC (Mozambique); Smartfish (IOC); Fish-i-Africa
- **North Africa:**
  - Maritime security focus: migrant smuggling (with EU border strengthening)
  - Dislocation from fisheries /marine environment: RFBs, MoU port state control; 2015 Blue Economy Declaration

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- Domestic: Multi-agency task force (MATT) Tanzania
- Networks: prosecutors network on fisheries crime & intelligence network

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## 2. Why should fisheries crime be seen as a criminal law enforcement concern?

- Fisheries crime offences are 'serious' crimes
- Predicate offence: illegal fishing – crime?
- Illegal fishing = 'risk indicator' of FC & entry point to other FC
- Fisheries inspectors not criminal enforcement mandates – but to be alert to suspicion of FC
- Officers criminal LE mandates – not 'just' fisheries matter
- Cooperation & info-sharing
- Unlocks criminal law (penalties; org crime) & criminal procedural tools (MLA, asset recovery 'proceeds crime')



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## 3. Extent of fisheries crime on African continent?

- No comprehensive FC impact or assessment data
- Only data estimating illegal fishing (2009): West Africa US\$ 1.3 billion annually
- Implications?
  - If assign a figure = leaders motivated to address
  - Economic crime (revenue due to states is stolen; diverted to 'shadow economy')
  - Prevention & enforcement: assignment of resources (eg law reform, skills and capacity-building, equipment)

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## 4. Adverse impacts of fisheries crime?

- UNSDGs: 1, 8 10, 14, 16
- Impedes pursuit of Blue Economy
- Negatively impacts on:
  - legitimate industry: unfair competition, dwindling resources, reputational damage
  - coastal states: lack of revenue, undermines rule of law
  - coastal populations: loss of livelihoods, food security
  - marine environment: pollution, loss of biodiversity, over-utilization (accuracy stock assessment)
- Thread throughout: impedes & violates basic human rights

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## 5. Climate change impacts on fisheries & fisheries crime?

- Fisheries affected by environmental impacts
  - Warming seas, ocean acidification: ecosystems coral reefs, sea grass beds, mangroves (critical habitat for coastal fish & natural defenses)
  - Storm surges: damage fisheries infrastructure & equipment; unable to go to sea; coastal communities
  - Sea-level rise: receding beach (infrastructure; coastal communities)
  - Urban migration (disrupt fishing traditions; communities; resources)
  - Temperature change: impacts movement stocks – fishing grounds (may lead to competition & conflict particularly high value species)
- Fisheries crime?
  - Increased competition over targeted stocks (profit: bend rules)
  - Fishing as livelihood less profitable – alternatives: criminal activity?

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## 6. What FC law enforcement gaps do criminals exploit?

- Illegal activity in fisheries still largely 'just' seen as a fisheries management problem
- Lack of 'whole of government approach' to LE in fisheries: at-sea/land law enforcement dislocation
- Lack of inter-agency and cross-border coop/ info-sharing
- Jurisdictional challenges: on high seas (flag-state); coastal waters (extra-territorial jurisdiction?)
- Lack of standardized laws: port inspections (PSMA); criminalization of fisheries crime offences (penalties); vessel registration requirements (artisanal)
- Lack of transparency in industry: beneficial ownership
- Identification of fishing vessels (no compulsory IMO number)

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## **7. FC focus for maritime professions in year ahead ?**

- Blue growth– parallel opportunities this creates for criminals
- Need to increase inter-agency cooperation (including closing at-sea/on land gap) to address FC
- Increase information-sharing around FC