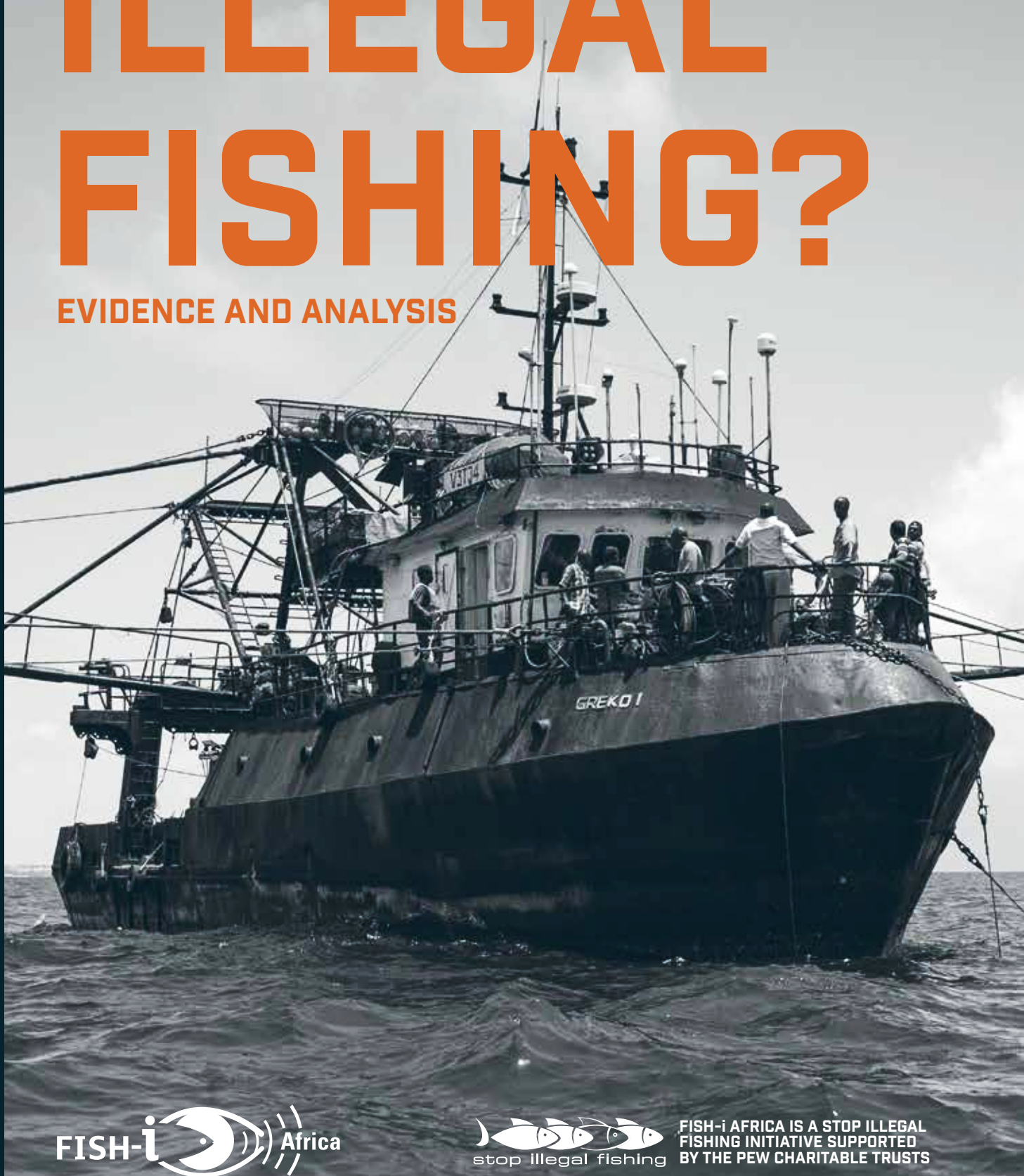


# ILLEGAL FISHING?

EVIDENCE AND ANALYSIS



FISH-i AFRICA IS A STOP ILLEGAL FISHING INITIATIVE SUPPORTED BY THE PEW CHARITABLE TRUSTS

**FISH-i Africa unites eight East African coastal countries along the Western Indian Ocean, an alliance which is showing that regional cooperation, coupled with dedicated analysis and technical expertise can stop illegal catch getting to market, and prevent illegal operators pursuing their lucrative business unhindered.**

**FISH-i Africa is a Stop Illegal Fishing initiative supported by The Pew Charitable Trusts and a Coordination Team made up of Stop Illegal Fishing, NFDS and TMT.**



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# 01

## ACRONYMS

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<b>AIS</b>	Automatic identification system
<b>CCAMLR</b>	Convention for the Conservation of Antarctic Marine Living Resources
<b>EEZ</b>	Exclusive economic zone
<b>EU</b>	European Union
<b>EUR</b>	Euro
<b>FCWC</b>	Fisheries Committee for the West Central Gulf of Guinea
<b>ICCAT</b>	International Commission for the Conservation of Atlantic Tunas
<b>IMO</b>	International Maritime Organization
<b>IOC</b>	Indian Ocean Commission
<b>IOTC</b>	Indian Ocean Tuna Commission
<b>IUU</b>	Illegal, unreported and unregulated fishing
<b>MCS</b>	Monitoring, control and surveillance
<b>NFDS</b>	Nordenfjeldske Development Services
<b>NDEA</b>	National Drugs Enforcement Agency, Seychelles
<b>RFMO</b>	Regional fisheries management organisation
<b>SIF</b>	Stop Illegal Fishing
<b>TMT</b>	Trygg Mat Tracking
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>USA</b>	United States of America
<b>USD</b>	United States dollar
<b>VMS</b>	Vessel monitoring system
<b>WIO</b>	Western Indian Ocean

# 02 FOREWORD

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ELSA DA GLORIA PÁTRIA

Stop Illegal Fishing was established in 2007, and for the last decade has been at the forefront of efforts to end illegal fishing, with a special focus on the coastal waters of Africa. The Western Indian Ocean (WIO) is home to some of the most abundant fish stocks in the world, however the limited capacity to patrol and monitor these fisheries has resulted in an illegal fishing hot spot where fishing violations, illegalities and crimes have gone unnoticed and largely unchecked for many years.

In response to this challenge FISH-i Africa was formed in 2012, a regional Task Force of coastal States who share a common problem and who hoped to find a common solution by working together. Task Force members share information on licensed vessels, port inspections and vessel movements and cooperate on investigations – the results have been significant, with a range of illegalities quickly uncovered and acted upon. Results have included; arrests, settlements, payments of fines, a fraudulent licensing operation being closed-down and an increase in licence revenue.

The success experienced by FISH-i Africa is examined in our 2016 publication *FISH-i Africa: Issues, Investigations, Impacts* which demonstrates the real value that FISH-i has offered; by providing a common platform, shared information and expert support. This value is now being recognised around the world, and the model is being adapted and adopted to fit the needs of other regional coastal State clusters, including the West Africa Task Force, hosted by the Fisheries Committee for the West Central Gulf of Guinea (FCWC) as well as within regional fisheries management organisations (RFMOs).

In this new publication, *Illegal Fishing? Evidence and Analysis*, the work of FISH-i is examined in a different way. We take a closer look at some of the investigations that the Task Force has collaborated on and at the wider experiences of crime and illegality in the WIO, to better understand the scale and scope of the issues and to ensure that we are responding in the most effective manner. By breaking down the methods and techniques being employed to undertake and get away with illegal fishing and fisheries related illegalities, we have been able to highlight the areas where change is needed.

It is heartening to see that many of the principles and ambitions, such as information sharing and regional cooperation, already enshrined in the FISH-i philosophy, are what is needed to support ongoing efforts to stop illegal fishing in the WIO. The cooperation and support of the Indian Ocean Tuna Commission (IOTC), the Indian Ocean Commission (IOC) and The Pew Charitable Trusts has been vital to FISH-i and we look forward to working ever more closely with these and new partners both in the region and internationally.

We hope this publication will contribute to the increased understanding of, and support to, the actions needed to stop illegal fishing.

**ELSA DA GLORIA PÁTRIA**  
**CHAIRPERSON OF STOP ILLEGAL FISHING**

# 03

## INTRODUCTION

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In late 2012, the FISH-i Africa Task Force started working to enable authorities to identify and act against large-scale illegal, unreported and unregulated (IUU) fishing in the WIO. FISH-i is a partnership between the eight East African coastal countries of Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia and the United Republic of Tanzania supported by a Technical Team of experts. This alliance is showing that regional cooperation and information sharing, coupled with dedicated analysis and technical expertise can stop illegal catch getting to market, and prevent illegal operators pursuing their lucrative business unhindered.

Through working together on over thirty investigations, FISH-i has shed light on the scale and complexity of illegal activities in the fisheries sector of the WIO and highlighted the challenges that coastal State enforcement officers face to act against the perpetrators. The illegal acts produce increased profit for those responsible, but for the WIO, they undermine the sustainability of the fisheries sector and reduce the nutritional, social and economic benefits resulting from the region's blue economy.

The benefits and results of the FISH-i Task Force are detailed in our 2016 report **FISH-i Africa: Issues, Investigations, Impacts**. Here you can see details of the initial investigations examined to identify how and where FISH-i was able to make a difference to investigations and enforcement actions.

This publication, **Illegal Fishing? Evidence and Analysis** contains the evidence of what FISH-i has seen, uncovered and suspected over the past four years. Chapters 05 to 09 contain an analysis of why, where and how this is happening, and ends by asking 'what needs to change' to stop this happening in the future.

Twenty investigations from the WIO are included as evidence, fifteen of these are FISH-i cases (Nos. 1 to 15) and five cases are not (Nos. 16 to 20). The FISH-i cases have all been investigated with the involvement of the FISH-i Task Force and Technical Team and involve actions taken by FISH-i coastal States. These cases are presented in more detail on [www.FISH-i-africa.org/what-we-do/FISH-i-investigations](http://www.FISH-i-africa.org/what-we-do/FISH-i-investigations). The last five cases are included to provide examples of illegality that has been suspected in the FISH-i investigations but not proven, they demonstrate the involvement of arms, drugs and wildlife smuggling, human trafficking and escalating violence in the fisheries sector.

# 04

## EVIDENCE: WHAT IS HAPPENING?

Twenty investigations are each summarised in the following sections, they contain a short introduction to the case, an explanation of the methods used, the enforcement action and sanctions applied and the status of the case in early 2017. In the table below and the following section the cases are sorted into four groups of activity to best describe them:

- Evidence
- Suspected
- No evidence

CASE	ILLEGAL FISHING	RELATED	ASSOCIATED	LAWLESSNESS		VESSEL IDENTITY	FLAGGING	BUSINESS PRACTICES	AVOIDANCE OF PENALTIES	DOCUMENT FORGERY
1	●	●	○	○	FISH-i Africa's first success: the PREMIER	○	○	●	●	●
2	●	●	○	○	Fake licensing operation uncovered	○	○	●	○	●
3	●	●	○	○	IUU listed vessels de-flagged	●	●	●	●	●
4	●	●	○	○	The multiple identities of the NAHAM-4	●	●	●	○	●
5	●	●	○	○	Fugitives from justice	●	●	●	●	●
6	●	●	●	○	Mysterious operations on the Somali coast	○	●	●	○	●
7	●	●	●	○	Piracy, poaching and people smuggling?	●	●	●	○	○
8	●	●	○	○	Three vessels or one?	●	●	●	○	●
9	○	●	●	○	A repeat offender brought to book: the NESSA 7	●	●	●	○	●
10	●	○	○	○	Mauritian action on Sri Lankan vessels	●	○	○	●	○
11	●	●	○	○	Rogues or ghosts?	●	●	●	●	●
12	●	○	○	○	Avoidance of penalties: the TXORI ARG1	○	○	○	●	○
13	●	●	○	○	Dual identity vessel on the run	●	●	○	●	●
14	●	○	○	○	Serial offenders in Somalia	●	●	○	○	○
15	○	○	○	●	Murder at sea?	○	●	○	●	○
16	○	○	○	●	Delinquency on the high seas	○	●	○	●	○
17	○	○	○	●	Armed guard denies inspection	●	●	○	○	●
18	○	○	●	○	Drug seizure in Seychellois waters	●	○	●	○	○
19	○	○	●	○	Arms seized off the Horn of Africa	●	●	●	○	○
20	○	○	●	○	Ivory concealed among anchovies in Zanzibar	○	○	●	○	●



# ILLEGAL FISHING

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Illegal fishing activities occur when the legal framework related to fishing or a fishery is violated, including, for example, the law, regulations and licence conditions. This can apply to fisheries that are under the jurisdiction of a coastal State or to high seas fisheries regulated by RFMOs. Offences commonly include: fishing without authorisation (i.e. fishing licence); fishing out of season or in closed areas; harvesting prohibited species; using banned fishing gear; and, catching more than the set quota.

Of the 20 cases examined in this publication, 13 include illegal fishing activities. Three of these are presented below, each demonstrating poaching in the exclusive economic zone (EEZ) of Mauritius, Mozambique or Somalia. One case has been settled (No. 12), with a fine paid after pressure was exerted by the coastal State – this case is now closed. Two cases are still open with no sanctions issued (Nos. 10 and 14). It has been difficult to conclude these cases due to challenges in identifying the vessels as well as limited cooperation with the flag States of China and Sri Lanka.

The relatively small number of cases in this illegal fishing category, that do not include significant other violations or complications, is telling of the situation in the large-scale fishery of the WIO, where most of the cases under the consideration of FISH-i have included more illegalities than just illegal fishing.



## INVESTIGATION NO. 10 MAURITIAN ACTION ON SRI LANKAN VESSELS

This case provides a textbook example of how information sharing and timely monitoring, control and surveillance (MCS) operations can be effective in stopping illegal fishing. Based on their automatic identification system (AIS) signals, four Sri Lankan longline vessels: YAS AISURU-3, YAS AISURU-3 (C), YAS AISURU-3 -B 7.4V and YAS AISURU-3 -A 6.2V appeared to fish in Mauritian waters. By cross checking this information with relevant fishing licence lists and RFMO authorised fishing vessel lists, it was confirmed that if fishing, they were poaching. Prompt action by the coastal State established the presence of the vessels through aerial surveillance, and two of the vessels were confirmed to be fishing illegally.

---

### WHAT?



### HOW?

**Vessel identity (suspected)** – these vessels all had very similar names. As most Sri Lankan vessels appear to be authorised to IOTC using registration numbers rather than names, finding the true identity of the vessels in this case, and any information about them, was difficult.

**Avoidance of penalties (suspected)** – none of the four vessels responded to attempts by Mauritian authorities to contact them, suggesting they deliberately attempted to avoid contact and any penalty for fishing illegally.

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**ENFORCEMENT ACTION/SANCTIONS** None confirmed

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**STATUS** Ongoing

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## INVESTIGATION NO. 12 AVOIDANCE OF PENALTIES: THE TXORI ARG1

The Spanish flagged and owned purse seiner TXORI ARG1 was fined for fishing without a licence in Mozambican waters and failing to report its catch. The vessel was detained whilst a settlement of USD 1.2 million was agreed and a bank guarantee was given. Upon release of the vessel, authorities in Mozambique were informed the fine would not be paid. Mozambique responded by proposing to place the TXORI ARG1 on the IUU fishing list of the IOTC. In addition, fishing licences of other vessels owned by the same company were suspended by Mozambique. In the end, a settlement of USD 700 000 was agreed, the IUU listing of the vessel was dropped and the suspension of the fishing licences was lifted.

---

### WHAT?



---

**HOW?** **Avoidance of penalties** – the original fine was not paid and it was only after strong action by Mozambique that INPESCA, the owner, agreed to pay a smaller amount.

---

**ENFORCEMENT ACTION/SANCTIONS** Administrative fine of USD 1.2 million was agreed but negotiations reduced this to USD 700 000.

---

**STATUS** Closed

---



## INVESTIGATION NO. 14 SERIAL OFFENDERS IN SOMALIA

While Somalia is rebuilding its capacity to control fishing activity in its EEZ, some vessel operators repeatedly disregard the laws and regulations and take advantage of the fact that Somalia still has limited capacity to police their waters. This case demonstrates how a group of Chinese longliners (including six using the name LU QING YUAN YU followed by the numbers 101, 102, 105, 106, 107 and 108, and the XIN SHI JI 85) has repeatedly, over several years, been fishing illegally in Somalia. Somalia raised this issue with the flag State China, but to date the vessels are still operating without sanction.

---

### WHAT?



---

**HOW?** **Vessel identity** – one of the vessels' identity was unknown, its AIS is not linked to any identity information.

**Flagging (suspected)** – the vessels were all flagged to China, but despite communication via the IOTC, no action seems to have been taken by China.

---

**ENFORCEMENT ACTION/SANCTIONS** None known

---

**STATUS** Ongoing

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長興  
CHANG NO-2  
CT6-1451



# FISHERIES RELATED ILLEGALITY

Fisheries related illegality goes beyond non-compliance to fisheries laws and regulations to include related offences. Evidence shows that even though the actual fishing activity may be compliant, activities such as forgery of documents or misuse of vessel identity render the fishing unlawful, as access to the fishery was made under false pretences.

These illegalities are often systematic, such as avoidance of import and export taxes, white washing of illegal fish into the legitimate value chain, fraud and corruption. These related crimes conducted within the fisheries sector, are often transnational and organised.

Of the 20 cases included in this publication, 11 include fisheries related illegality. Eight of these are summarised below, providing compelling evidence, or suspicion, of: document forgery (all eight cases); illegal business practices (seven cases); fraudulent or incorrect vessel identities (six cases); fraudulent or incorrect vessel flagging (six cases); and avoidance of penalties or vessels absconding (five cases).

One case has been settled and closed (No. 1), with a fine paid after pressure was exerted by the FISH-i coastal States and negative publicity for the owners ensued. Of the other seven cases, three vessels are detained (Nos. 3, 4 and 5), a fine has been paid (No. 11), but all seven cases remain open.

The high number of cases that include fisheries related illegalities across the value chain indicate a serious, illegal, transnational and organised element to the fisheries of the WIO that undermines sustainability of the fishery resources and governance within the region.



## INVESTIGATION NO. 1 FISH-i AFRICA'S FIRST SUCCESS: THE PREMIER

The PREMIER was a high-profile case with significant results, including the payment of a sizeable fine to Liberia by the owner, and the spurring of action by the flag State, South Korea to amend their laws. The PREMIER, a purse seine vessel was caught fishing illegally in West Africa and then attempted to relocate to the WIO. The network of the newly formed FISH-i Task Force was already on the alert, and the FISH-i countries worked together as a region to stop the PREMIER continuing its fishing activities and refusing any fish from the vessel to enter the market through their ports.

### WHAT?



### HOW?

**Avoidance of penalties** – Dongwon, owners of the PREMIER, only paid the fine to Liberia after negative publicity internationally, denial of port services and reduced market prices due to consumer concerns, left them with no choice.

---

**Document forgery** – a forged Liberian fishing licence was used to cover up illegal fishing in Liberian waters. When the PREMIER was applying for fishing licences, the letters presented to authorities in Kenya and Mozambique, allegedly from Liberian authorities absolving the vessel of any illegal activities, were also identified as forgeries.

**Business Practices (suspected)** – Dongwon used agents in Liberia and the WIO that have been implicated in various cases of illegal fishing and fraud. This provides suspicion that the choice of agent may have been intentional to utilise their networks. Dongwon claimed they obtained the forged fishing licence in Liberia via their agent from a government official. If this is correct, then the use of corruption can be suspected.

---

**ENFORCEMENT ACTION/SANCTIONS**

USD one million

**STATUS**

Case closed. The PREMIER was renamed the ADRIA and is still operating in the WIO.

---



## INVESTIGATION NO. 2 FAKE LICENSING OPERATION UNCOVERED

At a time when the threat of piracy was considered the reason for low numbers of longline fishing vessels obtaining licences to fish in Tanzanian waters, a large organised network distributing fake documents through corrupt practises was exposed. As a direct result of this exposure, many vessels that had been fishing in Tanzanian waters with fraudulent fishing licences were forced to obtain legal fishing licences from the Tanzanian authorities, increasing government revenue and improving control over the country's fisheries. Improved licensing procedures have since been introduced and a Multi-Agency Task Team has been established to deal with organised environmental crimes in Tanzania.

---

**WHAT?**



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**HOW?**

**Business practices** – the vessels' Taiwanese owners had used an agent that bought licences from a Tanzanian fishery official, but who transferred the payments to a private bank account (indicating corruption). Investigations to identify the beneficial owner examined company structures in Taiwan, where each vessel was 'owned' by a separate company, essentially making it very difficult to track the beneficial owner.

**Document forgery** – although it is possible that more existed, 11 fraudulently issued fake Tanzanian licences were identified.

---

**ENFORCEMENT ACTION/SANCTIONS**

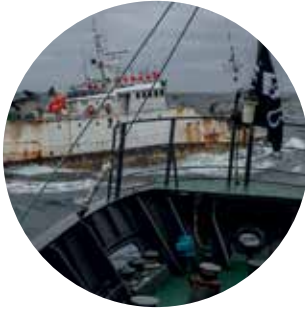
A junior staff member was initially arrested for forgery of licence documents but later released. An arrest warrant was issued against the vessels' agent, but no arrest has yet been made.

---

**STATUS**

Ongoing

---



### INVESTIGATION NO. 3 IUU LISTED VESSELS DE-FLAGGED

Name and flag changes are common ways in which IUU fishing vessels' owners avoid the consequences of being IUU listed by RFMOs. Two IUU listed toothfish longliners, using the names ALDABRA and CHANG BAI, were de-flagged by Tanzania at the request of the RFMO Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The ALDABRA is now operating as a stateless vessel and, after many name changes, the CHANG BAI is currently detained thanks to international cooperation and investigation.

#### WHAT?



#### HOW?

**Vessel identity** – both the ALDABRA and CHANG BAI changed identity multiple times to hide their history of IUU fishing across jurisdictions, enabling the vessels to register with new flag States, such as Tanzania, and obtain authorisations to fish.

**Flagging** – flag hopping helps conceal the identity of IUU fishing vessels. The use of flags of convenience and non-compliance keeps checks and controls to a minimum and if caught operating illegally there is little follow up from flag States who may not have the will nor capacity to act.

**Business practices** – the company structures for both vessels were found to span over several continents, making identification of the beneficial owner difficult. There was suspicion that corruption may have limited the sharing of information between agencies in Tanzania and later, the undetected absconding from Thai detention of the CHANG BAI under a new name KUNLUN, provides further suspicion of corruption.

**Avoidance of penalties** – not only did the KUNLUN abscond but by hiding the identity and history of the vessels, the owner avoided the consequences of being IUU listed by an RFMO.

**Document forgery (suspected)** – the registration documents provided to Tanzania are suspected to be forgeries.

#### ENFORCEMENT ACTION/SANCTIONS

CHANG BAI renamed as KUNLUN, and then ASIAN WARRIOR, is subject to an INTERPOL Purple Notice and is currently detained in Senegal.

#### STATUS

Ongoing: the ALDABRA is currently thought to be stateless and is still operating, location not known.



### INVESTIGATION NO. 4 THE MULTIPLE IDENTITIES OF THE NAHAM-4

The NAHAM-4 investigation highlights the extent of vessel identity fraud occurring in the fishing industry. The vessel, a Taiwanese-owned tuna longliner, was detained and later confiscated by South African authorities due to uncertainty about its identity. Meanwhile at least four other vessels were identified as having operated with the name NAHAM-4.

#### WHAT?



#### HOW?

**Vessel identity** – with no mandatory identification system, fisheries inspectors rely on vessel names, which can be easily painted over to fit with available licences or to hide a history of non-compliance, as was the case with the NAHAM-4 name.

**Business practices** – a complex network of company ownership raised challenges with the accurate identification of the beneficial owner. Threats were made to a journalist that was delving into the Omani registration and business aspects of Al-Naham Co LLC., raising suspicions that corrupt practices were taking place in Oman.

---

**Document forgery** – four different vessels operated as the NAHAM-4, providing evidence that at least three of these were fraudulently using the name. Documents were also identified as forgeries by South African authorities.

**Flagging (suspected)** – the owners of NAHAM-4 do not appear to have any connection to Oman, the flag State, hence there is suspicion that flagging to Oman was intentional to benefit from Oman's limited application of its flag State responsibilities.

---

**ENFORCEMENT ACTION/SANCTIONS**

South African authorities seized both the vessel and the fish on board. The owner and its representatives were charged and convicted on seven counts related to South Africa's and the IOTC's legislation.

---

**STATUS**

Ongoing investigations to locate the remaining NAHAM-4 vessels continue.

---



## INVESTIGATION NO. 5 FUGITIVES FROM JUSTICE

The SAMUDERA PASIFIC No. 8 and BERKAT MENJALA No. 23 were part of a fleet of 10 Indonesian-flagged longliners arrested off the coast of South Africa for suspected illegal fishing activities. The case and the associated media focused public attention in Africa on the plight of crew on illegal fishing vessels. Whilst under detention in Cape Town, two of the vessels absconded and are still at large; both are subject to INTERPOL Purple Notices. This investigation demonstrates the wide range of business and other methods used by illegal owners and operators to enable them to fish and operate illegally.

---

**WHAT?**



**HOW?**

**Vessel identity** – crew testimony reports that re-naming vessels by painting new names over old is routine practice and allows vessels to evade detection by authorities. The true identity of the vessels is still unknown.

**Flagging** – the Indonesia registration documents were reported to be fake, so it is likely that the vessels were stateless at the time of their arrest. After absconding, they registered in the Mombasa port log with a Tanzanian call sign.

**Business practices** – there is evidence that the ownership of the two vessels that escaped was changed while they were under arrest in Cape Town to a company registered in Zanzibar. It was also reported, that the crew had been tricked into working on these vessels, their wages had not been paid, and living and working conditions were substandard, unsafe and unhygienic. In addition, it is suspected that the vessels may have been de-commissioned by Indonesia before assuming false identities and engaging in fishing activity in the WIO. There are also suspicions that corrupt officials may have facilitated the escape of the two vessels from Cape Town, but no charges have been made.

**Avoidance of penalties** – the detained vessels absconded and have assumed new identities, thereby avoiding penalties for operating illegally.

**Document forgery** – the vessels were using false Indonesian registration documents, and fraudulently sharing several fishing licences.

---

**ENFORCEMENT ACTION/SANCTIONS**

Confiscated by South Africa, but two vessels escaped from arrest.

---

**STATUS**

Ongoing efforts to identify the vessels involved continue.

---



## INVESTIGATION NO. 8 THREE VESSELS OR ONE?

This case highlights the complex use and abuse of vessel identities and how these were uncovered. FISH-i compared tracks of longliners and photographs taken during port visits around the WIO to expose the ambiguity in the vessels' identities. Later, media sources in Indonesia cast further uncertainty on the identities of the vessels. The importance of cross checking information and the value of taking and sharing photographs of fishing vessels is highlighted, without which the misuse of identities would have been difficult to confirm.

### WHAT?



### HOW?

**Vessel identity** – at least five vessels were evidently using the identities of two fishing vessels. A vessel transmitting on AIS as CHI HSIANG NO. 7 was physically painted with the name BINTANG SAMUDRA-68, while some months later, a vessel transmitting on AIS as CHI HSIANG NO. 7 was physically painted with the name KARYA WIJAYA 201. Photographic analysis of the two vessels demonstrated that they were likely to be the same vessel.

**Business practices** – in trying to identify the owners, links to a bankrupt Indonesian company were uncovered, but the current vessel owners could not be identified.

**Document forgery (suspected)** – documents were presented to Mauritius in the name of KARYA WIJAYA-201, however it is not clear if these were forgeries, or simply copies of documents from the true KARYA WIJAYA-201. Forged documents are also likely to have been required to support the other name changes.

**Flagging (suspected)** – Indonesian and Taiwanese flags were used by the vessels, but due to the identity issues it is suspected that these may have been false flags.

### ENFORCEMENT ACTION/SANCTIONS

None

### STATUS

Ongoing



## INVESTIGATION NO. 11 ROGUES OR GHOSTS?

The Belize-registered trawler GREKO 1 was known to be active in Somali waters for several years, but it was not until 2016 when a European Union (EU) navy patrol started to provide Somalia with sightings of fishing vessels in their EEZ that this vessel's operations were analysed. A port inspection of the vessel in Mogadishu established that illegal fishing had taken place throughout 2016, and a USD 65 000 fine was paid. Investigations into the GREKO 1 and her sister ship the GREKO 2 revealed that both vessels were listed as 'scrapped', and for this the owners had received EUR 1.4 million under an EU capacity reduction scheme. Ongoing investigations are yet to verify the true identity of the 'scrapped' vessels and the identity of the GREKO 1 that was fishing illegally in Somalia.

### WHAT?



### HOW?

**Vessel identity** – the complex identity history of both the GREKO 1 and GREKO 2 made it difficult to confirm whether these names had been transferred (reused) between vessels, or whether changes had been made to vessel histories in a deliberate effort to hide a potential scrapping fraud. Inconsistent use of Greek and Roman letters in official documents made tracing the vessel history difficult.

**Flagging** – change of flag from Greece to Somalia and then to Belize during the months when the GREKO 1 and GREKO 2 were allegedly scrapped may have been designed to cover up the true history and identity of the vessels.

**Avoidance of penalties** – the GREKO 1 absconded from Somali authorities and only settled the fine after Kenyan authorities intervened.

**Document forgery** – a forged licence to fish in the Puntland zone of Somalia was provided to Kenyan authorities.

**Business practices (suspected)** – if the vessel scrapping is found to have been fraudulent, some level of corruption is suspected in relation to the compensation payment.

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**ENFORCEMENT ACTION/SANCTIONS**

USD 65 000

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**STATUS**

Ongoing

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## INVESTIGATION NO. 13 DUAL IDENTITY VESSEL ON THE RUN

Routine AIS monitoring of FISH-i countries' EEZs in 2014 identified a fishing vessel that appeared to be hiding its identity to fish without a licence. Under detention in Seychelles in 2015, investigations indicated that the longliner, JIN SHYANG YIH 668 had engaged extensively in unauthorised fishing in the WIO and had probably also transhipped its catch illegally whilst at sea. Now on the run from flag State Thailand, the current location and identity of the vessel is unknown.

---

**WHAT?**



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**HOW?**

**Vessel identity** – the JIN SHYANG YIH-666 was transmitting vessel monitoring system (VMS) under the name BINTANG SAMUDRA-09, possibly to appear that it was a licenced fishing vessel and/or to cover up the illegal fishing past of the JIN SHYANG YIH-666. Following the uncovering of the inconsistency between the VMS and AIS signals, the owners renamed the vessel to JIN SHYANG YIH 668.

**Flagging** – the changes of flag State from Belize to Thailand and possibly back to Belize were made to avoid sanctions from the flag State and to cover up an IUU fishing history.

**Avoidance of penalties** – changing flags to Belize, changing sailing course to avoid interception by the Thai navy, and not transmitting any satellite signals, all appear to be attempts to avoid sanctions.

**Document forgery (suspected)** – the documents presented to the Seychelles Fishing Authority for the JIN SHYANG YIH 668 are suspected to be forged or if originals they were fraudulently used.

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**ENFORCEMENT ACTION/SANCTIONS**

JIN SHYANG YIH 668 was detained in Seychelles. The Thai navy was sent to intercept and arrest the JIN SHYANG YIH 668.

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**STATUS**

Ongoing investigations into the whereabouts of the JIN SHYANG YIH 668 continue.

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# FISHERIES ASSOCIATED CRIME

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The lack of regular and thorough inspections of fishing vessels in the WIO, combined with fishing vessels' ability to move easily and relatively undetected from country to country make them an attractive option for transporting illicit cargo – while operating under the cover of fishing.

Three FISH-i cases provide suspicion of people trafficking, and/or arms, drugs and wildlife smuggling. Since 2013, the media has reported over 30 cases in the WIO in which the fisheries sector has been used to cover up or facilitate other crimes: three of these are included below.

The six cases demonstrate how illegal smuggling or trafficking can be mixed with fishing activity, either in fishing vessels or the transport of fish. Vessel identity and flagging issues were shown to be used to the advantage of illegal operators in four cases each, while suspicion of dubious business practices was evident in all cases. Document forgery was only evident in the FISH-i investigations, a likely result of FISH-i not being able to access this level of information in the other cases.

These criminal acts taking place in the fisheries sector undermine governance in general, but also the legitimacy of the fisheries sector and the potential economic growth that could be derived from a thriving, and compliant blue economy.



## INVESTIGATION NO. 6 MYSTERIOUS OPERATIONS ON THE SOMALI COAST

There seems to be little doubt that the trawler POSEIDON and the longliner AL-AMAL were fishing illegally in Somali waters and engaging in illegal transshipment at sea, but there is also suspicion that they may have been involved in other illegal activities. The AIS signal from AL-AMAL was inconsistent, but it appears to have been primarily operating in Somali waters with visits to Oman. POSEIDON operated for periods of up to six weeks without port visits, which for a vessel of this size is an indication that it may have transhipped and been resupplied at sea, or been engaged in non-fishing activities. The AL-AMAL sank in 2015 when operating very close to shore, reportedly using crab-pots. The POSEIDON is still believed to be operating. This case is still open for FISH-i and with Somalia now a member of the Task Force, cases such as this will gain new momentum and opportunity for conclusion.

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### WHAT?



### HOW?

**Flagging** – several changes of flags were identified for both vessels and POSEIDON also used a false Somali registration.

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**Business** – the agent used by the owners of POSEIDON is a South Korean national living in Kenya that has links to several known and suspected IUU fishing vessels. The complex company structures have so far made it difficult to identify the beneficial owner. The irregularities found in relation to the Somali and Puntland papers indicate that corruption may have played a role to legitimise the vessels to gain licences. Additional suspicions include that AL-AMAL may have been acting as a mini-reefer to POSEIDON, and have been illegally transhipping fish. The transhipment of fish is a means of facilitating other crimes such as drugs or arms smuggling, and could explain the unusual behaviour so close to shore.

**Document forgery** – forged or invalid documents were found on both the POSEIDON and the AL-AMAL, these included fake registration and licence documents.

**ENFORCEMENT ACTION/SANCTIONS**

POSEIDON arrested and fined in Somalia. Detained in Kenya but charges not laid.

**STATUS**

Ongoing



**INVESTIGATION NO. 7  
PIRACY, POACHING AND PEOPLE SMUGGLING?**

The LUCKY STAR was reported hijacked by Somali pirates in 2010, while fishing illegally in Somali waters and released in 2011. After its release the vessel was de-registered by Kenyan authorities due to persistent non-compliance with fisheries regulations and unseaworthiness. Later flagged to Tanzania, the irregularities continued. For example, after a month at sea, the LUCKY STAR offloaded reef species in Mombasa, despite only having a permit to target tuna and related species. The Kenyan authorities worked with FISH-i to establish the activities of the vessel and uncovered unverified information suggesting that the LUCKY STAR may have been involved in people and/or arms smuggling in Somalia and that, although described and authorised as a longliner, the vessel was also reported to be using crab traps close to shore. The vessel was de-registered from Tanzania due to its failure to supply VMS data that would verify its movements. Now re-flagged to Kenya the vessel continues to operate as the PRECIOUS DIAMOND, but limited by the Kenyan authorities to only fish in their waters.

**WHAT?**



**HOW?**

**Vessel identity** – the LUCKY STAR had previously carried the name GOLDEN WAVE NO. 305. It had also used a call sign from the South Korean longliner CHANCE No. 101, while operating under the Kenyan flag, and today it operates as the PRECIOUS DIAMOND. This raises suspicion that the vessel may have been operating with multiple identities at once.

**Flagging** – the LUCKY STAR operated under Kenyan and Tanzanian flags and may also have had a South Korean flag in the past, given the use of a South Korean call sign.

**Business practices (suspected)** – there is uncertainty in respect to the identity of the owner of the vessel, given conflicting indications that ownership may either be with a South Korean agent based in Kenya or with a Somali citizen resident in Zanzibar. The agent of the LUCKY STAR is the same South Korean, and he has been involved in other IUU fishing cases, including the POSEIDON, AL-AMAL and PREMIER.

**ENFORCEMENT ACTION/SANCTIONS**

The LUCKY STAR was renamed PRECIOUS DIAMOND and was again flagged to Kenya, but denied the vessel authorisation to fish outside of the Kenyan EEZ.

**STATUS**

Ongoing



## INVESTIGATION NO. 9 A REPEAT OFFENDER BROUGHT TO BOOK: THE NESSA 7

Identified as a high-risk vessel, the NESSA 7 was tracked from Cape Town to Durban to Argentina prior to its arrival in Lüderitz, Namibia, in December 2015. The vessel arrived late on the 9th December, was supplied and had departed by midday on 10th December, a public holiday in Namibia. On 29th December 2015, the vessel entered Mozambican waters without providing any advance information, in response to which a joint mission inspected the vessel and identified a range of potential infringements. The vessel was ordered to Maputo port, where investigations revealed that the NESSA 7 was the former IUU fishing vessel the NAHAM-4. The investigation also provided strong evidence that NESSA 7 was engaged in other illicit maritime activities; for example, the cargo holds were dry with no signs that regular fishing operations had been taking place. The master alleged that the vessel was engaged in anti-piracy operations but could not prove this, hence the true activity of the vessel could not be confirmed.

### WHAT?



### HOW?

**Vessel identity** – this vessel had previously carried the name NAHAM-4, and had been confiscated for fishing illegally by South Africa and sold at auction. Renaming it NESSA 7 may have been an attempt to disconnect it from its illegal past.

**Flagging** – on arrival in Mozambican waters although a Panamanian flag was found on board the vessel was not physically flying any flag, nor was it displaying any registration number.

**Document forgery (suspected)** – the NESSA 7 was carrying a Pleasure Vessels Safety Certificate, which is suspected of either being fraudulent or obtained using false information as the vessel is a longliner. There is also suspicion that the owners may have swapped documents with those of other vessels they own or have owned, such as a longliner named NESA 7.

**Business practices (suspected)** – when it was sold at auction, the South African buyers of the NAHAM-4 were connected to convictions in Australia and on-going cases in South Africa of drug trafficking. This along with the lack of evidence of actual fishing and a crew from a country not usually associated with fishing crew – Myanmar – suggests that the business involvement of the owners may not be principally fishing.

### ENFORCEMENT ACTION/SANCTIONS

Fine of USD 230 000. The vessel and its gears were confiscated and have reverted to the Mozambican Government. The master was banned from fishing in Mozambican waters for a period of 36 months.

### STATUS

Closed



## INVESTIGATION NO. 18 DRUG SEIZURE IN SEYCHELLOIS WATERS

Acting on intelligence, the Seychelles Coast Guard and National Drugs Enforcement Agency (NDEA) apprehended an Iranian fishing vessel in April 2016. It was carrying 98.5 kg of drugs, including heroin and opium, making the seizure the largest ever in the Seychelles. The NDEA stated that the narcotics were intended to have been collected from the dhow by high speed vessels and then transferred to a destination in Tanzania. Although registered as a fishing vessel and carrying considerable fishing gear, no fish were found on the vessel.

## WHAT?



## HOW?

**Vessel identity** – wooden dhows commonly used in this region, are often not required to have visible identification numbers or to use satellite tracking devices, making tracking and identification challenging. The vessel was a fishing vessel but there were no signs of fish on board, suggesting that the fishing identity was used as a cover-up.

**Business practices (suspected)** – although not proven, the business practices involved in this case are likely to include corruption and use of criminal networks.

## ENFORCEMENT ACTION/SANCTIONS

The crew faced trial but in October 2016 it was ruled that eight crew members were to be deported to Iran due to lack of evidence. Charges were however maintained against the captain, the son of the ship's owner and a sailor.

## STATUS

Ongoing



## INVESTIGATION NO. 19 ARMS SEIZED OFF THE HORN OF AFRICA

In February 2016, the Combined Maritime Forces – an American and British-led coalition that fights terrorism and piracy in the Horn of Africa region – found 1 989 AK-47 assault rifles, 100 rocket-propelled grenade launchers, 49 PKM machine guns, 39 PKM spare barrels and 20 mortar tubes hidden under fishing nets on an unregistered, stateless fishing vessel likely headed to Yemen or the Somali region. However, as the coalition has no authority to permanently detain traffickers in international waters, the vessel and crew could depart once the illicit weapons had been confiscated.

## WHAT?



## HOW?

**Vessel identity** – wooden dhows commonly used in this region, are often not required to have visible identification numbers or to use satellite tracking devices, making tracking and identification challenging.

**Flagging** – the vessel was unregistered and stateless, hence beyond the jurisdiction of any State. Under the United Nations Convention on the Law of the Sea (UNCLOS) and the Arms Embargo in place since 1992, international navies are sanctioned to inspect unregistered vessels on the high seas, as well as seize illegal weapons heading toward Somalia. Due to the vessel being stateless, the vessel operators and crew cannot be prosecuted because they are not subject to any country's laws on the high seas.

**Business practices (suspected)** – although not proven, the business practices involved in this case are likely to include corruption and use of criminal networks.

## ENFORCEMENT ACTION/SANCTIONS

The weapons were confiscated but the vessel and crew were not detained.

## STATUS

Uncertain



## INVESTIGATION NO. 20

### IVORY CONCEALED AMONG ANCHOVIES SEIZED IN ZANZIBAR

In 2011, Tanzanian authorities in Zanzibar discovered a consignment of 1 041 elephant tusks, heading for Malaysia. The tusks were hidden in a container of anchovies in a probable attempt to prevent their detection through the strong smell. Two local transport agents were detained for further questioning. The port of Zanzibar is a major conduit for contraband wildlife products and this case is similar to a seizure made in the preceding year, when ivory was hidden in a container of dried fish.

#### WHAT?



#### HOW?

**Document forgery** – the ivory was fraudulently concealed by anchovies and the supporting documents reported the ivory as anchovies.

**Business practices (suspected)** – although not proven, the business practices involved in this case are likely to include corruption and use of criminal networks.

#### ENFORCEMENT ACTION/SANCTIONS

Goods seized. No arrests reported.

#### STATUS

Uncertain



# LAWLESSNESS

Ocean fisheries generally occur far from the eyes of law enforcers, with limited monitoring. Some operators consider the oceans a free-for-all: the three cases described below demonstrate this, and the lawlessness that can prevail on the oceans and in the fisheries sector.

Fishing vessels and their crew, when at sea, fall under the jurisdiction of their flag State, which is responsible to ensure that crew act according to law. However, as demonstrated in many of the cases described in this publication, registration of vessels and thus the flag they fly, is often not clear, leaving a gap that invites inaction and lack of accountability by the flag State.

This state of delinquency, and the sinister crimes being conducted, provides a very real threat to the safety and security of those working in fisheries. Urgent national, regional and international attention is required to ensure that the WIO fisheries sector conducts its business in a lawful manner.



## INVESTIGATION NO. 15 MURDER AT SEA?

At least four men are seen being shot at sea in film footage published on YouTube in 2014. Only one of the fishing vessels seen in the film is clearly identifiable – the Taiwanese longliner CHUN 1 No. 217. Further investigation identified other vessels and individuals involved, including the vessel from which the shots were fired. The motives for the attacks and the identity of the perpetrators remain a mystery. The case demonstrates a lack of will on the part of relevant States to pursue an investigation, and provides a strong indication of a state of lawlessness on the high seas where crime can take place with few, if any, consequences.

### WHAT?



#### HOW?

**Flagging** – the flag State is responsible to monitor the activity of its fleet and the crew on board its vessels and enforce laws when applicable.

Without flag States acting responsibly, crew operating in the high seas will not be held accountable for their actions.

**Avoidance of penalties** – despite several witnesses to the incident, no enforcement action has been taken.

#### ENFORCEMENT ACTION/SANCTIONS

None

#### STATUS

Ongoing



## INVESTIGATION NO. 16 DELINQUENCY ON THE HIGH SEAS

A YouTube video filmed in 2012 shows a vessel, identified as Taiwanese-owned, Seychelles-flagged longliner, FORTUNE NO. 58 repeatedly harassing and ramming a much smaller vessel. Two other longliners are present and have been identified as the PING SHIN NO.101 and FORTUNE NO.78. Crew members filmed the incident and cheer as the smaller vessel is attacked and damaged. Interviews conducted later with crew indicated that the vessel was eventually sunk and the crew picked up from the water. Although no lives are believed to have been lost, these are deliberate acts of aggression and piracy.

### WHAT?



### HOW?

**Flagging** – the flag State is responsible to monitor the activity of its fleet and nationals, and enforce its laws. Without flag States acting responsibly, crew operating on the high seas cannot be held accountable for their actions.

**Avoidance of penalties** – despite several witnesses to the incident, it appears that no enforcement action has been taken.

### ENFORCEMENT ACTION/SANCTIONS

None

### STATUS

Ongoing



## INVESTIGATION NO. 17 ARMED GUARD DENIES INSPECTION

A 2014 IOC joint fisheries patrol approached Seychelles-flagged longliner JIIN HORNG No.106 for inspection at sea in the Somali EEZ. The patrol vessel requested the vessel to stop and prepare for an inspection. An individual on board the longliner warned off the inspection team, aiming what appeared to be an AK-47 at the patrol vessel and firing shots. Since this event, FISH-i research and monitoring has identified that the JIIN HORNG No.106 has connections to an IUU fishing past and that this incident of aggression by hired armed guards and/or crew may not simply have been a result of fears of piracy as claimed by the vessel's agent.

### WHAT?



### HOW?

**Vessel identity (suspected)** – investigations following the event have led to strong suspicions that the JIIN HORNG No.106 was formerly the No.2 CHOYU, currently listed on the International Commission for the Conservation of Atlantic Tunas (ICCAT) IUU fishing vessel list.

**Flagging (suspected)** – although flagged to the Seychelles, in February 2016, the JIIN HORNG No.106 was arrested in Indonesia for entering their waters flying no flag, providing no entry report and for not carrying the required documentation.

**Document forgery (suspected)** – during an inspection in Indonesia in 2016, the JIIN HORNG No.106 was reported by the Indonesian navy to have no original documents on board, only photocopies, raising suspicion as to their authenticity.

### ENFORCEMENT ACTION/SANCTIONS

None

### STATUS

Closed





DJASAZEE

No 1

PORT LOUIS

NEQ 12

# 05

## ANALYSIS: WHY IS THIS HAPPENING?

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Three major driving forces that create the environment in the Western Indian Ocean for the fisheries illegalities and crimes have been identified:

### GLOBALISATION OF THE FISHERIES INDUSTRY

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**OVERCAPACITY** – global excess capacity and decommissioned fishing vessels relocate to the WIO.

**INFLUENCE** – some countries with sizeable fishing fleets in the WIO also have significant political influence, such as Taiwan and China.

**GLOBAL ENFORCEMENT IMBALANCE** – effective controls in other regions force illegal operators to seek alternative fishing areas where the risk of being caught is lower and the sanctions if caught are less severe, such as the WIO.

**COMPLEX VALUE CHAIN** – fish from the WIO is caught and traded through many countries before it is consumed, this provides multiple opportunities for illegality to occur and to be hidden.

**GLOBAL DISCONNECT** – foreign owners register their vessels with countries of the WIO through local agents; when violations occur the WIO flag State has limited ability to follow-up or enforce sanctions as they often do not know who the owners are, or where they are.

**TECHNOLOGICAL ADVANCES** – communication and technological improvements help to facilitate transnational organised crime.

### HIGH DEMAND FOR FISH

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**POPULATION INCREASE** – as local and global populations increase so does demand for fish.

**DECLINE IN FISH STOCKS** – overfishing, overcapacity and subsidies have contributed to the depletion of fishery resources, increasing pressure on healthier stocks, such as the fisheries of the WIO.

**CHEAP FISH** – the demand for cheap fish, especially in food insecure countries of the WIO, increases pressure on owners to reduce operational costs, which can encourage illegal activity.



## EXPECTATIONS OF A BLUE ECONOMY

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**ECONOMIC GROWTH** – opportunities to reduce poverty and create employment through foreign investment in fishing, use of port facilities and processing fish are important for countries of the region, but welcoming these businesses can create conflict with enforcing compliance.

**GROWING THE NATIONAL FLEET** – WIO coastal States increase their fishing fleet to ensure a stake in future quota allocations, at times before adequate flag State capacity for oversight is in place.

**WEAK GOVERNANCE** – the WIO coastal States struggle with weak governance and the related challenge of corruption, undermining a compliant fisheries sector and blue growth.

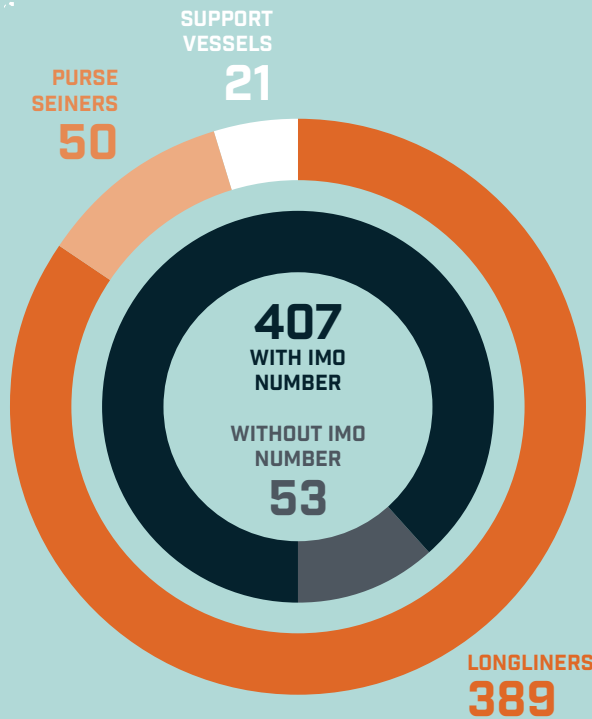
# 06

## ANALYSIS: WHERE IS THIS HAPPENING?

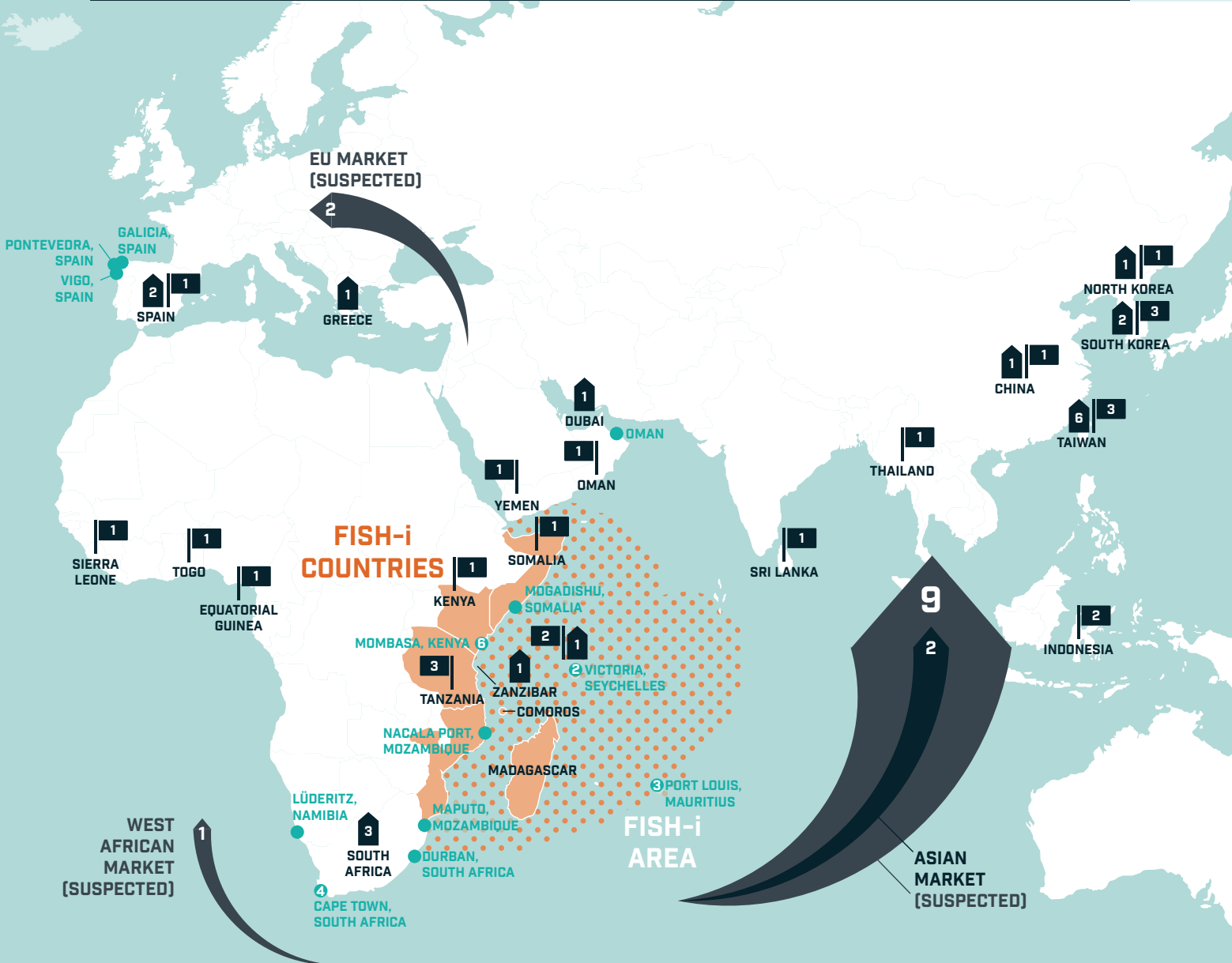
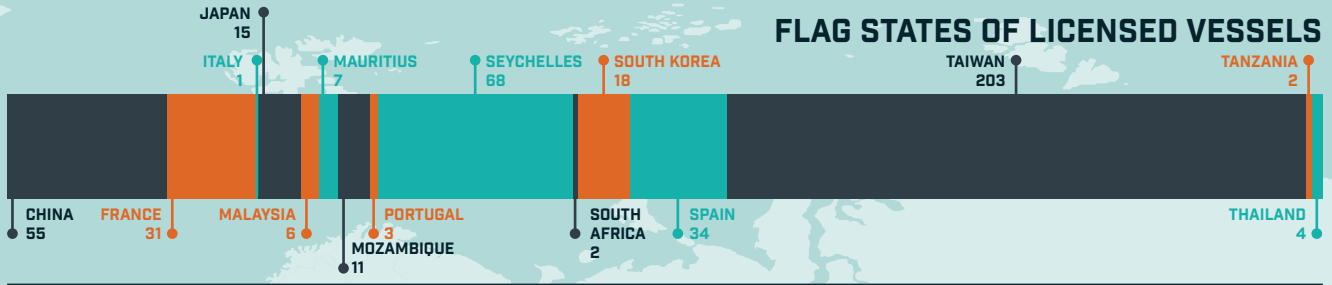
FISH-i investigations demonstrate the transnational nature of illegal fishing, fisheries related illegality and fisheries associated crime. The 15 investigations have involved 23 flag States, 13 ports, owners and operators from at least 12 countries, and whilst the final market is not clear for many of the illegal catches the majority is suspected to be destined for Asia.

# 460

FOREIGN LONGLINERS, PURSE SEINERS AND SERVICE VESSELS ARE LICENSED TO FISH BY THE 8 FISH-i AFRICA COUNTRIES



# FLAG STATES OF LICENSED VESSELS



## KEY

FLAG STATE

OWNER/OPERATOR

PORTS  
The figure indicates the number of visits if more than one

# 07

## ANALYSIS: HOW IS THIS HAPPENING?

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Analysis of how illegal fishing, illegality, crime and lawlessness in the fisheries sector is taking place in the WIO shows common methods and techniques being employed. These modus operandi enable illegal operators to undertake illegal activity, often undetected, and when investigated to get away with it or minimise penalties and sanctions:



**VESSEL IDENTITY FRAUD** is used to hide fishing and operational history and activity; reduce costs; misinform and confuse licensing, flagging and inspection authorities; cover up history of IUU fishing; and evade sanctions when caught violating regulations or breaking laws.



**FLAGGING ISSUES** arise when vessels hop from flag to flag as this allows them to change names with ease, hiding a history of IUU fishing or escaping sanctions or investigations. Flags of convenience are part and parcel of the illegal operators' way of doing business, enabling costs to be kept to a minimum as standards for safety, hygiene, crew or paying of taxes are low or non-existent.



**DOCUMENT FORGERY** is used in an attempt to hide illegal activities or to avoid obligations and costs. Forged documents of vessel registration certificates, fishing licences or catch certificates are an essential feature of illegal fishing as operators either alter existing documents or create false documents.



**BUSINESS PRACTICES** are used to the advantage of illegal operators who use the impenetrable complexity and bureaucracy that company's structures can create, making identifying beneficial owners impossible. They hide behind shell companies and PO Boxes, to escape, unidentified and unpunished. Locally based agents facilitate the contact between vessel owners and government authorities, and the often dubious nature of this link has been recognised in many cases.



**AVOIDANCE OF PENALTIES** is common practice; often the penalties for fishing violations are so low that many operators view these as operating costs. Once arrested or sanctioned, owners and operators will still try to avoid penalties and connections to their illegal pasts.



# VESSEL IDENTITY ISSUES

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One of the most common features of the FISH-i investigations has been the regular misuse of vessel identity to: hide fishing and operational history and activity; reduce costs; misinform and confuse licensing, flagging and inspection authorities; cover up history of IUU fishing; and evade sanctions when caught violating regulations or breaking laws.

Often flag States, particularly those known as ‘flags of convenience’, do not check the history of a fishing vessel when they register, or undertake a physical inspection of the vessel to confirm that details are correct, or indeed to check it is the vessel it claims to be. This makes it easy to change or fabricate identity. Coastal and port States as well as RFMOs rely on the information provided by flag States when authorising and licensing vessels, or permitting the transshipment or offloading of fish, as well as allowing them use of port services.

Once suspected of illegal fishing or other illicit activity, vessel operators might change the vessel name to be able to offload their catch, obtain flag State authorisation to fish or to continue fishing without being apprehended. Alternatively, if a licence is granted to one vessel, several vessels may take up that identity and use forged copies of the licence to fish themselves, circumventing catch restrictions. One notorious fishing vessel, KUNLUN, is recorded to have used 16 different names and was registered with eight or more different flag States.

**The misuse of vessel identity in the FISH-i region has been identified in the following areas:**



## ONE VESSEL IDENTITY BEING USED BY MULTIPLE VESSELS AND ONE VESSEL USING MULTIPLE IDENTITIES

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### WHY?

- Share a single licence or authorisation, and so reduce costs.
- Share a flag registration to e.g. target different species, get fuel subsidies or cheaper port fees.
- Avoid requirements e.g. IOTC transshipment rules related to vessel size.
- Hide history of non-compliance.
- Painting over names and identifiers (e.g. call signs, International Maritime Organization (IMO) numbers) on the vessel.

### HOW?

- Tampering with tracking signals such as AIS/VMS.
- Forging documents, e.g. licences, flag registrations, log books.
- Utilising identity fraud, using fake or false documents such as licences and authorisations.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – with no mandatory identification system fisheries inspectors rely on vessel names, which can be easily painted over to fit with available licences or to hide a history of non-compliance, as was the case with the NAHAM-4 name.
- **INVESTIGATION NO.5 Fugitives from justice** – crew testimony reports that re-naming vessels by painting new names over old was routine practice. The true identity of the vessels is still unknown.
- **INVESTIGATION NO.8 Three vessels or one?** – at least five vessels were evidently using the identity of two fishing vessels, painting over vessel identifiers such as names and call signs to switch identities.



## SERIAL NAME CHANGES

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### WHY?

- Hide a history of IUU fishing or other illegality to re-flag, get authorisation to fish from the flag State, obtain a licence or avoid a penalty.

### HOW?

- Avoiding or not reporting name changes to the flag State.
- Painting over names and identifiers (call signs, IMO numbers) on the vessel.
- Forging documents, e.g. licences, flag registrations, log books.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.3 IUU listed vessels de-flagged** – both the ALDABRA and CHANG BAI used multiple identity changes to hide their history of IUU fishing across jurisdictions, enabling the vessels to register with new flag States and obtain authorisations to fish from Tanzania.
- **INVESTIGATION NO.7 Piracy, poaching and people smuggling?** – the LUCKY STAR had previously carried the name GOLDEN WAVE NO. 305. It had also used a call sign from the South Korean longliner CHANCE No. 101, while operating under Kenyan flag, and today it operates as the PRECIOUS DIAMOND.
- **INVESTIGATION NO.9 A repeat offender brought to book: the NESSA 7** – this vessel had previously carried the name NAHAM-4, and had been confiscated for fishing illegally by South Africa and sold at auction. Renaming it NESSA 7 may have been an attempt to disconnect it from its illegal past.
- **INVESTIGATION NO.11 Rogues or ghosts?** – the complex identity history of both the GREKO 1 and GREKO 2 made it difficult to confirm whether these names had been transferred (reused) between vessels, or whether changes had been made to vessel histories in a deliberate effort to hide a potential scrapping fraud.





## FALSIFYING, CONFUSING OR NO IDENTITIES

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### WHY?

- Cover up the vessels history, e.g. IUU listing, decommissioning or flag issues.
- Avoid charges and oversight, e.g. smaller vessels do not require observers present at transshipments.
- Pretend to be a fishing vessel to cover up other illicit activity.

### HOW?

- Utilising similar names and liveries (colour schemes, etc.) amongst a fleet make it easy to change letters or numbers.
- Confounding names by use of non-Roman letters such as Chinese or Greek characters that can create conflicting and confusing information.
- Spelling and numbering protocols for vessel names are used inconsistently.
- Submitting incorrect information on vessel length and weight for licensing and registration.
- De-linking the AIS signal to any vessel information.
- Introducing inconsistency between the vessel name and ascribed call sign or IMO number on documents or the vessel.
- Using numbers, not names, to register on IOTC making identification difficult.
- Failing to mark dhows or other smaller vessels with any visible markings.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.9 A repeat offender brought to book: the NESSA 7** – the owner had another vessel named the NESA 7.
- **INVESTIGATION NO.11 Rogues or ghosts?** – inconsistent use of Greek and Roman letters in official documents made tracing the vessel history and unravelling links to a possible decommissioning fraud difficult.
- **INVESTIGATION NO.14 Serial offenders in Somalia** – one of the vessels' identity was unknown, its AIS was not linked to any identity information.
- **INVESTIGATION NO.18 Drug seizure in Seychellois waters** – involved a dhow with no identifying marks.
- **INVESTIGATION NO.19 Arms seized off the Horn of Africa** – involved a dhow with no identifying marks.
- **INVESTIGATION NO.10 Mauritian action on Sri Lankan vessels** – all had very similar names, most Sri Lankan vessels appear to be authorised to IOTC using registration numbers rather than names, hence finding the true identities of the vessels was difficult.



## FLAGGING ISSUES

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The misuse or failure of the flagging or registration system for fishing vessels has been a common finding in the FISH-i investigations. As vessels hop from flag to flag they can change names with ease, hiding a history of IUU fishing or escaping sanctions or investigations. With no checks or controls by flags of convenience, efforts to make fishing operators comply with licence and RFMO requirements or international laws are undermined. Flags of convenience are part and parcel of the illegal operators' way of doing business, enabling costs to be kept to a minimum as standards for safety, hygiene, crew or paying of taxes are low or non-existent.

The lack of oversight and cooperation by flag States, including States not considered as flags of convenience, has resulted in uncontrolled fishing fleets that effectively operate with impunity: violating regulations, ignoring laws and committing serious crimes including suspected murder (No. 15) and human rights abuses (No. 5).

This lack of accountability and transparency in the flagging system intertwined with corruption and political interference, further reduces the likelihood of an illegal operator – even once detained and with evidence of crimes and violations – being brought to justice.

**The misuse and failure of the flagging system in the FISH-i region has been identified in the following areas:**



### FLAGS OF CONVENIENCE

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#### WHY?

- Hide history of non-compliance to avoid IUU listing by an RFMO, or evade a penalty, or obtain a licence.
- Hide the identity of the owners – many registers advertise anonymity as a positive feature of their flags.
- Reduce oversight – often flag States do not verify registration information or monitor vessels on VMS.
- Reduce costs, as hygiene and safety standards are not enforced and there are limited requirements on crew, enabling use of forced labour.
- Avoid regulations for owners that would be enforced by their own countries.
- Utilise gaps in international regulations by flagging to a country that is not party to an RFMO agreement.

#### HOW?

- Signing up with a flag of convenience online is easy and cheap.
- Supplying false information to the flag registry, such as details of the vessels characteristics and history.
- Providing false documents such as licence agreements, flag registrations, or log books to a registry.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – the owners had no apparent connection to Oman, hence flagging to Oman may have been to benefit from Oman's limited application of its flag State responsibilities.
- **INVESTIGATION NO.11 Rogues or ghosts?** – after the GREKO 1 and GREKO 2 were reported as scrapped vessels, vessels with the same names were flagged to Somalia and then Belize.
- **INVESTIGATION NO.13 Dual identity vessel on the run** – changing flag State from Belize to Thailand and possibly back to Belize were made to avoid sanctions from the flag State and to cover up an IUU fishing history.

### EVIDENCE SUSPECTED

- **INVESTIGATION NO.9 Repeat offender brought to book: the NESSA 7** – reported a Panamanian flag, a notorious flag of convenience.



## FLAG HOPPING

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### WHY?

- Hide history of non-compliance and conceal the true identity of the vessel.
- Avoid the vessel being IUU listed by an RFMO, or avoid a sanction.
- Effect a name change without the authorisation of the existing flag State.
- Reduce oversight – changing flag allows vessel information such as name, tonnage and length to be altered.
- Confuse fisheries authorities and regulatory organisations, e.g. to conceal that a vessel has supposedly been decommissioned.
- Hide a history of IUU fishing to re-flag, obtain a licence or avoid a penalty.

### HOW?

- Changing vessel names without informing the new flag State of previous names or flags.
- Painting over name and identifying marks such as the call sign.
- Falsifying documents.
- Providing fraudulent and false information to the flag State on vessel characteristics.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.3 IUU listed vessels de-flagged** – the CHANG BAI (now the ASIAN WARRIOR) is recorded to have used 16 names and registered with eight flag States.
- **INVESTIGATION NO.5 Fugitives from justice** – after absconding, the SAMUDERA PASIFIC No. 8 and BERKAT MENJALA No. 23 registered in the Mombasa port log with a Tanzanian call sign, suggesting that they had now changed flag.
- **INVESTIGATION NO.7 Piracy, poaching and people smuggling?** – the LUCKY STAR operated under Kenyan and Tanzanian flags and possibly also a South Korean flag in the past.

- **INVESTIGATION NO.11 Rogues or ghosts?** – change of flag from Greece to Somalia, and then to Belize when the GREKO 1 and GREKO 2 were allegedly scrapped, may have been designed to cover up the true history and identity of the vessels.

#### EVIDENCE SUSPECTED

- **INVESTIGATION NO.13 Dual identity vessel on the run** – when fleeing from Thai authorities, it is suspected that the vessel attempted to reflag to Belize.



## LACK OF FLAG STATE COOPERATION

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#### WHY?

- Lack of will or capacity for flag States to follow up or act.
- Political interference can stop exchange of information and follow-up.
- Lengthy and bureaucratic processes reduce accountability and transparency.

#### HOW?

- Failing to investigate.
- Failing to act.
- Failing to sanction crew.
- Interfering with investigations to obstruct justice.
- Bribing of officials.

#### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.15 Murder at sea?** – flag States have not supplied information that could help further the investigation and hold crew accountable for their actions.
- **INVESTIGATION NO.16 Delinquency on the high seas** – no apparent follow-up from the flag State.
- **INVESTIGATION NO.17 Armed guard denies inspection** – no apparent follow-up from the flag State.

#### EVIDENCE SUSPECTED

- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – the owners had no apparent connection to Oman, hence flagging to Oman may have been to benefit from Oman's limited application of its flag State responsibilities.
- **INVESTIGATION NO.14 Serial offenders in Somalia** – despite communication via the IOTC, no action seems to have been taken by China, the flag State, yet.



## CONFUSING, MULTIPLE OR NO FLAG STATES

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### WHY?

- Cover up past actions and identities, such as IUU listing, or absconding from detention.
- Use of different flags in different jurisdictions to allow access to fish stocks or port services.
- Avoid sanctions.
- Avoid any jurisdiction when on the high seas by being a stateless vessel without a flag or with more than one flag.

### HOW?

- Getting a new flag, when needed can easily be obtained online.
- Keeping a stock of different flags on the vessel to use as needed.
- Faking and forging documents as needed.
- Painting new registration ports and call signs as needed and covering these up, for example with fishing nets or painting them over when not needed.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.5 Fugitives from justice** – Indonesian registration documents reported as fake, so the vessels were probably stateless at the time of their arrest.
- **INVESTIGATION NO.6 Mysterious operations on the Somali coast** – flag State was unclear, possibly Somalia, Yemen, South Korea or even stateless.
- **INVESTIGATION NO.9 A repeat offender brought to book: the NESSA 7** – on arrival in Mozambican waters, the vessel was not physically flying any flag, or displaying any registration number.
- **INVESTIGATION NO.13 Dual identity vessel on the run** – the JIN SHYANG YIH 668 registered with Belize whilst on the run from Thai authorities, potentially rendering it stateless.
- **INVESTIGATION NO.19 Arms seized off the Horn of Africa** – the vessel was unregistered and stateless, so beyond the jurisdiction of any State.

### EVIDENCE SUSPECTED

- **INVESTIGATION NO.8 Three vessels or one?** – Indonesian and Taiwanese flags were used by the vessels, but these may have been false flags.
- **INVESTIGATION NO.17 Armed guard denies inspection** – although flagged to the Seychelles, in February 2016, the JIIN HORNG No.106 was arrested in Indonesia for entering their waters flying no flag, providing no entry report and for not carrying the required documentation.



# DOCUMENT FORGERY

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More than half of the cases discussed in this publication involve evidence or suspicion of forged documents, demonstrating the scale of this practice.

Forgery of documents or false information being included in documents is used in an attempt to hide illegal activities or to avoid obligations and costs. Forged documents of vessel registration certificates, fishing licences or catch logs/certificates are an essential feature of illegal activities in the fisheries sector as operators either alter existing documents or create false documents. Fraudulent information such as details of vessel length or tonnage is often used to avoid reporting or monitoring obligations, and often varies in different documents which are supposedly for the same vessel.

**Document forgery in the FISH-i region been identified in the following area:**



## FORGED AND FRAUDULENT DOCUMENTS

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### WHY?

- Hide the true identity or history of a vessel.
- Hide illegal fishing activity.
- Enable transshipment.
- Facilitate issuance of fraudulent licences or other permissions to operate.

### HOW?

- Faxing or photocopying documents.
- Manipulating online documents.
- Falsifying existing documents.
- Carrying 'forgery equipment' on fishing vessels is commonplace, allowing bespoke stamps to be manufactured as needed.
- Falsifying logbooks by using unbound and pre-printed logbook pages, allows captains to falsify catch information, including location and vessel data. Over 50% of IOTC observer-reported infractions for 2016 were related to logbooks.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.1 FISH-i Africa's first case: the PREMIER** – a forged Liberia fishing licence was used to cover up illegal fishing in Liberian waters. Letters presented to authorities in Kenya and Mozambique, allegedly from Liberian authorities absolving the vessel of any illegal activities, were also identified as forgeries by Liberia.
- **INVESTIGATION NO.2 Fake licensing operation uncovered** – 11 fake Tanzanian licences that had been issued fraudulently were identified, although it is possible that more existed.

- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – four different vessels operated as the NAHAM-4, providing evidence that at least three of these were fraudulently using the name. Documents were also identified as forgeries by South African authorities.
- **INVESTIGATION NO.5 Fugitives from justice** – the vessels were using false Indonesian registration, and fraudulently sharing several fishing licences.
- **INVESTIGATION NO.6 Mysterious operations on the Somali coast** – forged or invalid documents were found on both the POSEIDON and the AL-AMAL, including fake flag registrations and licence documents.
- **INVESTIGATION NO.11 Rogues or ghosts?** – a forged licence to fish in the Puntland zone of Somalia was provided to Kenyan authorities.
- **INVESTIGATION NO.20 Ivory concealed among anchovies seized in Zanzibar** – the ivory was concealed amongst anchovies and the supporting documents reported the ivory as anchovies.

#### EVIDENCE SUSPECTED

- **INVESTIGATION NO.3 IUU listed vessels de-flagged** – the registration documents provided to Tanzania were suspected to be forgeries.
- **INVESTIGATION NO.8 Three vessels or one?** – documents were presented to Mauritius in the name of KARYA WIJAYA-201, however it is not clear whether these were forgeries, or copies of documents from the true KARYA WIJAYA-201. Forged documents are likely to have also been required to support the other name changes.
- **INVESTIGATION NO.9 A repeat offender brought to book: the NESSA 7** – the NESSA 7 was carrying a Pleasure Vessels Safety Certificate when it arrived in Namibia, which is suspected to have either been fraudulent or obtained using false information as the vessel is a longliner. There is also suspicion that the owners may have swapped documents with those of other vessels they own or have owned, such as a longliner named NESA 7.
- **INVESTIGATION NO.13 Dual identity vessel on the run** – the documents presented to the Seychelles Fishing Authority for the JIN SHYANG YIH 668 are suspected forgeries.



## BUSINESS PRACTICES

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The use of suspect business practices to facilitate illegalities or crimes in the fisheries sector was either evident or suspected in many of the FISH-i cases. This was linked to the global nature of fisheries businesses with owners, fishing companies, fishing grounds, crews, transport vessels, processing plants and customers spread around the world. Not only does fish change hands along the value chain, but so do large sums of money, creating an intricate network of businesses, across jurisdictions that provide numerous opportunities for dubious business practices.

FISH-i has witnessed the impenetrable complexity and bureaucracy that company's structures can create, making identifying beneficial owners impossible, as they hide behind shell companies and PO Boxes, to escape, unidentified and unpunished.

Locally based agents facilitate the contact between vessel owners and government authorities, and the often dubious nature of this link has been recognised in many cases. As evidence across cases mounts, links between illegal operators, vessels identified as high risk, and known agents with links to illegal cases are observed.

Illicit networks or mafia are entrenched in some of the major trading routes and organisations of the WIO and, as several cases demonstrate, these groups have links to and utilise fisheries operators, trading in any commodity if it delivers a suitable return.

Illegal business practices are also related to the fishing vessels' operations, and can include issues such as forced labour, unseaworthiness of fishing vessels, or unsanitary conditions. Forced labour is highlighted here to demonstrate the prevalence of these illegalities and crimes in the WIO region.

**The misuse of business practices in the FISH-i region has been identified in the following areas:**



## COMPANY STRUCTURES

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### WHY?

- Hide true owners and operators to reduce the risk of fines or legal action being successful.
- Hide links between vessels that may operate together, e.g. through transshipment.
- Hide links to organised crime and other criminal activity such as drug, arms and wildlife trafficking.
- Reduce taxes by using tax havens.
- Enable money laundering from trade in illegal catch.



## HOW?

- Registering companies in countries that offer little corporate oversight.
- Using standalone companies that own single vessels making linkages between vessels, owners and operators hard to understand.
- Using standard PO Box addresses to hide the ownership details.
- Hiding beneficial ownership behind complex systems of holding companies and/or shell companies.
- Using offshore companies to reduce tax and keep banking transactions hidden.
- Using secret shell companies and bank accounts to carry out transactions.

## EVIDENCE IDENTIFIED

- **INVESTIGATION NO.2 Fake licensing operation uncovered in Tanzania** – investigations to identify the beneficial owner examined company structures in Taiwan, where each vessel turned out to be ‘owned’ by a separate company, essentially making it very difficult to track the beneficial owner.
- **INVESTIGATION NO.3 IUU listed vessels de-flagged** – the company structures for both vessels were found to span over several continents, making identification of the beneficial owner difficult.
- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – a complex network of company ownership raised challenges with the accurate identification of the beneficial owner.
- **INVESTIGATION NO.5 Fugitives from justice** – there is evidence that the ownership of the two vessels that escaped was changed while they were under arrest in Cape Town to a company registered in Zanzibar.
- **INVESTIGATION NO.6 Mysterious operations on the Somali coast** – the company structures are such that identifying the beneficial owner has not yet been possible.
- **INVESTIGATION NO.8 Three vessels or one?** – in trying to identify the owners, links to a bankrupt Indonesian company were made, but the current vessels owners could not be identified.



## AGENTS

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### WHY?

- Ensure political connections and influence.
- Facilitate local payments and bribes that cannot be tracked back to the owner or operator.
- Avoid scrutiny from inspections.
- Provide on-the-ground support when problems arise.
- Provide connections to other illicit groups and networks.

### HOW?

- Facilitating corruption through local networks.
- Applying political pressure to avoid penalties.
- Providing forged documents.
- Intervening on behalf of the owner when investigations occur.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.2 Fake licensing operation uncovered in Tanzania**
  - the vessels' Taiwanese owners used an agent that bought licences from a Tanzanian fishery official, but that transferred payment to a private bank account (suggesting corruption).
- **INVESTIGATION NO.6 Mysterious operations on the Somali coast** – the agent used by the owners of POSEIDON is a South Korean national living in Kenya that has identified links to several known and suspected IUU fishing vessels.

### EVIDENCE SUSPECTED

- **INVESTIGATION NO.1 FISH-i Africa's first case: the PREMIER** – the owner used agents in Liberia and the WIO region that have been implicated in various cases of illegal fishing and fraud. This provides suspicion that the choice of agent may have been intentional to utilise the agent's network.
- **INVESTIGATION NO.7 Piracy, poaching and people smuggling?** – the agent of the LUCKY STAR is a South Korean resident in Kenya that has been involved in other IUU fishing cases. He has also served as the agent for other vessels suspected of illegal fishing, namely POSEIDON, AL-AMAL and PREMIER.



## ILLICIT NETWORKS

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### WHY?

- Facilitate access to fraudulent identity documents.
- Protect vessels and crews in dangerous operating areas.
- Provide access to trade routes for exporting illegal catches.
- Provide alternative income streams, e.g. when fishing vessels may be too old to catch fish effectively.

### HOW?

- Providing forged and copied documents to enable fast changes in identity and registration and to cover-up illegal transshipments and cargoes.
- Connecting fishing vessels owners/operators to dealers/buyers in illegal arms, narcotics, and wildlife goods.
- Supplying armed guards and mercenaries.
- Linking vessels crews and/or owners with buyers for illegal species and products.

### EVIDENCE SUSPECTED

- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – threats were made to a journalist that was delving into the Omani registration and business aspects of Al-Naham Co LLC., raising suspicions that corrupt practices and illicit networks were engaged.
- **INVESTIGATION NO.6 Mysterious operations on the Somali coast** – AL-AMAL may have been acting as a mini-reefer to POSEIDON, and may also have been illegally transshipping fish from other vessels. The transshipment of fish may also be a means of facilitating other crimes such as drugs or arms smuggling.

- **INVESTIGATION NO.9 A repeat offender brought to book: the NESSA 7** – when it was sold at auction, the South African buyers of the NAHAM-4 were connected to convictions in Australia and on-going cases in South Africa of drug trafficking. This along with the lack of evidence of actual fishing, and a crew from a country not usually associated with fishing crew – Myanmar, suggests that the business activities of the owners may not be principally fishing.
- **INVESTIGATION NO.18 Drug seizure in Seychellois waters** – although not proven, the business practices involved in this case are likely to include corruption and use of criminal networks.
- **INVESTIGATION NO.19 Arms seized off the Horn of Africa** – although not proven, the business practices involved in this case are likely to include corruption and use of criminal networks.
- **INVESTIGATION NO.20 Ivory concealed among anchovies seized in Zanzibar** – although not proven, the business practices involved in this case are likely to include corruption and use of criminal networks.



## FORCED LABOUR

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### WHY?

- Reduce costs as trafficked workers are generally not paid fairly or are kept in debt bondage.
- Create a powerless work force who are unlikely to report on violations and crimes being committed by the operator.
- Keep fishing vessels at sea for long periods, reducing the need for port visits, and scrutiny of the fishing activities.

### HOW?

- Providing and facilitating the recruitment, employment, and placement of crews through human trafficking by recruitment agents.
- Keeping crew at sea for months and years at a time with no opportunity to leave or ask for help.
- Depriving crews of wages.
- Abusing crews physically and forcing them to work extremely long hours.
- Transhipping at sea, as this enables vessels to stay at sea, avoiding inspection and scrutiny.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.5 Fugitives from justice** – when detained in Cape Town, the Indonesian fleet of vessels (of which the SAMUDERA PASIFIC No 8 and the BERKAT MENJALA No.23 were part) had 75 crew members aboard, living and working in inhumane conditions.

### EVIDENCE SUSPECTED

- **INVESTIGATION NO.9 Repeat offender brought to book: the NESSA 7** – the crew were of Myanmar nationality suggesting a link to human trafficking or forced labour.



# AVOIDANCE OF PENALTIES

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Once arrested or sanctioned, owners and operators will still try to avoid penalties and connections to their illegal pasts. Five vessels involved in investigations of FISH-i absconded, one fine has not been paid, two were avoided and delayed until the pressure and bad publicity became too negative, and IUU listing has been avoided by all vessels.

**The avoidance of penalties in the FISH-i region has been identified in the three following areas:**



## NON-PAYMENT OF FINES

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### WHY?

- Reduce costs for the operator.
- Belief that coastal States do not have the capacity to enforce fines.
- Precedence of vessels getting away with it.
- Acceptance of fine is admission of wrongdoing which may lead to IUU listing and reputational damage, limiting market access.

### HOW?

- Paying bribes to make authorities turn a blind eye.
- Leaving the fine unpaid by forfeiting the vessel and leaving no contact details.
- Negotiating a lower fine.
- Providing a false bank guarantee.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.1 FISH-i Africa's first case: the PREMIER** – the USD one million fine was only paid after negative international publicity, denial of port services and access left them with no choice.
- **INVESTIGATION NO.4 The multiple identities of the NAHAM-4** – the ship owners abandoned the vessel, leaving the agent with debts amounting to USD 100 000.
- **INVESTIGATION NO.12 Avoidance of penalties: the TXORI ARG1** – the original fine of USD 1.2 million was not paid. It was only after strong action by Mozambique that INPESCA agreed to pay a smaller amount.



## ABSCONDING FROM DETENTION OR ARREST

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### WHY?

- Avoid sanctions, penalties, and/or further investigation.
- Because they get away with it.
- Corrupt networks are invested in preventing enquiries.

### HOW?

- Paying off authorities through the agent or illicit networks.
- Changing name, flag and official records of vessel characteristics to avoid detection.
- Turning off any satellite tracking devices to avoid detection.
- Moving operations to a different area.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.3 IUU listed fishing vessels de-flagged** – the KUNLUN absconded from detention in Thailand.
- **INVESTIGATION NO.5 Fugitives from justice** – the detained vessels absconded, and have assumed new identities, thereby avoiding penalties for operating illegally.
- **INVESTIGATION NO.11 Rogues or ghosts?** – the GREKO 1 absconded from Somali authorities and only settled the fine after Kenyan and Belize authorities intervened.
- **INVESTIGATION NO.13 Dual identity vessel on the run** – after departing from detention in Seychelles, the JIN SHYANG YIH 668 altered her sailing course to avoid interception by the Thai navy.



## AVOIDING IUU LISTING

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### WHY?

- Reputational damage from IUU listing can be significant, particularly for vessels supplying mature markets such as the United States of America (USA) or EU.
- IUU listing renders a vessel ineligible for RFMO authorisations, licensing and flagging.

### HOW?

- Absconding from detention.
- Changing identity and flag State to cover up non-compliance.
- Paying bribes.
- Negotiating, drawing-out, confusing and settling the processes with various parties and players involved.

### EVIDENCE IDENTIFIED

- **INVESTIGATION NO.3 IUU listed fishing vessels de-flagged** – by hiding the true identity and history of the vessels, the owner avoided the consequences of being IUU listed by an RFMO.
- **INVESTIGATION NO.12 Avoidance of penalties: the TXORI ARG1** – both the owners and industry association reacted strongly to the proposed IUU listing.

# 08

## ANALYSIS: HOW DO THEY GET AWAY WITH IT?

Analysis of the twenty cases in the WIO revealed nine factors which help the illegal and criminal operators get away with it:



VESSEL  
IDENTITY ISSUES



DOCUMENT  
FORGERY



FLAGGING  
ISSUES



BUSINESS  
PRACTICES



AVOIDANCE  
OF PENALTIES

	VESSEL IDENTITY ISSUES	DOCUMENT FORGERY	FLAGGING ISSUES	BUSINESS PRACTICES	AVOIDANCE OF PENALTIES
<b>WEAK HUMAN AND INSTITUTIONAL CAPACITY</b>					
Lack of capacity to monitor and inspect vessels	●	●	●		
Lack of capacity to enforce penalties					●
Lack of capacity to monitor and interpret VMS and AIS data					●
Fragmented institutional processes, resulting in ineffective handling of violations				●	●
RFMOs cannot sanction flag States for non-cooperation			●		
RFMO listing process is ineffective and open to negotiation					●
<b>LACK OF PUBLICLY AVAILABLE INFORMATION</b>					
No easily obtainable database of vessel information including photos	●	●	●		
Lack of information sharing, especially if you relocate fishing region			●		●
Few flag States have public registers making validation of information difficult	●	●	●		
Few coastal States have public licence lists making validation of information difficult	●	●			
The identity of beneficial owners can be hidden by a complex company structure			●	●	
Lack of transparency gives corruption an opportunity to thrive				●	



VESSEL  
IDENTITY ISSUES



DOCUMENT  
FORGERY



FLAGGING  
ISSUES



BUSINESS  
PRACTICES



AVOIDANCE  
OF PENALTIES

### LIMITED VERIFICATION OF INFORMATION

Lack of cross checking of documents, vessel identifiers and characteristics and vessel photos



Limited or no inspections when licensing to validate vessel identity and characteristics



Limited or no inspections when flagging to validate vessel identity and characteristics



Proving the authenticity of faxed and copied documents is difficult



Flags of convenience do not check for IUU history or verify the identity or characteristics of the vessel



### INADEQUATE VESSEL IDENTIFICATION

It is easy to re-paint names and identifiers at sea without oversight



Lack of ability for inspectors to record (electronically) or to understand non-Roman letters



Vessels go to port at different times and often arrive without notice



No mandatory system of unique vessel identifiers



### NON MANDATORY VMS AND AIS

Lack of capacity to monitor and interpret VMS and AIS data



AIS data cannot be validated, vessels can transmit false GPS co-ordinates or false identities



AIS is not mandatory for fishing vessels, vessels can simply 'go dark' and not transmit



A vessel uses a fake identity while fishing illegally then switches to its real identity when heading for port





VESSEL  
IDENTITY ISSUES



DOCUMENT  
FORGERY



FLAGGING  
ISSUES



BUSINESS  
PRACTICES



AVOIDANCE  
OF PENALTIES

### LEGAL LOOPHOLES AND OPERATORS TAKING ADVANTAGE OF THE SYSTEM

Registration is quick and easy and can be done over the internet for a few hundred dollars



Shell and holding companies set up in lax regulatory environments offer a protective screen for illegal activity



Illegal owners, operators and companies are rarely prevented from fishing operations, only vessels get IUU listed



Company information is unreliable, confusing and often deliberately contradictory



Company contact details are inaccurate making establishing where a business is based impossible



Operators flagging to coastal States in the WIO where they do not have any significant investment or connection, generally walk free, without paying any penalties as the flag State has no means for retribution



Flag hopping



Financial transactions can be hidden by offshore companies



### CORRUPTION

Local agents make local payments and bribes leaving no paper trail to the beneficial owner



Corruption undermines the regulatory and justice systems



Unaware judicial systems are ill equipped to deal with illegalities in the fisheries sector



Weak governance and lack of accountability in flag States



### ILLEGAL TRANSHIPMENT

AIS and VMS tracking signals are turned off to hide the fact that two vessels are transhipping



Vessel characteristics are falsified to avoid the requirement for observers to be present when transhipping



Vessels rarely go into port so operators are able to misreport activity and misrepresent identity







# 09

## ANALYSIS: WHAT NEEDS TO CHANGE?

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An examination of the evidence from the twenty cases in the Western Indian Ocean of why, where and how illegal operators do business provides clear signposts as to where change is needed.

### OPERATIONAL

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<b>AVOIDANCE OF PENALTIES</b>	Stronger measures need to be in place to prevent vessels absconding when under detention, this requires close inter-agency cooperation.
<b>SATELLITE TRACKING</b>	Mandatory AIS and VMS tracking is needed for all commercial fishing vessels to enable vessels to be actively monitored to ensure compliance. Greater regional sharing of VMS data would enhance the tracking and cross-checking of vessel activity.
<b>DOCUMENT VERIFICATION</b>	Database of templates and stamps would enable verification of documents when licensing, flagging or inspecting fishing vessels.
<b>PHOTOGRAPHS</b>	Publicly available photograph databases of fishing vessels would help to prevent vessel identity fraud.

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### PROCESSES

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<b>IUU FISHING LISTING</b>	RFMO listing of IUU fishing vessels is an effective tool in stopping illegal fishing, but improvements to the processes are needed to enable vessels to be nominated for listing by member States and to reduce flag State resistance.
<b>FLAG STATE RESPONSIBILITY</b>	Flag States need to strengthen due diligence for registering vessels to avoid flagging high risk vessels, prevent flag hopping and make sure illegal operators are denied registration. Verifying vessel identity and characteristics is essential. Flag States must monitor vessel activity and act when non-compliance is detected. Flag States should not register vessels with foreign owners that do not have investments in the flag State as they have no means to enforce penalties when the only link to the vessel owners is the agent.
<b>TRANSPARENCY</b>	Increased transparency of information through authorities publishing lists of licensed fishing vessels, registered vessels and company ownership is required.
<b>OWNERS</b>	Listing of owners, operators and agents involved in illegal fishing and fisheries related illegality will better inform licensing and flagging decisions and can be used to stop previous owners of illegal fishing vessels from re-purchasing them at a later stage.

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<b>MEDIA</b>	Use of media and publicity to keep focus and progress on on-going investigations and to shine a light on criminals.
<b>AWARENESS</b>	Greater awareness of the dire consequences and destruction caused by illegal activities and the financial gains made by illegal operators, to spur political commitment for action.
<b>MARKET</b>	Market States must monitor imports through catch certification schemes to stop illegally caught fish from entering the supply chain.
<b>CAPACITY</b>	Recognition of the importance of fisheries professionals and suitable ongoing capacity building. Easily accessible vessel identity and compliance tools are needed for fisheries inspectors to use in port and on patrol.

## POLICY AND LEGAL

<b>PENALTIES</b>	Appropriate penalties for non-compliance are needed to prevent those prosecuted for illegal acts, including agents and operators, from continuing to operate in the business without appropriate sanction.
<b>TRANSHIPMENT</b>	All flag and coastal States must ban unobserved at-sea transshipment.
<b>LEGAL</b>	Robust national legislative frameworks universally applied to enable enforcement actions to take place and to be followed through to prosecutions.
<b>IDENTITY</b>	A mandatory system, such as IMO numbers, for identifying and recording vessel identity that is publicly available will prevent identity confusion.
<b>FORCED LABOUR</b>	Support needs to be offered to national authorities that identify human trafficking amongst fishing crew; the complications and costs of repatriation are significant and deter intervention.

## COOPERATION

<b>COASTAL, PORT AND FLAG</b>	Strengthened relationships between coastal, port and flag States is needed.
<b>REGIONAL AND INTERNATIONAL</b>	Increased regional and international cooperation to ensure follow up actions take place.
<b>INTER-AGENCY</b>	Inter-agency cooperation needs to be improved with a range of agencies to improve compliance to all regulations (including labour and safety) and to stop illegal operators, e.g. cooperation between fisheries and maritime authorities when flagging vessels, and between all agencies to identify and investigate high risk operators.
<b>INDUSTRY</b>	Industry engagement would help provide information about those operating illegally and provide eyes in port and at sea, e.g. to help locate absconded vessels.
<b>INTERPOL</b>	Improved cooperation between fisheries and police authorities is required to enable engagement with INTERPOL in cases with suspicion of fisheries related illegalities and associated crimes.

# 10

## CONCLUSION

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The FISH-i Africa Task Force brings together a wealth of experienced fisheries professionals; people who are working at the 'hard end' making difficult decisions, dealing with competing agendas, political pressures and a system that is ridden with corruption. Often juggling practical, capacity, budget and information shortfalls; fisheries officers are at the same time dealing with the sophisticated, systematic theft of a valuable natural resource. Fish are vital to the countries of the WIO, as a contributor to economies and employment and as a valuable source of nutrition.

There is a growing understanding of the issues involved in illegal fishing and fisheries related illegality, and a general consensus about what steps need to be taken to address these. We hope, that by compiling the evidence from the WIO, that the FISH-i investigations will help to inform the solutions at a policy and legal level, but especially at the practical operational end. A good international instrument is wasted if there is no will or capacity to implement it.



Solutions are within reach, and significant benefits can be found from making small changes. FISH-i will be working to:

- **INCREASE THE AVAILABILITY, ACCURACY AND ACCESS TO FISHING VESSEL INFORMATION.** This has to be the starting point. Without a mandatory vessel identifier, operators can change the name and flag of a vessel, at any time, for any reason and simply fake or forge documents to match.
- **MAKE PUBLIC ELECTRONIC INFORMATION ON FLAGGING AND LICENCES,** this information needs to be in the hands of all to prevent the use of faked and forged documents.
- **INSPECT, CROSS CHECK AND VERIFY VESSEL INFORMATION** by joining up the implementation of port State measures with flag and coastal State due diligence processes.
- **PROMOTE AWARENESS OF THE ROLES AND RESPONSIBILITIES OF FLAG STATES,** as a first step to see increased accountability and sanction for owners and operators who do not demonstrate transparent business practices.
- **TACKLE SERIOUS ORGANISED CRIME** by developing a coordinated multi-agency approach to deal with the kingpins who are orchestrating much of the illegality and crime in the fisheries sector.
- **BUILD AWARENESS TO ENGAGE FISHERIES INSPECTORS IN THE IDENTIFICATION OF FORCED LABOUR,** to enable port checks and random at sea inspections that identify and intercept human trafficking.
- **INCREASE TRANSPARENCY** by increasing oversight and publicity, throughout the value chain including for consumers and market States.
- **FIND WAYS TO WORK WITH THE LEGITIMATE FISHING INDUSTRY,** to share information and to have more eyes and ears in port and at sea, to help stop illegal operations.
- **COOPERATE WIDELY WITH THE KEY ACTORS IN THE FIELD,** to ensure the mechanism of, and lessons learned from FISH-i can be incorporated where appropriate to provide sustainable, workable and scalable solutions.
- **INCREASE THE RECOGNITION OF THE IMPORTANT WORK THAT FISHERIES PROFESSIONALS DO,** to ensure political support for their work, ongoing capacity building and accessible tools to do their job.

# 11

## OVERVIEW

### WHAT IS HAPPENING? AND WHY?



#### ILLEGAL FISHING

Opportunistic violations driven by profit.

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#### FISHERIES RELATED ILLEGALITY

Systematic, planned violations and illegalities, driven by profit. p.9

### WHAT IS THE EVIDENCE?

<b>10</b> Mauritian action on Sri Lankan vessels	p.6	<b>1</b> FISH-i Africa's first success: the PREMIER	p.9
<b>12</b> Avoidance of penalties: the TXORI ARG1	p.7	<b>2</b> Fake licensing operation uncovered	p.10
<b>14</b> Serial offenders in Somalia	p.7	<b>3</b> IUU listed vessels de-flagged	p.11
		<b>4</b> The multiple identities of the NAHAM-4	p.11
		<b>5</b> Fugitives from justice	p.12
		<b>8</b> Three vessels or one?	p.13
		<b>11</b> Rogues or ghosts?	p.13
		<b>13</b> Dual identity vessel on the run	p.14

### HOW IS THIS HAPPENING?

<b>VESSEL IDENTITY</b> Falsifying, confusing or no identities	p.31	<b>VESSEL IDENTITY</b> One vessel identity/multiple vessels or one vessel/ multiple identities / Serial name changes / Falsifying, confusing or no identities	p.29
		<b>DOCUMENT FORGERY</b>	p.36
<b>FLAGGING ISSUES</b> Lack of flag State cooperation	p.34	<b>FLAGGING ISSUES</b> Flags of Convenience / Flag hopping / Lack of flag State cooperation / Confusing, multiple or no flag States	p.32
		<b>BUSINESS PRACTICES</b> Company structures / Agents / Illicit networks / Forced labour	p.38
<b>AVOIDANCE OF PENALTIES</b> Non-payment of fines / Avoiding IUU listing	p.42	<b>AVOIDANCE OF PENALTIES</b> Non-payment of fines / Absconding from detention / Avoiding IUU listing	p.42

### HOW DO THEY GET AWAY WITH IT?

Weak human and institutional capacity	p.44	Weak human and institutional capacity	p.44
Lack of publicly available information	p.44	Lack of publicly available information	p.44
Limited verification of information	p.45	Limited verification of information	p.45
Inadequate vessel identification	p.45	Inadequate vessel identification	p.45
Non-mandatory AIS or VMS	p.45	Non-mandatory AIS or VMS	p.45
Legal loopholes	p.46	Legal loopholes	p.46
Corruption	p.46	Corruption	p.46
		Illegal transshipment	p.46

More detailed accounts of the FISH-i investigations (Nos. 1–15) are available to download at [www.FISH-i-africa.org/what-we-do/FISH-i-investigations](http://www.FISH-i-africa.org/what-we-do/FISH-i-investigations). Cases 16–20 are not FISH-i investigations.

## WHAT IS HAPPENING? AND WHY?



### FISHERIES ASSOCIATED CRIME

Systematic, planned deceptions, driven by profit.

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### LAWLESSNESS

Delinquency, violence or threats, driven by power, control and profit.

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## WHAT IS THE EVIDENCE?

**6** Mysterious operations on the Somali coast

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**15** Murder at sea?

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**7** Piracy, poaching and people smuggling?

p.17

**16** Delinquency on the high seas

p.22

**9** A repeat offender brought to book: the NESSA 7

p.18

**17** Armed guard denies inspection

p.22

**18** Drug seizure in Seychellois waters

p.18

**19** Arms seized off the Horn of Africa

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**20** Ivory concealed among anchovies in Zanzibar

p.20

## HOW IS THIS HAPPENING?

### VESSEL IDENTITY

One vessel identity/multiple vessels or one vessel/multiple identities / Serial name changes / Falsifying, confusing or no identities

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### VESSEL IDENTITY

Falsifying, confusing or no identities

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### DOCUMENT FORGERY

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### DOCUMENT FORGERY

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### FLAGGING ISSUES

Flags of Convenience / Flag hopping / Lack of flag State cooperation / Confusing, multiple or no flag States

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### FLAGGING ISSUES

Lack of flag State cooperation / Confusing, multiple or no flag States

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### BUSINESS PRACTICES

Company structures / Agents / Illicit networks / Forced labour

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### AVOIDANCE OF PENALTIES

Non-payment of fines / Absconding from detention / Avoiding IUU listing

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## HOW DO THEY GET AWAY WITH IT?

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Non-mandatory AIS or VMS

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Legal loopholes

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Legal loopholes

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Corruption

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Corruption

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Illegal transshipment

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# 12

## AFTERWORD

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**NICHOLAS NTHEKETHA**

I have been working in fisheries for many years and have witnessed first-hand the changes that have taken place in the WIO fisheries sector. At the time when FISH-i was formed there was a real sense of need for a new approach to fighting illegal fishing. Although we had all been doing our best, it seemed like the illegal operators always had the upper hand. And as you will have seen from the cases in this publication that was the case – these operators are taking advantage of every loophole in the law and every regulatory weakness to maximise their catch and their profits whilst keeping costs to a minimum.

This is where FISH-i is making a big difference – in the past we focused on the illegal fishers, now we are focusing on tackling the systematic and organised illegal operators. By working together as FISH-i we learn from each other and support each other, sharing information and capacity, and improving our legal frameworks. We are now better able to target our time and effort as we have made great strides in the way that we identify high-risk vessels. For example, vessels that have a history of multiple names or multiple flags are always of concern as these are indicators of a history of non-compliance. The analysis summarised in this publication has also highlighted particular vessel types, ports used, agents used and flag States that are common features for operators who are not playing by the rules.

We also have new challenges, the rise in lawlessness is a serious cause for concern, as are indications that the forced labour seen in Investigation 5, is widespread amongst those committing fisheries related illegalities, and tackling these issues will play a part in the future of FISH-i.

Through examining the evidence of our investigations, we have been able to highlight the key methods employed by illegal operators. With this knowledge, we are better able to do our jobs effectively, we know what we are looking for, we know what needs to change and we can look forward to a future in which we have the upper hand!

**NICHOLAS NTHEKETHA**  
**CHAIRPERSON OF FISH-i AFRICA**







FISH-i Africa is an initiative by eight East African countries and Stop Illegal Fishing supported by The Pew Charitable Trusts and a Coordination Team made up of NFDS, Stop Illegal Fishing and TMT.

Find out more about FISH-i Africa at [www.fish-i-africa.org](http://www.fish-i-africa.org)