Diversity

Catching Up on Fisheries Crime

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Introduction

This article describes international collaborative efforts aimed at improving the global capacity to address fisheries crime, with a particular focus on the International Monitoring, Control, and Surveillance (IMCS) network and INTERPOL activities. These 2 initiatives have emerged as a response to existing governance deficits and, combined, substantially improve the prospects for addressing illegal, unreported, and unregulated (IUU) fishing (FAO 2001) and associated crimes. I describe the development of these initiatives and provide some reflection on their challenges and opportunities. I use the term fisheries crime to include illegal fishing and associated crimes, although the efforts described here improve the prospects for addressing all aspects of IUU fishing activities, some of which may not constitute legal violations (FAO 2001).

A New Problem

Substantial IUU fishing was developing in several regional fisheries management organizations (RFMOs) during the 1990s (Agnew et al. 2009). The RFMOs are designed to improve intergovernmental cooperation and are the principal forums for the management of international fish stocks (HSTF 2006; Flothmann et al. 2010). The new problem of IUU fishing was, however, beyond the experience and hence, initially, the capacity of most RFMOs and was a new and politically sensitive issue.

Vessels engaged in IUU fishing are unlikely to comply with existing rules for target and nontarget species, thereby creating uncertainty regarding total catch levels and the prospects for sustainable use of harvested fish stocks and vulnerable nontarget species. Such fishing also creates unfavorable conditions for licensed fishers because IUU fisheries can operate at lower costs (HSTF 2006; Sumaila et al. 2006). Such fishing can also be associated with other crimes, including bribery (e.g., of port inspectors), money laundering, and fraud (Griggs & Lugten 2007).

Challenges in Addressing Fisheries Crime

Vessels engaged in fisheries crime are not constrained by RFMO boundaries and may be well organized and operate in coordinated fleets, where resupply vessels and intelligence about enforcement vessel movements support their activities. The existence of global and coordinated activities combined with regular changes in vessel color, name, and flag state (Österblom et al. 2010) substantially complicate vessel identification and apprehension. Other challenges with IUU fishing include the different degrees of illegality associated with illegal, unregulated, or unreported fishing (FAO 2001) and how different states may interpret such definitions.

International and complex layers of companies may obscure the beneficiary ownership of IUU vessels, which complicates legal investigations and prosecution (Griggs & Lugten 2007; Österblom et al. 2010). The fact that IUU fishing activities may operate analogous to organized crime (Österblom et al. 2011) or be directly associated with transnational organized crime (UNODC 2011) highlights the importance of cooperation beyond agencies traditionally engaged in fisheries management.

Tools for Global Collaboration

Tools developed for tracing the global product flow of valuable marine resources and for ensuring that catches
come from licensed vessels without prior records of IUU fishing include catch documentation schemes (CDS) and IUU vessel lists (MRAG 2009; Österblom & Sumaila 2011). Initial attempts to develop CDS proved relatively simple to circumvent with forged documents and misreporting of catch areas (MRAG 2009; Österblom and Sumaila 2011). Changes in fishing areas to RFMOs, where IUU vessels are not recorded on IUU lists, reduces the efficiency of this tool.

The need for extensive cooperation with nonmember states to ensure the efficiency of regional RFMO-specific tools has highlighted the importance of global approaches. The international community recently developed the Food and Agriculture Organization (FAO) of the United Nations’ Port State Measures Agreement (Flothmann et al. 2010) and the European IUU regulation (MRAG 2009) to match the scale of IUU activities. Alternative types of governance innovations had to be sought in the 1990s, however.

Rapid Growth of the IMCS Network

The surveillance of the dynamic, global, and complex activities of IUU fishing requires real-time access to information that RFMOs were ill suited to provide due to their limited experience and a lack of infrastructure for the sharing of politically and legally sensitive information among states. As a response to these inefficiencies, a small number of compliance officers, engaged in national delegations to RFMOs, initiated an informal network in the 1990s to improve information flow among peers (Österblom & Sumaila 2011).

This informal network developed into the IMCS network, formally established in 2001 and led by Australia, Canada, Chile, Peru, the United States, and the European Commission. The goals of the network were to improve coordination, collaboration, and information exchange in relation to suspect fishing activities (FAO 2004). These ambitions were directly relevant for the work of the FAO, the primary international fisheries institution.

The IMCS network was a much-needed initiative, but it did not fit in with existing institutions and has struggled to attain global legitimacy. Mixed feelings about IMCS are evident in official FAO documents, where the Committee on Fisheries (COFI) expresses support for IMCS and encourages countries to become members, but, at the same time (in 2004), considers it inappropriate for FAO to host the network. The rationale behind such perceptions was the nature and scope of IMCS (around 40 members at the time compared to the global mandate of FAO) and the way in which IMCS “processes and disseminates the information it collects” (FAO 2005).

The prospects for global acceptance of IMCS improved with the minister-led High Seas Task Force (HSTF). HSTF recommended strengthening IMCS (HSTF 2006), which contributed to the establishment of a formal secretariat in 2008, hosted by the United States. In 2012, when IMCS had grown to just over 50 member states, cooperation was further formalized through a new governance framework, and the network gained formal observer status to COFI (IMCS 2013).

Fisheries and Environmental Law Enforcement

INTERPOL is the world’s largest police organization (190 member countries bound by mutual legal agreements). INTERPOL addresses crime through international cooperation and sharing of intelligence, but the organization has no substantial track record in working with fisheries. However, the INTERPOL Environmental Crime Committee, formed in 1992, established a permanent Fisheries Crime Working Group (FCWG) in 2012 (INTERPOL 2012), in addition to its existing Wildlife and Pollution Crime working groups. The aims of FCWG are to develop the capacity of member states to enforce the law with regards to fisheries crime, to assist with the exchange of information, to provide analytical and operational support, and to encourage networking and capacity building. The first formal meeting of FCWG in February 2013 was combined with an FCWG-hosted first International Fisheries Enforcement Conference, where an initiative to improve cooperation around fisheries crime was launched (INTERPOL 2013).

Effects of Global Collaboration

Illegal and unreported fishing globally has been estimated to range between $10 and $23.5 billion annually and to primarily impact countries with a limited governance capacity (Agnew et al. 2009). IMCS has therefore directed substantial efforts toward capacity building (e.g., through 3 Global Fisheries Enforcement Training Workshops [GFETW] in Malaysia, Norway, and Mozambique) (IMCS 2013). The GFETWs have enabled port inspectors, lawyers, coast guard personnel, scientists, and law enforcement agents from around the world to network with peers and to learn about relevant technologies (mapping software, satellite data, and forensic genetics) for addressing fisheries crimes.

Members of IMCS have also actively contributed to the sharing of information on the activities of IUU listed vessels operating in different RFMOs and enabled important capacity for international bodies to apprehend and prosecute people accused of IUU activities (e.g., offences related to CDS, MRAG 2009; Österblom & Sumaila 2011). Jail sentences and fines, which provide important disincentives to engage in IUU fishing (Sumaila et al. 2006), are likely to have contributed to the observed declines of IUU fishing in several regions (Agnew et al. 2009; Österblom & Sumaila 2011).
The ability to address fisheries crime requires collaboration among a diversity of actors with complementary capacities (SIF 2011; Österblom & Bodin 2012). However, such complementary capacities are only likely to be mobilized if actors have shared goals and trust each other enough to collaborate. In the Southern Ocean, environmental NGOs, fishing industries, and governments had very different incentives to address IUU fishing, but the alignment of goals and the long-term development of personal relations were key factors for enabling global collaboration leading to a regional decrease in IUU fishing (Österblom & Sumaila 2011; Österblom & Bodin 2012).

Opportunities and Challenges

The IMCS network provided an important mechanism for mobilizing international capacity to address IUU fishing, but limited infrastructure for sharing sensitive information appears to have been a barrier as the network developed. INTERPOL, in contrast, has the necessary infrastructure for sharing such information and extensive experience in investigating and prosecuting international crime, which makes them better equipped to conduct monitoring, investigation, and enforcement. IMCS is likely to be better suited for capacity building because they have the relevant personal networks and practical experience in training and facilitating the sharing of best practices.

The different ways of collaborating and limited previous experience together will represent an initial challenge before IMCS and FCWG can effectively fill complementary functions. A joint session between the 2 initiatives during the fourth GFETW in 2014 represent a key opportunity to develop the necessary trust among individuals that will improve the prospects for collaboration. Personal relations are critical for linking the 2 initiatives and will substantially improve the global capacity to address fisheries crime.

An informal network of compliance officers was an important first step for improving the international ability to address fisheries crime and was followed by the formalization of the IMCS network and recent INTERPOL initiatives. Such governance innovations, developed to address rapidly emerging challenges, provide a promising example of the capacity of the international community to mobilize responses to global and complex challenges.

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