
Discussion Document on Maritime Security and Organized Crime in the Fisheries Sector: Gulf of Guinea Examples¹

1. Background

This discussion document is based on the fifth webinar in a series of Blue Justice Forum webinars facilitated by the Blue Justice Initiative Secretariat in conjunction with the UNDP Blue Resilience project.

The theme for the webinar was the ‘**Maritime Security and Organized Crime in the Fisheries Sector: Gulf of Guinea Examples**’.

The webinar was presented by Dr. Kamal-Deen Ali, Executive Director for CEMLAWS Africa, and Giuseppe Sernia, UNODC Global Maritime Crime Programme Officer. A total of 42 participants joined the webinar from a total of 19 countries (Austria, Denmark, France, Germany, Ghana, Gabon, India, Indonesia, Italy, Netherlands, Nigeria, Norway, Sao Tome and Principe, South Africa, Sri Lanka, Tanzania, Trinidad and Tobago, Tunisia and United Kingdom). The webinar was moderated by Marit Svålas of UNDP Blue Resilience project.

2. Topic in Focus

New Trends in Gulf of Guinea Piracy: Fisheries Sector in Perspective – Dr. Kamal Deen-Ali, Executive Director for CEMLAWS Africa

1. Gulf of Guinea (GoG) Maritime Security Profile: There has been an increase in maritime security threat incidents in the GoG in 2020 compared to previous years.
2. From January to September 2020, a total of 86 piracy and related crimes were registered in the region, including incidents of boarding, suspicious approach, fired upon incidents, kidnapping, theft, armed robbery, and hijacking.
3. This adversely impacts the Blue Economy as well as the fisheries sector given that the fisheries sector in the region is highly localized, with a large number of vessels stationary (harvesting) in the waters at any time, rendering them vulnerable.
4. New and emerging trends in 2020 include an increased geographical spread (by 30-40%) of piracy in the region, and an increase in the range of attacks from within 50 nautical miles (nm) in 2018, to up to 65 nm in 2019 an average of 150 nm in 2020.

¹ The webinar was held on 1 October, 11:00 CET.

5. Target variability has also expanded: in contrast to the ‘petro-piracy’ profile of 2016/2017, and the kidnapping for ransom trend during 2017/2018, in 2020 an increasing number of fishing vessels/trawlers are being targeted.
6. Fishing vessels are targeted both in coastal states’ exclusive economic zones (EEZs) as well as on the High Seas. Out of the 86 registered maritime security threat incidents in 2020, 7 have been committed against fishing vessels.
7. Indications are that actors in the region now specialize in hijacking fishing vessels specifically (new ‘business model’).
8. Mass kidnappings on fishing vessels have also increased.
9. The connection between the fisheries sector and transnational organized crime (TOC) in the region is visible on a number of fronts.
 - Piracy: hijacking of fishing vessels/trawlers are increasing.
 - Large scale Illegal, Unreported and Unregulated Fishing (IUU): IUU accounts for a loss of approximately \$2.3 billion yearly, and Ghana alone registered about 180 fishing infractions in 2019. In many instances fines for infractions are not paid, yet fishing licenses for offending vessel operators are nevertheless renewed.
 - Fraud: There are significant numbers of cases of fraud, in terms of which there is falsification of documents, fishing vessel identity fraud, and inaccurate catch records. In many instances a simple document compliance check would suffice to uncover the fraud and alert authorities to further potential criminal activities.
 - Drug trafficking: Gulf of Guinea is part of the transatlantic route for drug trafficking between the Americas and Europe, with transit points in Benin, Senegal, and Guinea Bissau. Drug trafficking is associated with the fisheries sector.
 - Over-capacity: Despite maximum capacity of approximately 48 trawlers, Ghana registered 76 vessels in 2019, resulting in a serious negative impact on fish stocks and consequently on local communities’ livelihoods. This renders communities particularly vulnerable (due to increased poverty and food insecurity) to engagement with criminal activities and, more broadly, adversely impacts the Blue Economy.
 - Human rights violations: There are increased risks of human trafficking, forced labor and deplorable working conditions on fishing vessels.
10. Looking forward, key focus areas for addressing these challenges should be targeted towards:
 - Improving regional cooperation
 - Providing capacity-building training for the fisheries sector, including in recognizing and identifying TOC in the sector.
 - Raising awareness on fisheries transnational crime issues in the GoG region
 - Understanding the interrelations between criminal networks
 - Strengthening legal and governance frameworks.

Maritime Law Enforcement Synergies and Fishery Crimes - Giuseppe Sernia, UNODC Global Maritime Crime Programme (GMCP) Officer

11. The GoG comprises a very large coastal area, patrolled by some 12 vessels on a daily basis.
12. A key maritime law enforcement challenge in the region is thus the low number and quality of patrolling vessels, which is not proportionate to the region’s need.
13. This is primarily a result of limited logistical capacity, including with regards to resources required for maintenance, re-fuelling etc of patrol vessels.
14. Few law enforcement agencies in GoG countries have assets at sea. There are insufficient LE vessels on-sea to differentiate between fisheries inspections on the one hand and inspections for other types of offences, e.g. human trafficking, drug smuggling, on the other. Most commonly one asset, e.g. coast guard/ the navy, is used for all inspections.

15. Synergy between the various agencies both on-board and involved in the planning of at-sea inspections is thus particularly important (aided by satellite imagery). This is especially the case as many vessels do not call at port (engaging in transshipment at sea).
16. UNODC GMCP supports various processes to improve patrolling capacity in the region by means of a model focused on embedded mentorship in several agencies, capacity building and provision of maritime domain awareness (MDA) instruments.
 - A central aspect of capacity building is in the area of MDA analysis and mutual legal assistance (MLA).
 - Emphasis is on synergies between relevant NGOs and various national law enforcement authorities in planning and operationalizing an enforcement exercise. A key aspect is pre-analyzing of tracking data to improve resource efficiency.
 - In Ghana, the UNODC facilitated a 2-day exercise on this model.
17. A high level of transshipment occurs in the GoG.
18. Transshipment per se is not illegal but it may be illegal if conducted in violation of the Law of the Sea (UNCLOS) or national legislation/regulations.
19. Vessels involved in transshipment many also engage in organized criminal activities such as illegal bunkering (in violation of national regulations) and drug trafficking (most common is cocaine and marijuana trafficking via fishing vessels). Transshipment is difficult to detect in satellite photos.
20. A key challenge is the need for continuum: synergy between at-sea and on-land agencies is crucial. It is essential that the initial boarding agency coordinates effectively with the relevant law enforcement agencies on land (including fisheries and the prosecution office), to collect the appropriate data needed in the required manner to successfully use it as evidence in court.
21. In sum: to ensure optimal law enforcement, the national at-sea agency (usually the navy/coast guard) must coordinate effectively with the following agencies: fisheries, customs, drug law enforcement, immigration, environmental law enforcement/pollution and the police. This must be in turn be synergized with parallel investigations into associated illicit financial flows. Such investigations are often frustrated by multiple layered vessel- and company-ownership corporate structures, including shell companies.

In sum:

22. There has been a discernable rise of maritime security incidents in the GoG in 2020.
 1. The fisheries sector is increasingly the target of these incidents and a range of associated organized crime activities in the sector are noticeable.
 2. Local fishing communities are particularly adversely affected in the context of the Blue Economy.
 3. An increase of effective at-sea law enforcement in the GoG is imperative. This must be coordinated with relevant agencies in the planning phase and synergized with appropriate on-land agencies to ensure follow-through towards increased successful prosecution. A continuum of institutional cooperation is needed.

General discussion

Discussion themes included:

- The increase in human trafficking on fishing vessels in the region.
- Critical success factors for inter-agency coordination in the region, including the will to cooperate at operational level and appropriate legislative architecture both regionally and nationally.
- The potential of utilizing drones in surveillance/law enforcement measures.

- Key factors to facilitating a continuum of effective multi agency cooperation from at-sea through to on-land to ensure successful prosecution, including evidence collection in accordance with criminal procedural regulations and clear anti-corruption strategies.