

U4 Expert Answer



Illegal, unreported and unregulated fishing and corruption

Query

What is the status of published information on corruption and illegal, unreported and unregulated (IUU) fishing in Africa? What is the status of published information on illicit or unreported financial flows related to corruption in the fishery sector? Who are the actors working to counteract illicit and unreported financial flows?

Purpose

There are plans to increase the support to the fishery sector, and at the same time there is a lack of available information for staff related to the fishery sector and illicit/unreported financial flows from the same sector.

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Caveat

There is little research on the relationship between IUU fishing and corruption. Research on illegal financial flows related to corruption in fisheries is even scarcer.

Summary

There is very limited publicly available information on corruption and illegal, unreported and unregulated fisheries in Africa. Corruption in fisheries is still an under-researched area although it is known that IUU fishing is most likely to happen and also more detrimental in countries where governance is weak and corruption is rampant, including in many African countries.

There is evidence that corruption takes many forms and facilitates IUU fishing in Africa throughout the fisheries chain. From the payment of bribes to use prohibited fishing gear or to continue fishing in illegal areas without punishment, to conflicts of interest between law enforcement officials and IUU fishers, corruption is hampering law enforcement in Africa and allowing IUU fishers to operate to the detriment of small-scale fishers, the environment and citizens in general.

Information on illicit financial flows related to corruption in the fisheries sector is also very scarce. But a few

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actors, such as the OECD, and INTERPOL have demonstrated interest in working on related issues.

1. Illegal, unreported and unregulated (IUU) fishing: Overview

What is IUU fishing?

Illegal, unreported and unregulated (IUU) fishing, also known as pirate fishing, may be carried out by national or foreign vessels, artisanal or industrial fishers. It has serious environmental, economic and social consequences. The Food and Agricultural Organization of the United Nations (FAO) defines IUU fishing as (FAO 2001):

“Illegal fishing refers to activities: conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations; conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or relevant provisions of the applicable international law; or in violation of national laws or international obligations, including those undertaken by co-operating States to a relevant regional fisheries management organisation.

Unreported fishing refers to fishing activities: which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or undertaken in the area of competence of a relevant regional fisheries management organisation which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.

Unregulated fishing refers to fishing activities: in the area of application of a relevant regional fisheries management organisation that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organisation; or in areas or for fish stocks in relation to which there are no applicable conservation or management measures”.

Forms of IUU fishing

IUU fishing usually involves vessels fishing in areas where they do not have a license to operate; it can take place on domestic waters or on the high seas by foreign or domestic vessels. IUU fishing may also involve licensed vessels, in this case flaws relate to the equipment used for fishing, the amount and species caught, among others (High Seas Task Force, 2006).

The most common forms of IUU fishing in Africa include (Stop Illegal Fishing 2008):

- Unauthorised fishing in closed areas/seasons
- Illegal fishing by foreign vessels
- Fishing with fake licenses of vessel registration
- Non-reporting/misreporting of catches
- Fishing protected species
- Taking fish in excess of quota
- Using prohibited gear and methods
- Illegal transshipment
- Landing in unauthorised ports
- Fishing without an observer on board
- Failing to operate a vessel monitoring system

In West Africa, a study conducted by Agnes et al. shows that there are three main types of illegal fishing occurring in the region more frequently, including: foreign industrial vessels operating without a license; illegal fishing in prohibited areas; and illegal fishing by artisanal vessels, many of which are unlicensed and/or fishing with illegal gear (Agnes et al. 2010).

Extent

As with any illegal activity, estimating the extent of IUU fishing is difficult. The Marine Resources Assessment Group (MRAG) and the University of British Columbia estimates that between 11 and 25 million tonnes of fish is caught via illegal or unregulated fishing (2008). The cost of IUU fishing globally is estimated to be between USD 10 billion to USD 23 billion per year (Agnew et al. 2009).

Developing countries are particularly vulnerable to IUU fishing. In West Africa, for example, IUU fishing accounts for 40% of fish caught, posing serious environmental, social, and economic challenges to countries and communities that rely on fish for food, employment and revenues. In addition, IUU fishing poses serious challenges to the effective management and conservation of fisheries (Balton 2004).

Drivers and factors influencing IUU fishing

IUU fishing is a low risk, high reward activity. Demand for and prices of overexploited and protected species are high, and the actual chance of getting caught or being punished is low, particularly because IUU fishing often takes place in countries where enforcement is weak. A MRAG study found a “striking relationship between the level of governance of a country and its vulnerability to IUU” (MRAG 2005).

Within this framework, corruption and the lack of government oversight are factors contributing to IUU fishing. Developing countries often do not have the necessary resources to fight illegal fishing and prevent illegal catches being sold (World Ocean View, no year). For instance, a report produced by Oceana shows that only in 25 per cent of instances are vessels that are already included in international organisations’ blacklists for illegal fishing stopped at port (Warner, K. et al. 2012).

Unsurprisingly, impunity related to IUU fishing is rampant. Companies involved in illegal fishing are either not punished or receive sanctions that are too weak to have a deterrent effect. Studies suggest that penalties would have to be increased by 24 times to have a real deterrent effect on illegal fishing activities (Love, 2010). In addition, in many countries, fines are established based on the company/fishers ability to pay. As in the majority of cases the actual owner is hidden behind a beneficial one, fishermen who themselves often work in very poor conditions and receive very low salaries, are the ones arrested and who pay the fines. Overcapacity is also seen as one of the drivers of IUU fishing. There are too many fishing fleets for the number of fish available. Therefore, competition and the depletion of fish populations are driving fishermen to protected areas (Stiles 2013).

Strategies of IUU fishing

As already mentioned, corruption facilitates companies’ and fishers’ bending of laws. However, before analysing the linkages between IUU fishing and corruption, it is important to understand how IUU fishers operate.

The most common schemes used by IUU fishing that to a great extent allow them to operate illegally, include the use of flags of convenience, transshipping at sea, the use of ports of convenience, and tax havens.

Flags of convenience

The use of “flags of convenience” means that operators register and flag their vessels in a country that is not the country where they actually come from. These operators usually choose countries that will not regulate their activities and will be unlikely to enforce domestic or international fishing rules.¹ Coincidentally or not, many of these are often offshore financial centres. In addition, vessels have to follow the rules and standards of the flag country. Flags of convenience are also chosen as a means to allow operators to maintain very low security standards, poor working conditions as well as pay less tax. A “flag of convenience” can easily be bought [online](#). Operators may choose and change a vessel registration and flag as they see fit. It is not uncommon that vessels will leave the port with one flag and change to one of convenience when fishing in illegal areas (PEW Environmental Group no year).

According to investigations conducted by the Environmental Justice Foundation (EJF), it is very difficult to identify the owners of fishing vessels flying flags of convenience. For instance, there is no information about the real ownership of 17 per cent of flag of convenience vessels, and 12 per cent of large-scale vessels flagged to 13 different flag of convenience countries are actually owned by European companies (EJF 2012).

Transshipping at sea

Similarly, transshipping at sea makes it a challenge to hold IUU fishers to account. By transshipping illegal catches to another vessel at sea, vessels operating in an illegal manner avoid port controls. The illegal catches can be mixed with legally caught fish and then legally commercialised. In West Africa, for instance, most IUU fishing vessels do not land in countries in the region. As the great majority of catches are exported, fishers use at-sea transshipment to “launder” the fish and send it directly to the final destination or to “ports of convenience” (PEW Environmental Group no year).

¹The International Transport Workers’ Federation (ITF) has declared 34 countries as flags of convenience countries, including: Bahamas, Belize, Burma, Cyprus, Gibraltar, Jamaica, Liberia, Mauritius, Mongolia, North Korea, Sri Lanka, Vanuatu. For a complete list, please see: <http://www.itfglobal.org/flags-convenience/flags-convenience-183.cfm>

Ports of convenience

“Ports of convenience” are those ports where the catches can be landed with minimum or no inspection, due either to a lack of resources and capacity of the country or to corruption among inspectors and port officials.

Tax havens

IUU fishers make use of tax havens not only to hide their identities and therefore avoid punishment (“flag of convenience”) but also to launder the profits of IUU activities (Le Gallic & Cox, 2006). There is also evidence that the most valuable illicit catches have a connection with organised crime groups (Stiles, 2013). This is the case, for instance, of IUU fishing of abalone in South Africa that is known to have strong links with illicit trade networks, drug trafficking, money laundering, corruption and racketeering (MRAG & CapFish 2008).

2. Linkages between IUU fishing and corruption

Legal fishing and corruption in Africa

While this answer focuses on IUU fishing, it is important to highlight that corruption in legal fishing in Africa is also widespread. In particular, corruption pertaining to licensing arrangements and to access agreements, which are agreements between countries to allow foreign fleets to fish in another country’s coastal zone, are relatively common.

Individuals and countries may make use of personal and/or economic relationships as well as illegal payments to gain preferential treatment, influence decision on access agreements, negotiate by-catches and fishing quotas, and negotiate the trans-shipment of fish catches, among others. Studies have shown that corruption in legal fishing can take many forms, including bribes, embezzlement of license fees by public officials, conflicts of interest and undue influence (Standing 2008a; Standing 2008b; UNODC 2011).

Opportunities for corruption in the sector are exacerbated particularly by a lack of transparency combined with high levels of discretionary power enjoyed by fisheries officials, low salaries, as well as declining professional and ethical standards (MRAG; DFID 2009).

It is also noteworthy that many vessels that are granted legal access and permits may later be involved in IUU fishing by, for instance, ignoring conservation measures, using forbidden fishing gear, or advancing to protected areas (Standing, 2008b).²

IUU fishing and corruption in Africa

There is very limited publicly available information on corruption and IUU fishing in Africa. Nevertheless, while the majority of studies available analyse corruption in commercial fisheries more generally focusing also on legal fishing, there is evidence that corruption is also rampant in IUU fishing in Africa. Studies have concluded that IUU fishing is extremely problematic in countries where corruption is widespread, government enforcement is weak, and economic opportunities are few, which includes many African countries.

Fishers, processors and retailers make use of corruption, falsification of documents, and money laundering to be able to continue with their illegal activity and make profits (High Seas Task Force 2006). Corruption thus acts as a facilitator of a series of illegal activities related to IUU fishing in Africa, such as trafficking of workers, issuance of registries and licenses that will then be abused, smuggling of illegal catches, and faking of documents, among many others, occurring throughout the fisheries chain (Sumaila & Jacquet no year). Corruption also weakens enforcement, allowing those involved in IUU fishing to remain unpunished. Within this framework, corruption in IUU fishing may take a variety of forms, including bribery, favouritism, political influence, and conflict of interest.

Types of corruption

As mentioned, corruption in illegal, unreported and unregulated fisheries may take many forms and involve different actors in distinct phases of the fisheries supply chain. While some types of corruption allow vessels fishing illegally to evade penalties and prosecution, corruption is also used to enable fishing boats to operate legally when they probably should not be. This is the case, for example, of corruption in access agreements, where countries use political influence or illegal payments to gain access to restricted areas.

² For more information on corruption and industrial fisheries in Africa please see:

<http://www.u4.no/publications/corruption-and-industrial-fishing-in-africa/>

The main types of corruption in IUU fishing in Africa discussed in the literature include:

Bribery

Bribes and gifts are often used by IUU fishing vessels to bend the law and avoid the enforcement of existent rules. For instance, there is evidence that illegal payments have been made to influence the control of fisheries management compliance regulations such as fishing quotas, licenses or gear restrictions (UNODC 2011). Illegal payments may also be made to hide unreported or underreported catches (MRAG & CapFish 2008). Navy patrols may also receive bribes to not detain vessels operating illegally. Investigations conducted by the EJF in Guinea concluded that the captain operating an illegal vessel was often giving boxes of fish and money to enforcement authorities in order not to be arrested (EJF 2012).

Vessels from foreign countries that fail to meet their obligation under international agreements are also likely to engage in corruption to avoid punishment. Al Jazeera and the EJF also documented in one of their investigations in Africa attempts by illegal fishers to bribe local officials to avoid punishment and continue with their activities (EJF 2012).

Observers, whose task is to accompany vessels to verify whether fishing rules are being followed and report potential wrongdoings, are also targeted by IUU fishers (Standing 2008b). They often receive very low salaries and therefore rely on gifts and illegal payments to complement their earnings. In some circumstances, observers are threatened and do not report wrongdoings.

Investigations conducted by EJF and Al Jazeera in Sierra Leone concluded that although all vessels operating illegally in the country had observers on board, they were rarely able to deter the illegal activities and sometimes were even prohibited from communicating with patrols. In fact, the report demonstrates that the independence of observers is very limited, and that in many cases their salaries were being paid by fishing companies rather than the government (EJF 2012).

In case where observers or patrols do report wrongdoings, IUU fishing vessel operators rely on personal/political contacts or illegal payments to prosecutors or the judiciary to remain unpunished. This

was the case in South Africa, for example, where a Korean captain fishing illegally was caught trying to bribe an observer, but was released by the court after paying an insignificant fine (Sumaila & Jacquet no year).

Fishers, processors and distributors may also make use of mislabelling and faking of documents to ensure that illegally caught fish can pass port and border controls and enter the legal seafood supply (Lowell 2013). However, in many circumstances, these documents are blatantly fake.

Corruption can also take place to facilitate the smuggling of illegally caught fish. For instance, in South Africa, investigations concluded that fish operators in the country received bribes to falsify licenses and documentation allowing more than 600 tons of illegally caught rock lobster and more than 2,800 kg of Patagonian toothfish to be sent to the United States.

As mentioned, IUU fishing also relies on so-called ports of convenience to land illegally caught fish. These ports are known for having lax enforcement with regard to fishing quotas, fake documents, and licensing requirements, among others (MRAG & CapFish 2008; Stop Illegal Fishing 2008). Often, weak enforcement may be a consequence of the country's lack of resources and capacity. However, it can also be that corruption plays a role and that port officials receive illegal payments and/or gifts to turn a blind eye to irregularities (Standing 2008a; UNODC 2011).

Furthermore, corruption may take place in the registration and licensing of vessels or in the establishment of corporate registries in flags of convenience countries. Moreover, considering that the primary responsibility to investigate and prosecute illegal fishing lies with the flag state, bribes and other favours may also be used to avoid investigations, prosecutions, and convictions by the flag state (UNODC 2011).

Corruption also takes place so that IUU fishers can continue relying on cheap labour (Sumaila & Jacquet no year). Illegal payments can be made to facilitate human trafficking, hire children and, more generally, bypass labour and security regulations.

IUU fishing of abalone in South Africa has been well documented and has recently led to a suspension of the commercial fishery to protect stocks. This is seen as a drastic measure to prevent the resource from a total collapse due to rampant poaching. IUU fishing in

this sector has strong links with illicit trade networks, drug trafficking, money laundering, corruption and racketeering (MRAG & CapFish 2008).

Political influence

There is anecdotal evidence that political influence also facilitates IUU fishing in Africa. For instance, there were several episodes where enforcement and subsequent punishment of those involved were hampered due to political influence. In Mozambique, Chinese foreign vessels operating in protected areas are rarely caught or punished, possibly due to economic interests and political relations among the countries (Standing 2008b).

Similarly, the arrest of allegedly illegal catches in Liberia led to the reaction of South Korea, the flag state. Following pressure from the Korean embassy, Liberian officials released the catches (Stop Illegal Fishing, 2008). In fact, in many developing countries there is a substantial concern that operators of foreign vessels caught for illegal fishing locally are not punished due to diplomatic pressure from flag states (Transparency & Accountability Initiative 2011).

Another example of undue influence through corporate lobbying occurred in Spain where, when tons of illegally caught fish were discovered in the port of Las Palmas, fish processing companies gathered to lobby the ministry to release the fish (EJF 2013).

Conflicts of interest

Conflicts of interest in IUU fishing have been reported in several occasions in the fisheries sector in Africa. There is evidence that politicians and public officials have used their positions to fish in protected areas or use illegal gear certain of impunity. In many circumstances, competitors and citizens do not denounce wrongdoings and illegal activities because they know that the fishing company is tied to politicians and/or public officials. This is the case, for instance, in Angola where fishing vessels were being operated by employees of the Ministry of Fisheries (Standing 2008b).

Conflicts of interest can also be observed in several cases where foreign fishing companies look for local business partners who have access to confidential information or contacts with high-ranking officials involved in fisheries policy (Standing 2008b).

3. Evidence of illicit flows and actors working to counter illicit flows related to IUU fishing

Illicit financial flows and fisheries

Illicit financial flows constitute, among others, undocumented commercial transactions and criminal activities including tax evasion and corruption, and may relate to other criminal activities such as drug and human trafficking (U4 Anti-Corruption Resource Centre website). Illicit financial flows are facilitated by tax havens and secrecy jurisdictions and a wide-range of money laundering techniques. Studies have shown that countries endowed with natural resources are among the most affected by illicit financial flows. However, very little is known about illicit flows specifically related to corruption in fisheries.

It is expected - as is the case with other environmental crimes and given the transnational dimension of IUU fishing - that organised crime groups would be involved and make use of money laundering, corruption and fraud.

However, this area is still under-researched and there is almost no information available regarding illicit financial flows in the fisheries sector. Only recently has growing awareness about the extent of illegal, unreported and unregulated fishing and its possible links with organised crime networks triggered interest to further investigate these issues. There are a number of studies currently being conducted to collect more evidence on this issue. Nevertheless, it seems that the majority of reports being commissioned will analyse illicit financial flows and/or tax evasion in fisheries more generally, without a specific focus on corruption.

For instance, initial findings from an OECD study to be launched at the end of 2013 that analyses tax crime in fisheries show that there is a growing use of tax havens to siphon-off profits and hide money flows. Nevertheless, according to investigation on tax crimes conducted by the Norwegian government, it is very difficult to trace the money, once fish exports involve financial transactions through flag states, third parties, and tax havens (OECD no year). It is already known that many of the states offering flags of convenience are particularly attractive to illegal fishers since they are also tax havens (Love 2010).

Another study commissioned by Norwegian Church Aid to be published in 2013 will analyse the broader issue of tax havens, secrecy, and illicit flows in the fisheries sector.

Important actors

There are several international organisations and NGOs working on IUU fishing at the international and domestic level. This answer highlights some of the actors that are conducting activities that are directly or indirectly related to the identification of illegal financial flows, corruption and fisheries, as well as organisations committed to fighting IUU fishing and corruption more broadly.

Actors working on illicit financial flows, corruption and fisheries

Environmental Justice Foundation (EJF)

The [Environmental Justice Foundation](#) works directly with governments on IUU fisheries, providing support to enforcement authorities and also providing evidence of IUU for prosecutors. Their investigative work is not directly related to illicit financial flows, but it has helped to identify the real ownership of fishing vessels and denounce illegal operations.

International Transport Workers' Federation (ITF)

While not working directly to counter illicit flows originating from IUU fishing, ITF reports on flag of convenience countries, seen as instrumental in protecting the identity of owners of IUU fishing vessels and allowing them to operate with impunity. Moreover, in many circumstances, flag of convenience countries are also used to launder the profits made from illegal fishing.

INTERPOL

[Project Scale](#) is an INTERPOL initiative to detect, suppress and combat fisheries crime. The project was launched in 2013 and it aims, among other things, to prevent illegal fishing operators from benefiting economically from these activities. The project also has among its objectives to establish National Environment Security Task Forces (NESTs) to ensure institutionalised cooperation between national agencies and international partners; assess the needs of vulnerable member countries to effectively combat fisheries crimes; and conduct operations to suppress

crime, disrupt trafficking routes, and ensure the enforcement of national legislation.

OECD

The OECD group on food, agriculture, and fisheries organised a workshop on IUU fishing in 2004 and several studies on the topic were published. Currently, the OECD Task Force on Tax Crime is conducting a study on tax crimes in the fishing sector and could be useful in investigating illicit flows (OECD no year).

The third [International Forum on Tax Crime](#) to be held in Istanbul, Turkey, in November 2013 will include sessions on combating financial crime in the fisheries sector and a presentation of the OECD study mentioned above.

The World Bank

Inspired by the Extractive Industries Transparency Initiative (EITI), the World Bank is developing a Fisheries Transparency Project. [Pilot projects](#) in several African countries have focused on increasing transparency by disclosing information regarding fishing licenses and fees and strengthening surveillance and enforcement to reduce illegal fishing. For instance, in Gabon, as part of the project, the government must publish a list of vessels with fishing permits and their tax collection status.

Actors working on IUU fishing and corruption-related issues

Coalition for fair fisheries arrangements (CFFA)

The CFFA aims at increasing transparency and accountability in the management of commercial fisheries. As part of its activities, the website [transparentsea.co](#) was launched. The website provides information on the governance of fisheries in Africa, including a database containing information on private licenses and access agreements.

European Commission

The [European Commission](#) approved a new regulation to prevent, deter and end IUU fishing. Under the new law, only catches validated as legal by the flag state can be imported to the EU. In addition, penalties for IUU fishing have been increased substantially and a black list that includes both IUU vessels and states that

turn a blind eye to illegal activities has been established.

Food and Agriculture Organisation (FAO)

The FAO is engaged in improving governance and management of fisheries. Its work on IUU fishing includes the development of the **IPOA - International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**.

Greenpeace

With the support of other NGOs, such as TRAFFIC, Greenpeace operates a wildlife trade monitoring network to publicise illegal operators and name the companies and vessels involved in IUU fishing.

Two **blacklists** of IUU vessels have been created. One is a compilation of blacklists from regional fisheries management organisations. The second blacklist from Greenpeace also contains information on vessels and companies that have been recorded as engaging in IUU activities, but have not yet been blacklisted by an official body.

Illegal-fishing info

Illegal fishing info is a website managed by Chatham House and financed by the UK Department for Environment, Food and Rural Affairs (Defra) that provides background information on the key issues in the debate around IUU fishing. It also provides links to NGOs, international organisations, research institutes and networks working on fisheries.

The International Monitoring, Control, and Surveillance (IMCS) Network

The IMCS network aims at improving the efficiency and effectiveness of fisheries-related monitoring control and surveillance activities through enhanced cooperation, coordination, information collection and exchange among national organisations and institutions.

The PEW Charitable Funds

The **PEW funds** coordinate a global campaign to end illegal fishing. Among its activities, PEW is working to improve information sharing, enforcement and prosecution of fisheries crimes in countries with limited resources; cut off port access for illegal fishers by pressing for the adoption and implementation of the Port State Measures Agreement in key countries and

by regional fisheries management organisations, among others.

SmartFish

SmartFish is one of the largest regional programmes for fisheries in Africa. The programme is funded by the European Union and aims at improve fisheries governance, as well as monitoring, control and surveillance, among others.

Stop Illegal Fishing

Stop Illegal Fishing is a non-governmental organisation working to curb the impacts of illegal fishing across all African fisheries.

Among its objectives, the organisation aims at providing evidence based advice to feed into policy reform to fight illegal fishing in Africa. It also seeks to influence international fishery policy processes and build practical and effective cooperation tools, mechanisms and processes to curb IUU fishing.

Trygg Mat

Trygg Mat is a Norwegian Foundation working on sustainable fisheries and illegal fishing. The foundation maintains an updated list of IUU vessels that combines information on vessels listed in eight different Regional Management Fishery Organisations.

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