
□ HOW INTERNATIONAL ENFORCEMENT COOPERATION DETERS ILLEGAL FISHING IN THE NORTH PACIFIC

By Commander John Davis, Chief, Fisheries Enforcement Division, U.S. Coast Guard

Multinational cooperation is essential in enforcing conservation of fisheries over the vast distances of the ocean, says Commander John Davis, chief of fisheries enforcement for the U.S. Coast Guard. Davis describes how U.S. cooperation with Russian and Chinese authorities has achieved a steep drop in illegal driftnet fishing in the North Pacific.

Preventing illegal, unreported and unregulated (IUU) fishing on the high seas is a daunting task. Vast areas of ocean to monitor, enforcement resource limitations, and the sheer number of fishing vessels plying the seas only make the situation worse. The result of illegal fishing is further depletion of the world's fish stocks, natural resources and food reserves. No single nation can stamp out IUU fishing. If nations work together and unify their enforcement efforts, however, IUU fishing can be deterred in many regions.

A shining example of this sort of international cooperation is the North Pacific Anadromous Fish Commission. The cooperation, planning and commitment of enforcement resources by all member states are a model for all other regional fisheries management organizations to follow.

The Convention for Conservation of Anadromous Stocks in the North Pacific Ocean, signed in February 1992 and entered into force in February 1993, created the North Pacific Anadromous Fish Commission to promote conservation of anadromous stocks — fish that are born in fresh water, migrate to the ocean to grow as adults, and then return to fresh water to spawn — as well as ecologically related species in the North Pacific.

Commission contracting parties are Canada, Japan, Russia, and the United States. In addition to conservation of anadromous fish stocks, commission member states also work closely together to enforce the 1991 United National General Assembly moratorium on large-scale high-seas driftnet fishing, prohibiting the use of nets greater than 2.5 kilometers in length.¹ These “curtains of death” have a devastating impact on marine

life, from whales to sea birds to the anadromous species that the North Pacific Anadromous Fish Commission was chartered to conserve.

The commission is the only regional organization whose charter specifically addresses enforcement agency interoperability. The cooperative enforcement efforts of the parties have been successful in reducing illegal fishing operations within the Convention Area² from the 1998 high of 24 known vessels to virtually no known IUU fishing over the past few years. This type of multinational enforcement cooperation is the key to future protection of the world's natural resources.

PLANNING AND COORDINATION OF ENFORCEMENT ACTIVITIES

Planning and coordination of enforcement activities within the Convention Area is the responsibility of the Committee on Enforcement. This committee holds annual workshops to coordinate patrol activities and to confirm notification procedures in the event illegal fishing activity is discovered. The results of these workshops are evident during the peak fisheries period for high-seas driftnet enforcement operations. Canadian CP-140 and U.S. Coast Guard C-130 aircraft deploy out of Alaska to patrol the Convention Area, frequently with enforcement agents of the U.S. National Marine Fisheries Service on board. Furthermore, during the Canadian CP-140 deployments, a Canadian Department of National Defense officer also works out of the U.S. Coast Guard office in Juneau to coordinate patrols and response to sightings.

Enforcement interoperability of the parties was further enhanced in 2001 when a Joint Operations Information Coordination Group was established to exchange enforcement-related information for protection of salmon resources and prevent high-seas driftnet fishing in the Convention Area. The group comprises designated enforcement officials of each of the North Pacific Anadromous Fish Commission parties. Coordination Group points of contact communicate with each other at least once each month to ensure open lines of

communications and to coordinate dissemination of information with appropriate government agencies or entities.

Continual evaluation and improvement of enforcement activities was further enhanced with the establishment of an Enforcement Procedures Working Group in October 2002. This group has begun work on threat analysis and vessel profiling. The U.S. Coast Guard has been the primary agency providing threat assessment information to the Enforcement Committee, using past fishing activity, market conditions, political factors, and deterrent measures to determine the threat level in the Convention Area for each year. The Coast Guard has also developed a CD-ROM for all parties that contains photographs of research, enforcement, and high-seas driftnet vessels. The group is working towards integrating information from all parties into the threat assessments and vessel profiling data.

China provides ancillary enforcement support within the Convention Area although it is not a signatory to the Convention. The Chinese cooperate with the United States by way of a 1993 Memorandum of Understanding (MOU) that established a boarding/shiprider agreement. This agreement provides non-flag-state enforcement authority and establishes boarding procedures for law-enforcement officials of either country to board U.S.- or China-flagged vessels suspected of illegal driftnet fishing on the high seas. The MOU allows Chinese fisheries enforcement officials to embark on U.S. Coast Guard cutters during each driftnet season.

As a bilateral enforcement agreement, the MOU facilitates and expedites investigations of suspicious vessels when they are encountered on the high seas. Chinese shipriders have been based in Kodiak, Alaska, every year since 1994 and have been instrumental in a number of high-seas driftnet boardings and seizures. These shipriders participate in Coast Guard C-130 high-seas driftnet surveillance flights and deploy on Coast Guard cutters responding to high-seas driftnet vessel sightings.

SUCCESSSES IN ENFORCEMENT

Multinational enforcement cooperation by parties of the North Pacific Anadromous Fish Commission has enabled remarkable success in interdicting and deterring illegal large-scale high-seas driftnet fishing. In 1998, four of 24 vessels suspected of such driftnet fishing sighted in the Convention Area were interdicted and seized by U.S.

Coast Guard and Russian Federal Border Service vessels. In 1999, three of 10 vessels suspected of illegal driftnet fishing sighted within the Convention Area were interdicted and seized through the coordination of Canadian, Russian, American, and Chinese enforcement resources. In 2001 only one vessel was sighted, interdicted, and seized for illegal fishing operations in the Convention Area, and in 2002, none, although one vessel was detected fishing illegally just outside the Convention Area and inside the Russian 200-mile exclusive economic zone (EEZ). The Russian Federal Border Service interdicted that vessel.

The following cases demonstrate the international cooperation necessary to interdict and seize vessels engaging in illegal fishing operations over the past three years:

- On April 18, 1999, a Canadian surveillance aircraft observed a fishing vessel conducting large-scale high-seas driftnet fishing operations approximately 500 nautical miles southwest of Attu, Alaska. The following day, the vessel was sighted with 10 miles of a net in the water. That information was passed to the U.S. Coast Guard and the Russian Federal Border Service. On April 19, the Coast Guard Cutter Rush intercepted the vessel, identified as the Russian-flagged Lobana-1. During the boarding, seven tons of salmon were discovered. On April 21, custody of the Lobana-1 was transferred to the Russian Federal Border Service vessel Brest for enforcement action.
- On April 25, 1999, the Coast Guard Cutter Rush observed the Ying Fa, flying China's flag, conducting driftnet fishing operations approximately 800 nautical miles southwest of Attu. The Ying Fa was boarded under the authority of the U.S.-China boarding/shiprider MOU with the assistance of a Chinese shiprider on the Rush. The boarding revealed 6.2 tons of salmon and a 10-mile driftnet. The master stated he intended to fish until 40-50 tons of salmon were caught. The government of China refuted the registration claim of the Ying Fa, and it was assimilated to a vessel without nationality, seized, and escorted to Adak, Alaska, for enforcement action under U.S. law.
- On May 1, 1999, a U.S. Coast Guard C-130 surveillance flight observed the Tayfun-4 conducting large-scale high-seas driftnet fishing operations 450 nautical miles southwest of Attu, Alaska. The Coast Guard Cutter Rush intercepted and boarded the Russian-

flagged vessel on May 3 and discovered two tons of salmon. On May 6 custody of the Tayfun-4 was transferred to the Russian Federal Border Service vessel Barrs for enforcement action.

- On May 12, 2000, the Coast Guard, with authorization from the government of Honduras, seized the Honduran-flagged fishing vessel Arctic Wind for illegal driftnet fishing within the Convention Area. At least three driftnets totaling 20 miles were left behind by the Arctic Wind, and one whale was entangled in the net. The Arctic Wind was sold at auction for \$226,600. More than half of the vessel's catch proved to be salmon from Alaskan spawning areas as determined by National Marine Fisheries Service genetic testing.

- On May 16, 2001, delegates from all parties attending the annual North Pacific Anadromous Fish Commission enforcement coordination meeting participated in the first high-seas driftnet patrol flight of the Convention Area by a Coast Guard HC-130 aircraft patrol staged out of Petropavlovsk-Kamchatsky, Russia. A trawler converted into a driftnet-fishing vessel — later identified as the Russian-flagged Sakhfrakt-3 — was observed driftnet fishing 15 nautical miles inside the Russian EEZ just outside the Convention Area. The Russian Federal Border Service ship Dzerzhinsky was contacted and immediately diverted to intercept the Sakhfrakt-3. Upon boarding, the Federal Border Service found the vessel was equipped for driftnet fishing, having on board radio buoys, five driftnets with a combined length of 17 nautical miles, processing equipment and shipping boxes. The Dzerzhinsky directed the vessel to recover its driftnets containing 1,460 salmon. The Sakhfrakt-3 was escorted to Petropavlovsk-Kamchatsky and charged with multiple violations of Russian law. The master of the Sakhfrakt-3 had his license to fish suspended for three years and was fined 1.2 million rubles (approximately US\$41,000).

- In 2002, Canadian surveillance flights detected three vessels matching the profile of a driftnet vessel. Investigation revealed that one of the vessels, the MYS Nord, was a large-scale driftnet vessel operating just inside the Russian EEZ. Canada provided copies of the MYS Nord evidence package to the North Pacific Anadromous Fish Commission parties in May 2002. Russia conducted an investigation of the MYS Nord and found no evidence of high-seas driftnet fishing although it proposed to include the vessel in the North Pacific Anadromous Fish Commission database of suspected large-scale high-seas driftnet vessels.

CONCLUSION

Activity in the high-seas driftnet high-threat area has been quiet in 2001 and 2002. Although this may be due in part to deteriorating global salmon market conditions, aggressive enforcement coordination by North Pacific Anadromous Fish Commission parties and well-publicized interdiction successes over the past three years undoubtedly have been significant deterrents to illegal high-seas fishing activity. This multinational enforcement cooperation is necessary to overcome the vast ocean distances and jurisdictional issues associated with illegal fishing on the high seas. The commission continues to improve and refine its enforcement success and is an excellent model for other regional fisheries management organizations aiming to protect the oceans' valuable natural resources. □

1. In support of this resolution, the United States enacted The High Seas Drift Net Enforcement Act.

2. The Convention Area is defined as "the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees north latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured."