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FISHY BUSINESS

**Illegal fishing in Somalia and the
capture of state institutions**



JAY BAHADUR

JUNE 2021



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ABOUT THE AUTHOR

Jay Bahadur is an independent researcher and investigator based in Nairobi. From 2015 to 2019, he served as the armed groups expert, and subsequently the coordinator, of the UN Security Council Monitoring Group on Somalia and Eritrea and its successor, the Panel of Experts on Somalia. His areas of focus included the Islamist militant groups Al-Shabaab and the Islamic State, maritime arms smuggling networks, piracy, and the oil and gas sector. Bahadur is the author of the book *The Pirates of Somalia*.

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Cover: A Somali fisherman carries a sailfish on his head to the Hamarweyne fish
market near the port in Mogadishu, Somalia, on 5 January 2018. © Mohamed
Abdiwahab via Getty Images

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Members of the Puntland Maritime Police Force on patrol for pirates in the village of Elayo, Somalia. © Jason Florio via Getty Images

ACRONYMS AND ABBREVIATIONS

AIS	Automatic Identification System
COFA	China Overseas Fisheries Association
DOF	Department of Fisheries (Thailand)
EEZ	Exclusive Economic Zone
EUNAVFOR	European Union Naval Force (Somalia)
FAO	Food and Agricultural Organization
FGC	Financial Governance Committee
FGS	Federal Government of Somalia
FMS	federal member state (Somalia)
GI-TOC	Global Initiative Against Transnational Organized Crime
IOTC	Indian Ocean Tuna Commission
IUU fishing	illegal, unreported and unregulated fishing
MOU	memorandum of understanding
NEFCO	North East Fishing Company
PMPF	Puntland Maritime Police Force



EXECUTIVE SUMMARY

Somali vendors offload a catch from fishing boats at Bosaso beach in Puntland northeastern Somalia, on 17 December 2016. Fishermen bring fish to the market for traders as they buy fish to resell it in the market of Bosaso. © Mohamed Abdiwahab via Getty Images



The waters off Somalia are some of the richest fishing grounds in the world and are still largely untapped. Following the steady decline in attacks by Somali pirates since 2012, foreign fishing fleets have gradually returned to Somali waters. Many of these vessels, particularly those originating in Iran, Yemen and South East Asia, routinely engage in IUU (illegal, unreported and unregulated) fishing practices.

Somalia is in the midst of its fourth decade of civil war and is routinely categorized as a 'failed state'. The country has balkanized into a series of semi-autonomous regional administrations loosely overseen by a federal government located in the capital of Mogadishu. State institutions are extremely weak and corruption is widespread. Fishing licences and other permissions issued by one local Somali authority are often not recognized by another.

Domestically, the prevalence of foreign IUU fishing vessels has been frequently cited as a justification for acts of piracy by Somalia-based gangs.¹ Somali pirates have instrumentalized this perception, casting themselves as defenders of Somali waters against foreign exploiters.² However, the reality is far more nuanced. Foreign IUU fishing operations are frequently facilitated by local Somali agents, often in cooperation with government or quasi-governmental actors, who for a fee provide fishing licences, flag registrations, falsified export documentation and even armed onboard security detachments.

Private fishing operators vie for capture of state bodies in order to lend legitimacy to their IUU fishing operations. Decisions and authorizations issued by one state body are often countermanded by other agents of the state who are under the influence of a different set of private interests. IUU fishing in Somalia is in effect a public-private partnership in transnational crime.

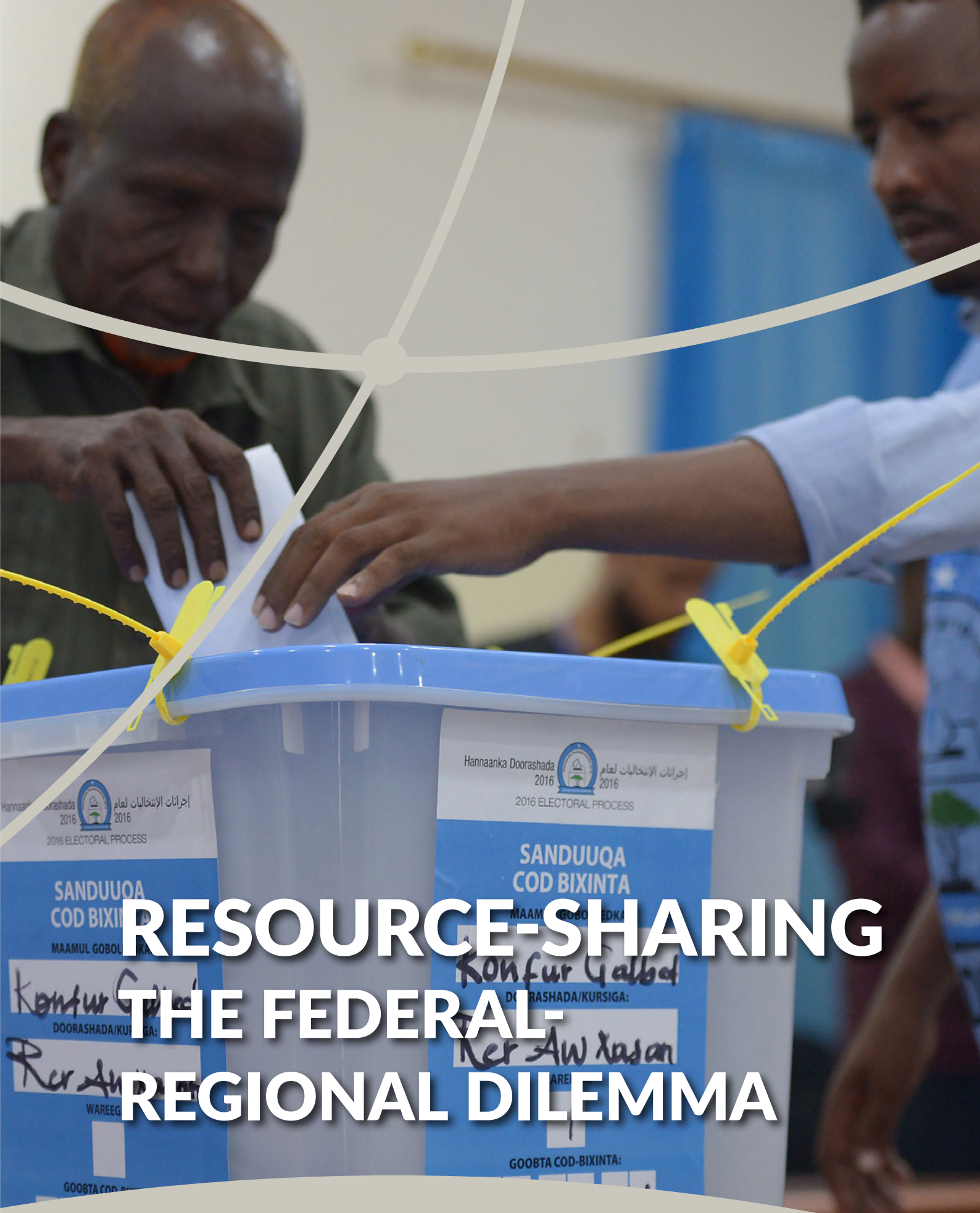
This paper will present three case studies of IUU fishing practices in Somalia, each illustrating a different facet of corruption within Somali state institutions. First, it will examine the environmentally destructive impact of the hundreds of Iranian gillnetters operating in the waters off Puntland, a semi-autonomous region of north-eastern Somalia. Facilitated by a cabal of local Somali fishing agents with ties to the Puntland Ministry of Fisheries and Marine Resources, Iranian vessel owners have consistently obtained licences and armed local protection, despite the fact that the Puntland administration is not authorized to issue licences to foreign vessels.

*IUU fishing in
Somalia is in effect
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Secondly, the paper will look at the case of the *Marwan 1*, a long-haul fishing trawler that once formed part of a notorious fleet of Thai IUU fishing vessels dubbed 'The Somali 7' by investigative journalist Ian Urbina.³ It will show how a Somali fishing agent based in Oman arranged to traffic a crew from Kenya that was later allegedly subjected to forced labour, inhumane working conditions and human rights abuses aboard the *Marwan 1*.

Finally, the paper will examine the case of the North East Fishing Company (NEFCO), a Somali fishing concern based in Puntland that has long enjoyed preferential treatment from local government officials. Beginning in late 2019, the company was able to engage directly with senior officials within the federal fisheries ministry – including the minister himself – to repeatedly issue irregular documentation to facilitate the company's seafood exports to China. NEFCO company officers and officials in the fisheries ministry, including the minister, ultimately pursued a private initiative to sell Somali fishing rights through an entity they had jointly established.

In an effort to streamline the issuing of fishing licences and ensure the effective management of the country's marine resource, Somalia's federal government and the country's regional administrations reached a provisional resource-sharing agreement with respect to the fisheries sector in Addis Ababa in March 2019. Yet the continued issuing of 'licences' by illegitimate authorities, in particular the Puntland administration, has badly undermined the implementation of the deal. With the Somali government's limited ability to police the integrity of its Exclusive Economic Zone (EEZ) or issue credible fishing licences, IUU fishing is likely to remain an attractive option for foreign fishing fleets.



RESOURCE-SHARING THE FEDERAL- REGIONAL DILEMMA

A man casts his ballot on 16 November 2016, in Baidoa. Somalia is in the process of selecting a new parliament, upper house and president in a limited franchise election that involved 14 000 delegates from all regional states, including Galmudug and Puntland. © Simon Maina via Getty Images

The background of the page features a faint, artistic image of several fish, possibly tuna, swimming. Overlaid on this is a network diagram consisting of several grey lines that intersect at circular nodes, creating a web-like structure. The lines and nodes are semi-transparent, allowing the fish image to remain visible.

The Somali political landscape is highly fractured, with a weak federal government based in Mogadishu attempting to exert its control over a country comprising five semi-autonomous federal member states (FMS) and one breakaway region, Somaliland. Relations between the central government and the regions have often been fraught, and the Federal Government of Somalia (FGS) and FMS have repeatedly entered into separate and often conflicting contractual agreements with foreign entities. Overlapping jurisdictions with respect to resource ownership and persistent tensions between the FGS and FMS have had the result of further heightening the political risk of doing business in Somalia for potential foreign partners.

The lack of a resource-sharing arrangement between the federal government and the regional states complicated efforts for Somalia to generate revenue from its extractive industries, in particular the fisheries and the oil and gas sector. Efforts to arrive at such an agreement repeatedly collapsed, despite strong political support and facilitation by Somalia's donor partners. By mid-2018, however, the FGS and FMS had agreed on a memorandum of understanding (MOU) defining the terms and conditions for the issuing of fishing licences.

This MOU was formalized through a provisional agreement with respect to revenue-sharing in the fisheries sector on 22 March 2019 in Addis Ababa. Per the terms of the Addis Ababa agreement, the FGS was to retain 29 per cent of the revenues from its sale of fishing licences, with the remaining revenue shared among the five regional states (Figure 1). It was agreed that the right to issue licences beyond a 24 nautical mile limit from the shoreline would be the purview of the FGS, while the management of marine resources within this limit would devolve to the FMS. Pursuant to the terms of the 2014 Fisheries Law of Somalia, no foreign fishing vessels would be permitted within the 24 nautical mile limit, which is reserved for local fishermen; consequently, FMS were in effect prohibited from issuing licences to any non-Somali vessel or company.⁴

During the MOU negotiation process, it had further been agreed that all revenues would be deposited into an account at the Central Bank of Somalia, with distribution to be managed by a committee consisting of representatives of the FGS and each FMS.⁵

GOVERNMENTAL AUTHORITY	REVENUE (%)
Federal Government of Somalia (FGS)	29
Puntland	18
HirShabelle	14
Jubbaland	13
South West State	13
Galmudug	13
	100

FIGURE 1 Fishing licence revenue distribution under the interim federal-regional fisheries management agreement.

In November 2018, the FGS finalized the sale of licences to 31 Chinese-flagged longliners to fish for tuna and tuna-like species in Somalia's EEZ, generating a total of US\$1.05 million.⁶ Somalia's donor partners, in particular the UN Food and Agricultural Organization (FAO) and the World Bank, lauded the agreement; the World Bank, for instance, noted that it was the first time in more than two decades that the federal fisheries ministry had issued offshore fishing licences 'legally and transparently'.⁷

The development of the fisheries sector was also a political victory for the Somali government, which at the time was undertaking an IMF staff-monitored programme, which consisted of a series of technical benchmarks aimed at improving domestic revenue generation and, eventually, enabling national debt relief and access to international borrowing markets. The successful instrumentalization of the first federal-regional resource-sharing arrangement, therefore, had broader implications for Somalia's international donor engagement and long-term economic growth.

By early 2021, the fleet of licensed Chinese longliners licenced by the FGS Ministry of Fisheries and Marine Resources had grown to over 50, though at the time of writing the number stood at 21.⁸ As of January 2021, licence fees had generated a total revenue of US\$2.7 million.⁹ As the provisional resource-sharing agreement expired in September 2020, however, licence fees collected since that time are yet to be distributed among the FMS, pending the renewal of the agreement.¹⁰

Puntland: a serial violator of the resource-sharing agreement

Puntland is home to the richest fishing grounds in Somalia, due to the extensive length of its continental shelf and the fact that the region is located on an ecotone

where the biosystems of the Red Sea, Indian Ocean and Arabian Sea meet.¹¹ The region's bountiful fishing grounds make it particularly attractive to bottom-trawling vessels as well as gillnetters, which tend to congregate off the north-east corner of Puntland, near the towns of Alula, Hafun and Qandala and the Cape Guardafui headland. Trawling remains rampant off the Puntland coast, even though the practice is banned under both Puntland and Somali federal law due to the environmental destruction it entails.

Under the terms of the federal-regional resource-sharing agreement, FMS, including Puntland, are not permitted to issue licences to foreign vessels or to any vessel fishing beyond a 24 nautical mile limit. However, despite accepting its share of the revenue from the initial federal licensing of the 31 Chinese longliners in 2018, Puntland has nonetheless continued to issue licences to foreign fishing fleets, particularly fishing dhows originating in Iran, but also those from Yemen, Thailand, and perhaps China. While some revenue from the sale of licences lands in the coffers of the Puntland administration, a significant portion finds its way into the pockets of an intricate network of local fishing agents and fixers, as well as fishing ministry officials.

Analysis of open-source Automatic Identification System (AIS) data, as well as synthetic-aperture radar imagery, reveals the extent to which Iranian fishing dhows are present in Puntland waters. The independent NGO Global Fishing Watch reported that between January 2019 and April 2020, a total of 112 Iranian fishing vessels were detected operating within Somalia's EEZ.¹² The actual number is likely much higher given that many dhows deactivate their AIS transponders while engaged in fishing operations in Somalia, a practice known as 'running dark'. AIS transmissions from fishing gear markers attached to 'dark' vessels provide additional evidence of the prevalence of IUU fishing in Somali waters. For instance, in a June 2020 press release, the FGS Ministry of Fisheries and Marine Resources concluded that there were at least 192 Iranian vessels fishing illegally in Somali waters once AIS transmissions from fishing net markers were taken into account.¹³

Iranian vessels transmitting on AIS – primarily originating from the ports of Konarak, Bandar-e Jask, Tiyab and Ramin – were observed inside the Somali EEZ for an aggregate total of 2 533 days between 1 January 2019 and 14 April 2020.¹⁴ The vessels were often present close to shore, well within the 24 nautical mile zone reserved for local fishermen under Somali law. The majority of these vessels employ the environmentally destructive fishing technique of gillnetting, which results in large bycatches, including of sharks and turtles; Global Fishing Watch's research also indicated that vessels may routinely employ gear that exceeds 2.5 kilometres in length, contravening the limit mandated by the Indian Ocean Tuna Commission (IOTC), a 31-member intergovernmental organization responsible for the management of tuna and tuna-like species.¹⁵

Global Fishing Watch's analysis of AIS data moreover indicated that the Iranian vessels routinely made visits to ports in Puntland, possibly to obtain supplies, embark armed guards or sell their catch.¹⁶



FIGURE 2 Federal and regional fishing jurisdictions in Somalia.

While many of these vessels are fishing without any manner of legal authorization, some do obtain Puntland licences, often through the facilitation of local Somali agents. As recently as October 2020, the Puntland administration was issuing 45-day fishing licences to dozens of Iranian gillnetters. According to internal documentation obtained by the GI-TOC, between 10 September and 18 October 2020 the Puntland Ministry of Fisheries and Marine Transport licensed 52 Iranian fishing vessels (Figure 3).¹⁷ The vessels were categorized as engaged in 'jiidmo' (trawling);¹⁸ as noted above,

trawling is banned under both Puntland and Somali federal law. Next to each vessel entry was listed the name of the vessel owner as well as its local Somali agent. The presence of the agents' names in Puntland fisheries ministry records supports the GI-TOC's understanding that Iranian vessel owners routinely strike deals with local fixers in order to be allowed to fish in Puntland waters.

The Puntland administration conducts limited oversight of the vessels 'licensed' under its aegis, such as vessel-monitoring systems, logbooks or landing and trans-shipment declarations.¹⁹

	VESSEL NAME	REGISTRATION NUMBER	DATE OF LICENSING
1	Nadiil	2187	10/9/2020
2	Aarya	2188	10/9/2020
3	Miiraas	2189	10/9/2020
4	Al-Maxamedi	2191	12/9/2020
5	Al-Aqris	1749	14/9/2020
6	Armin	2284	15/9/2020
7	Al-Amiir	2268	16/9/2020
8	Al-Moosin	2267	16/9/2020
9	Al-Shahin	1750	16/9/2020
10	Al-Yusufi	2254	17/9/2020
11	Umiid	2269	17/9/2020
12	Suber	2270	17/9/2020
13	Al-Uweys	2192	18/9/2020
14	Al-Macrufi	2240	19/9/2020
15	Miilad	2239	19/9/2020
16	Safa	2193	20/9/2020
17	Al-Maxamedi	2194	20/9/2020
18	Al-ubeyr	2241	22/9/2020
19	Al-Raxman	2255	22/9/2020
20	Mowlai	2242	22/9/2020
21	Aarsalan	2256	22/9/2020
22	Nimcan	2013	22/9/2020
23	Suheyf	2014	22/9/2020
24	Cadnan	2015	22/9/2020
25	Al-Samaan	2273	22/9/2020
26	Ahmadi	2274	22/9/2020
27	Al-Arsilaan	2275	22/9/2020
28	Al-Fariid	2276	22/9/2020
29	Saajid	N/A	23/9/2020
30	Faaruiqi	N/A	23/9/2020

31	<i>Xaafidi</i>	N/A	23/9/2020
32	<i>Xaniifa</i>	N/A	25/9/2020
33	<i>Shaheen</i>	N/A	26/9/2020
34	<i>Al-Sitaar</i>	N/A	26/9/2020
35	<i>Al-Waaxid</i>	N/A	26/9/2020
36	<i>Al-Fajar</i>	N/A	26/9/2020
37	<i>Ali-Siyaad</i>	N/A	28/9/2020
38	<i>Tawakal</i>	N/A	30/9/2020
39	<i>Mustafe</i>	N/A	30/9/2020
40	<i>Al-Wahaab</i>	N/A	30/9/2020
41	<i>Armiin-2</i>	N/A	30/9/2020
42	<i>Shamis</i>	N/A	30/9/2020
43	<i>Bayama-2</i>	N/A	30/9/2020
44	<i>Al-Azizi</i>	N/A	1/10/2020
45	<i>Al-Mascuud</i>	N/A	1/10/2020
46	<i>Al-Sayf</i>	N/A	1/10/2020
47	<i>Al-Caadil</i>	N/A	1/10/2020
48	<i>Ardomin</i>	N/A	3/10/2020
49	<i>Japaar</i>	N/A	7/10/2020
50	<i>Al-Jaanziib</i>	N/A	7/10/2020
51	<i>Aarwiin-1</i>	N/A	7/10/2020
52	<i>Baraam</i>	N/A	18/10/2020

FIGURE 3 Vessels originating in Iran licensed by the Puntland Ministry of Fisheries and Marine Resources, September–October 2020.

SOURCE: Puntland Ministry of Fisheries and Marine Resources

The 52 fishing vessels listed in the table were registered under the names of 43 owners – with no single individual owning more than three vessels – indicating a highly diffuse and decentralized industry. Conversely, the number of Puntland-based agents responsible for registering the vessels was relatively small, comprising only five distinct individuals. With agent fees typically amounting to between US\$10 000 and US\$15 000 per vessel²⁰ over the period of a 45-day fishing licence, the annual illicit revenue generated by this licensing scheme would potentially total in the millions of dollars.

As the GI-TOC has noted in previous research, there is also a potential overlap in the illicit networks involved in IUU fishing and in arms trafficking from Iran to Somalia and Yemen.²¹ The owner of at least one of the dhows licensed by Puntland – the *Al-Aqris* – has been previously identified by the GI-TOC as having

possible ties to a Somali arms trafficking network.²² The businessman – who is based out of the port of Konarak, Iran – gave the name of his fishing agent in Somalia as ‘Sadam’. Sadam, the businessman told the GI-TOC, would arrange for two armed Somalis onboard, as well as fishing licences from Puntland authorities.²³ ‘Iranian dhows have been warned not to go to Somalia, but Puntland authorities say that as long as they invite us, we can stay as long as we like’, he said, adding that the cost of a 45-day licence – exclusive of an armed guard detachment – was typically US\$1 500.²⁴ The GI-TOC subsequently identified the businessman’s local agent ‘Sadam’ as Sadam Abdi Ismail, a member of a prominent arms smuggling network in Puntland.²⁵ Ismail was listed as the agent for eight of the 52 Iranian fishing vessels licensed by the Puntland administration in September and October 2020.

At least one other dhow (by the name of *Arifi*) owned by the same Iranian businessman had been previously charged with IUU fishing by Puntland authorities in April 2016. According to the *Arifi's* master, the vessel had been interdicted by the Puntland Maritime Police Force (PMPF) in the harbour of Qandala, with the PMPF determining that the vessel did not have a valid fishing licence.²⁶ The vessel was subsequently brought to the port of Bosaso, Puntland's largest city and economic capital, and impounded (Figure 2). The *Arifi's* master claimed that the PMPF had allowed another vessel present in Qandala at the same time, which was under the protection of the prominent local fishing agent Said Gul Ismail, to continue operations.²⁷

According to the master, *Arifi's* Iranian owner employed another Somali agent – whom he declined to name – to arrange deliveries of water, fuel and charcoal while the vessel operated in Somalia.²⁸ The agent was also tasked with obtaining the requisite Puntland licences, which he had failed to do on this occasion, resulting in the vessel's impounding. The master also claimed that Iranian authorities were unaware of the *Arifi's* activities, and the vessel lacked the proper documentation and authorization to conduct overseas fishing operations. 'We don't come to Somalia legally, so it's not recorded in our logbook', he said. 'In Iran, a boat cannot travel without the approval of the government.'²⁹



The Iranian fishing dhow *Arifi* impounded in Bosaso harbour for IUU fishing, 12 April 2016.

The 2015 maritime seizure of the dhow MV *Nasir* provided additional evidence of a possible nexus between arms trafficking and IUU fishing. On 24 September 2015, the *Nasir* was interdicted by Australian naval vessel HMAS *Melbourne* while transporting anti-tank guided missiles and other weaponry reportedly destined for the rebel Houthi administration in Yemen.³⁰ The master of the vessel at the time of its seizure was Iranian national Javed Hoot (Figure 4), who later claimed ownership of seven dhows, which he used for independent arms trafficking operations into Somalia.³¹ Hoot also admitted involvement in the Somali fisheries sector. He stated that he would routinely pay US\$10 000 per vessel to a Somali agent, who would secure the necessary permissions to fish and arrange for two armed guards to be stationed on board.³²

The reported owner of the seized arms consignment, Mashad-based Iranian national Shebab Meer Kazai, also confirmed his involvement in Somali fisheries. Kazai stated that he would pay US\$15 000 to a local Somali agent to receive three armed guards on board fishing vessels he owned, as well as the necessary permissions from the Puntland administration.³³ 'We are protected', he said.

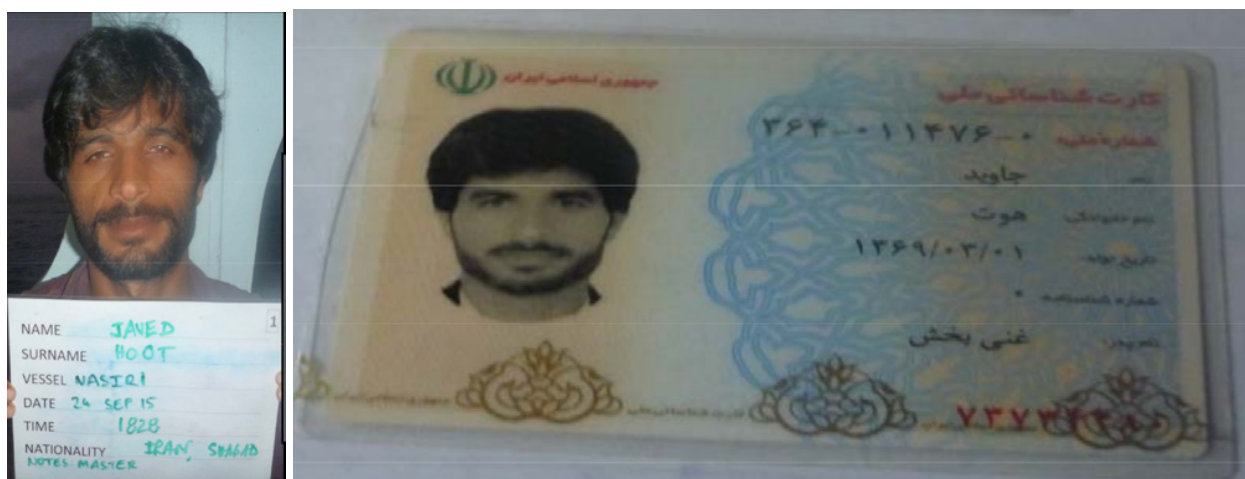


FIGURE 4 Iranian national Javed Hoot was detained by Australian naval forces on 24 September 2015 while captaining the arms-laden dhow MV *Nasir*.

SOURCE: Australian Navy

In addition to authorizing dozens of Iranian gillnetters, in May 2020 Puntland was also accused of providing licences to six Chinese trawlers fishing off the Puntland coast near the littoral town of Hafun.³⁴ According to the FGS Ministry of Fisheries and Marine Resources, the six IUU vessels were the *Liao Dong Yu* 570, 571, 572, 575, 576 and 577.³⁵

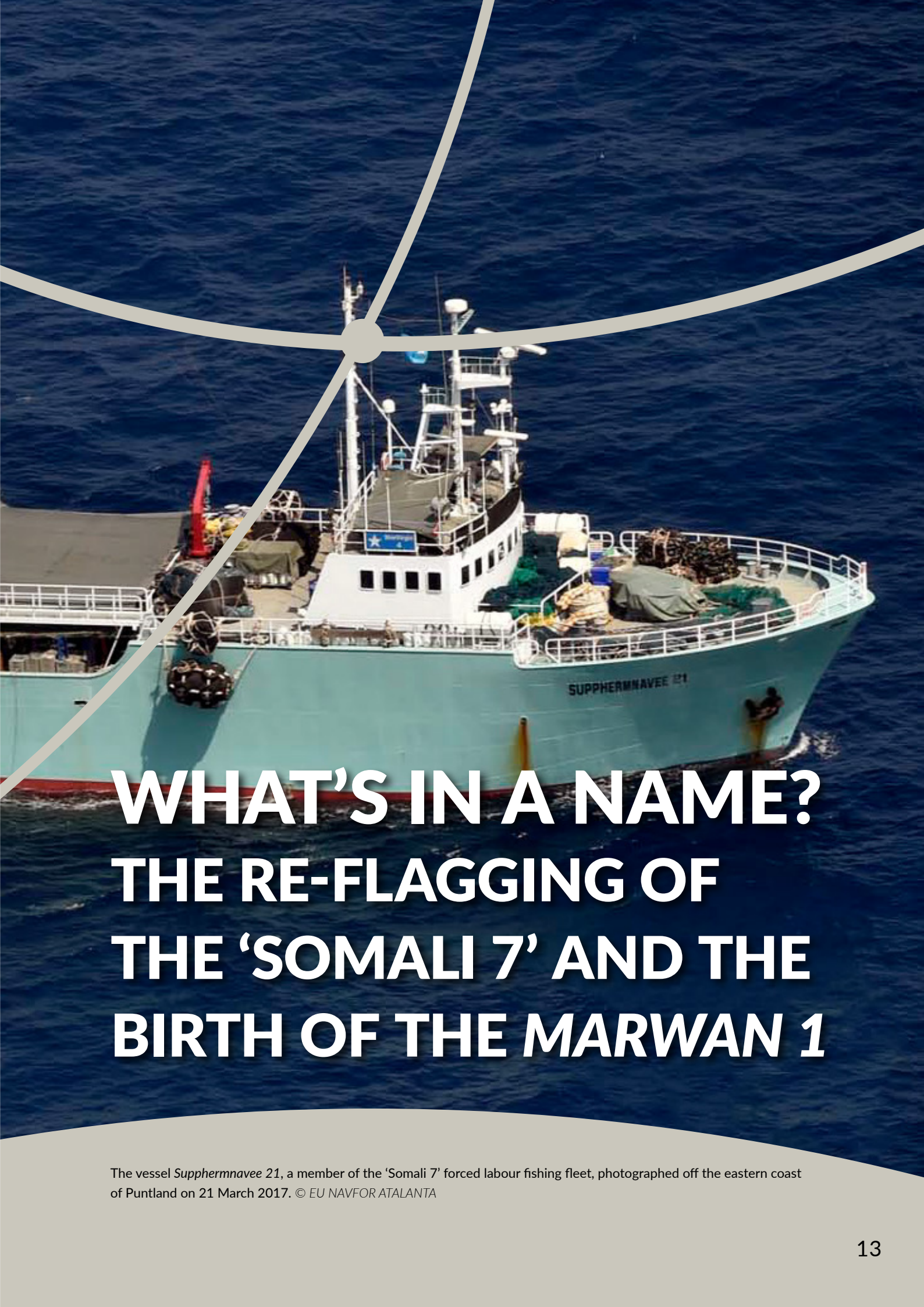
However, the GI-TOC was unable to independently confirm whether the *Liao Dong Yu* vessels had obtained Puntland licences or had made any payments to Puntland fishing agents or to the Ministry of Fisheries and Marine Resources. Following a protest by the federal government's fisheries ministry to the Chinese Embassy in Mogadishu, the *Liao Dong Yu* fleet was reported to have swiftly departed Somali waters.³⁶ Nonetheless, the ongoing operations of Chinese fishing vessels in Puntland waters have caused considerable frustration among local coastal communities.³⁷



The trawler *Liao Dong Yu 570* fishing illegally within Somalia's EEZ, 3 May 2020.

SOURCE: FGS Ministry of Fisheries and Marine Resources

Far more egregious, however, was Puntland's issuance of licences to Thai fishing vessels engaging in human trafficking and forced labour practices. The case of the *Marwan 1*, an erstwhile Thai fishing vessel employing trafficked Kenyan seafarers, was but the latest example of what may be described as the Puntland administration's complicity in Somalia's 'slave fishing' vessels.



WHAT'S IN A NAME? THE RE-FLAGGING OF THE 'SOMALI 7' AND THE BIRTH OF THE MARWAN 1

The vessel *Supphermnavee 21*, a member of the 'Somali 7' forced labour fishing fleet, photographed off the eastern coast of Puntland on 21 March 2017. © EU NAVFOR ATALANTA

In 2017, a fleet of seven long-haul trawlers employing trafficked Thai and Cambodian labour appeared in Puntland's fishing waters. Dubbed the 'Somali 7' by investigative journalist Ian Urbina, the fleet consisted of the vessels *Chotpattana* 51, *Chotpattana* 55, *Chotchainavee* 35, *Chaichanachoke* 8, *Chainavee* 54, *Chainavee* 55, and *Supphermnavee* 21. Onboard these trawlers were 240 Cambodian and Thai crewmembers who had been told that the vessels would not be operating beyond Thai waters.³⁸

In his book *The Outlaw Ocean*, Urbina extensively documented the labour abuses and human rights violations committed aboard the Somali 7, including beatings, lack of medical care, human trafficking, death threats and unpaid wages.³⁹ The abuses, Urbina noted, took place with the knowledge and complicity of both Somali federal government and Puntland administration officials.⁴⁰ While the fleet had re-flagged under the Djiboutian registry in 2016, presumably in order to circumvent newly passed Thai fishing regulations, the ownership of the vessels was traced to a prominent fishing family in Thailand headed by a former Thai senator Wanchai Sangsukiam.⁴¹ Companies affiliated with the Sangsukiam family have long been implicated in IUU fishing practices, as well as labour and human rights abuses.⁴²

In step with Urbina's reporting, Thai authorities opened an investigation into the owners of the vessel over their IUU practices and the use of trafficked labour. Some of the Cambodian and Thai crewmembers came ashore at the Puntland port of Bosaso and were slowly repatriated between September and November 2017. With the company facing pressure from Thai authorities and having been de-registered by their flag state of Djibouti, in December 2017 four of the Somali 7 vessels were renamed and ostensibly re-flagged as Somali vessels: the *Supphermnavee* 21, *Chainavee* 55, *Chaichanachoke* 8 and *Chainavee* 54 were renamed *Al Wesam* 1, *Al Wesam* 2, *Al Wesam* 4 and *Al Wesam* 5, respectively. The vessels continued to receive legal cover and legitimacy from Somali state institutions. Not only did the *Al Wesam* vessels receive Puntland fishing licences, they were also enrolled under the Somali flag registry by the FGS Ministry of Ports and Marine Transport (Figure 5).

Serial No. 0018

PUNTLAND STATE OF SOMALIA
Ministry of Fisheries and Marine Resources

Licence For Industrial Fishing Vessels

The Owner/Charterer of the fishing vessel described below is authorised to fish in the fishery waters of Puntland beyond the 12 nautical miles from the baseline subject to the provisions of the Somali Fisheries Law No. 25 of 30th November, 1985 and the Puntland Fisheries Regulations of 6th December, 2013 and in accordance with the terms and conditions attached to this licence.

DETAILS OF LICENSER	
Name of Owner/Charterer:	Al-Wesam Fishing and Cold-storage Company
Address:	Bosaso, Puntland
Telephone:	00252907796967
E-mail:	WesamFishing@gmail.com
Agent in Puntland:	Al-Wesam Fishing and Cold-storage Company
Address:	Bosaso, Puntland
Telephone:	00252907725584
E-mail:	WesamFishing@gmail.com

DETAILS OF FISHING VESSEL	
Vessel Name:	M/V Al-Wesam 4
Type of Vessel:	Fishing Vessels
Flag State:	Federal Government of Somalia
Port of Registry:	MOGADISHU PORT
Official No:	MA 00232/17
LOA/Width/Draft:	29.50 - 9.00 m
GRT/NET:	332/226 m.Ton
Fish hold capacity:	400 m/Tons
Other craft on board:	-
HP Caterpillar:	3516 hp

DESCRIPTION OF FISHING OPERATIONS	
Authorised fishing area:	Puntland Waters
Authorised target species:	Demersal Fishing
Authorised fishing gear & method:	Trawlers Net
Total Allowable Catch (TAC) in Tonnes:	-

COMMUNICATION AND POSITIONING EQUIPMENT	
International call sign:	SM023
Frequency:	-
Satellite phone:	-
Access Code and No:	-
VMS Transponders:	NILL
LORAN:	N/A
OMEGA:	N/A
DECCA:	N/A
AUDIO BUOYS:	YES
EPIRB'S:	YES

Issued at: 28/03/2018 Date: 28/03/2018 Receipt No: 1565

Minister for Fisheries & Marine Resources

FEDERAL REPUBLIC OF SOMALIA
MINISTRY OF PORTS AND MARINE TRANSPORT
MARITIME AUTHORITY

CERTIFICATE OF SHIP REGISTRY FOR A FISHING VESSEL

CERTIFICATE NUMBER: PCR-1341

Issued under the SOMALI MARITIME REGISTRY OFFICE, provisions of Article 36 Merchant Shipping Code/ State Gazette 55/1970

This is to certify: That the pursuant to the provisions of the Somali National Ship Registry Act 2015, the following entity(s) are the ship particulars and owners of this vessel:-

Name of the Vessel	Call Sign	IMO Number	Official Number	(Previous Name)
ALWESAM 4	SM023	-	MA-00232/17	CHAICHANACHOKE 8

Port and Date of Registration	Type of Vessel	Year of Built	Previous Date and Port of Registered	Name and Address of Builders
Mogadishu Port on 28 th Dec 2017,	FISHING BOAT	2013	DJIBOUTY PORT, DJIBOUTI	THAILAND

Registered Dimensions and Tonnages				
Length	Breadth	Dept	Gross Tonnage	Net Tonnage
39.50M	9.00M	4.80M	332M.T	226M.T

Construction Characteristics		
Material of Hull	WOOD	Number of Crane
Number of Bulkheads	0	Number of Decks
		(1)

Engine Particulars				
Type of Main Engine	Make and Model	Maximum Speed	Main Engine power	Number of Aux engines
DIESEL	CATERPILLAR 3516	9 (KNOTS)	1,350KW	(3)
				(1)

Owners' Details	
Owners' Name (S)	Owners' Contact Address
ALWESAM FISHING AND COLD STORAGE COMPANY	Airport Road, Bosaso, Puntland State of Somalia Phones: +252907725584

and WHEREAS the Maritime Administrator, on behalf of the Government of Somalia approved the application of the aforesaid owner for provisional Registration of the vessel, and WHEREAS the owner has complied with the requirements for Provisional Registration and submitted same, the vessel is therefore provisionally registered under the Laws and Flag of the Somalia.

The period of validity of this PROVISIONAL REGISTRATION CERTIFICATE expires on 27th Dec 2020

Issued at: Mogadishu Port On: the day of 28th month of Dec year of 2017,

Ship Registrar Officer: Eng. Abdullahi M. Elinta

Authorized by Marine Department Director: Fadumo Mohamed Jilaw

FIGURE 5 Puntland fishing licence (left) and Somali flag registration (right) for the Al Wesam 4.
SOURCE: Indian Ocean Tuna Commission

In keeping with their new Somali identities, the operations of the vessels were transferred to a local front company, Al Wesam Fishing and Cold Storage Company. Based out of Bosaso, Al Wesam Fishing exported the catches from the Al Wesam fleet to Felix Interfood Co., Ltd., a seafood importer in Thailand linked to the Sangsukiam family (Figure 6).⁴³ In June 2018, the operations of Felix Interfood came under scrutiny when Thai authorities questioned the validity of catch and health certificates for 46 containers of the company's seafood products.⁴⁴ While the FGS Ministry of Fisheries and Marine Resources initially attempted to defend the legal status of the Al Wesam vessels, further inquiries from the Thai Department of Fisheries (DOF) concerning the vessels' registrations and fishing licences went unanswered.⁴⁵ Having recognized the Al Wesam fleet as renamed incarnations of the Somali 7 IUU fishing vessels, the DOF opted to reject the importation of the 46 containers.⁴⁶



BILL OF LADING

APL Co. Pte Ltd

SHIPPER (Principal or Seller license and full address)		PAGE	B/L NUMBER
AL WESAM FISHING AND COLD STORAGE COMPANY AIRPORT ROAD, BOSASO, PUNTLAND STATE OF SOMALIA E-MAIL: WESAM.FISHING@GMAIL.COM		1 OF 2	APLU 020813718
CONSIGNEE (Name and Full Address (Non-Negotiable Unless Consigned to Order.) (Unless provided otherwise, a consignment "To Order means To Order of Shipper.)		EXPORT REFERENCES	
FELIX INTERFOOD CO., LTD. 2/53 MOO 1 THA CHIN, MUANG SAMUTSAKHON, SAMUTSAKHON 74000, THAILAND E-MAIL: FELIXINTERFOOD@GMAIL.COM		AL WESAM FISHING & COLD STORAG 102, STREET 2, BOSASO, PUNTLAND	
NOTIFY PARTY (Name and Full Address)		POINT AND COUNTRY OF ORIGIN OF GOODS	
SAME AS CONSIGNEE		DJIBOUTI, DJ	
INITIAL CARRIAGE (MOOS)*		PLACE OF RECEIPT*	
		DJIBOUTI, DJ	
EXPORT CARRIER (Vessel, voyage, & flag)		PORT OF LOADING	
CAPE TAINARO 008		DJIBOUTI, DJ	
PORT OF DISCHARGE		PLACE OF DELIVERY*	
LAEM CHABANG, TH		BANGKOK	
Excess Valuation Please refer to Clause 7 (B) on Reverse Side		PARTICULARS FURNISHED BY SHIPPER	
MKS. & NOS./CONTAINER NOS.	NO. OF PKGS.	H.M.	DESCRIPTION OF PACKAGES AND GOODS
		Payment by Cheque must be made to the order of APL Co. Pte Ltd	
		GROSS WEIGHT	MEASUREMENT

(SEVEN THOUSAND FOUR HUNDRED AND SEVENTY ONE PACKAGES ONLY)

CTR NBR	***SEAL NBR***	T/S	MODE	QUANT/TYPER
APRU573125-7	G0366938	R40	CY/CY	1583PKGS
CGMU525028-4	G0366922	R40	CY/CY	1450PKGS
TCLU135014-6	G0366911	R40	CY/CY	1441PKGS
TRIU866014-8	G0366939	R40	CY/CY	1539PKGS
TRIU896672-9	G0366937	R40	CY/CY	1458PKGS

PARTICULARS AS PER ATTACHMENT PAGE(S)

ON BOARD JUN. 03, 2018

BL TO BE RELEASED AT DJIBOUTI, DJ	OCEAN FREIGHT PAYABLE AT		
FREIGHT RATES CHARGES, WEIGHTS AND/OR MEASUREMENTS (SUBJECT TO CORRECTION)	PREPAID U.S. \$	COLLECT U.S. \$	Local Currency

The undersigned Carrier hereby acknowledges receipt of the sealed container or packages or other shipping units said to contain the Goods described above in apparent external good order and condition unless otherwise stated. The Shipper agrees, and the Consignee and every person purchasing this instrument for value, if negotiable, or otherwise having an interest in the Goods is advised that the receipt, custody, carriage and delivery of the Goods are subject to all the terms and conditions set forth and by incorporated by reference on this side and the reverse hereof, whether written, stamped or printed.

A set of 3 originals of this bill of lading is hereby issued by the Carrier. Upon surrender to the Carrier of any one negotiable bill of lading, properly endorsed, all others shall stand void.

Vessel	Voyage	TOTAL PREPAID	TOTAL COLLECT

BL number: APLU 020813718

Date: JUN. 03, 2018

APL Co. Pte Ltd, The Carrier

This Bill of Lading is governed by and subject to the terms and conditions of APL's Bill of Lading, which are available on your Homepage at www.apl.com or will be supplied by APL upon request.

Place Issued: DJIBOUTI, DJ

By:
Authorized Signature

he

*APPLICABLE ONLY WHEN USED AS HOUSEHOLD BILL OF LADING

**** NON-NEGOTIABLE COPY ****

FIGURE 6 A June 2018 bill of lading for a seafood consignment exported to Thailand by Al Wesam Fishing and Cold Storage Company. The consignee is listed as 'Felix Interfood Co., Ltd.'

SOURCE: Ian Urbina, The Outlaw Ocean Project

The *Al Wesam 4* becomes the *Marwan 1*

Following this importation crackdown by Thai authorities, the *Al Wesam 4* underwent another metamorphosis, re-emerging as the *Marwan 1* in June 2019.

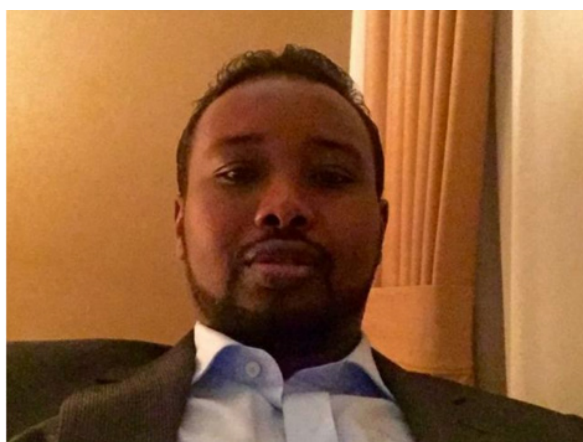


The *Al Wesam 4* (formerly the *Chaichanachoke 8*) on 18 June 2019 (left), and the renamed *Marwan 1* on 28 August 2019 (right). Both photographs were taken close to the littoral town of Qandala. Imagery analysis (shown in the numbering) highlights the similarities between the vessels.

SOURCE: EU NAVFOR ATALANTA via Indian Ocean Tuna Commission

To crew the newly christened *Marwan 1*, 13 Kenyan seafarers were recruited through Seaport Operations Limited, an unlicensed agency in Mombasa operating in violation of Kenyan law.⁴⁷ The recruiting agent informed the GI-TOC that he had been contacted in April 2019 by an individual named ‘Abdulkadir’ using a Thai mobile-phone number.⁴⁸ Abdulkadir subsequently sent the agent airline tickets from Mombasa to Garowe, Puntland, for the 13 crewmembers via the messaging application WhatsApp.⁴⁹

Puntland visas for the Kenyan crewmembers were arranged through an Oman-based company named Somlink Fisheries Investment Co., headed by Abdulkadir. In a 22 April 2019 letter to Puntland immigration authorities, Abdulkadir provided names and passport details for the 13 Kenyan crewmembers (Figure 7). Puntland immigration officials subsequently approved the visas, and the Kenyan crewmembers travelled to Bosaso that same month and went on board the *Marwan 1*.



Undated photograph of ‘Abdulkadir’.

SOURCE: WhatsApp profile

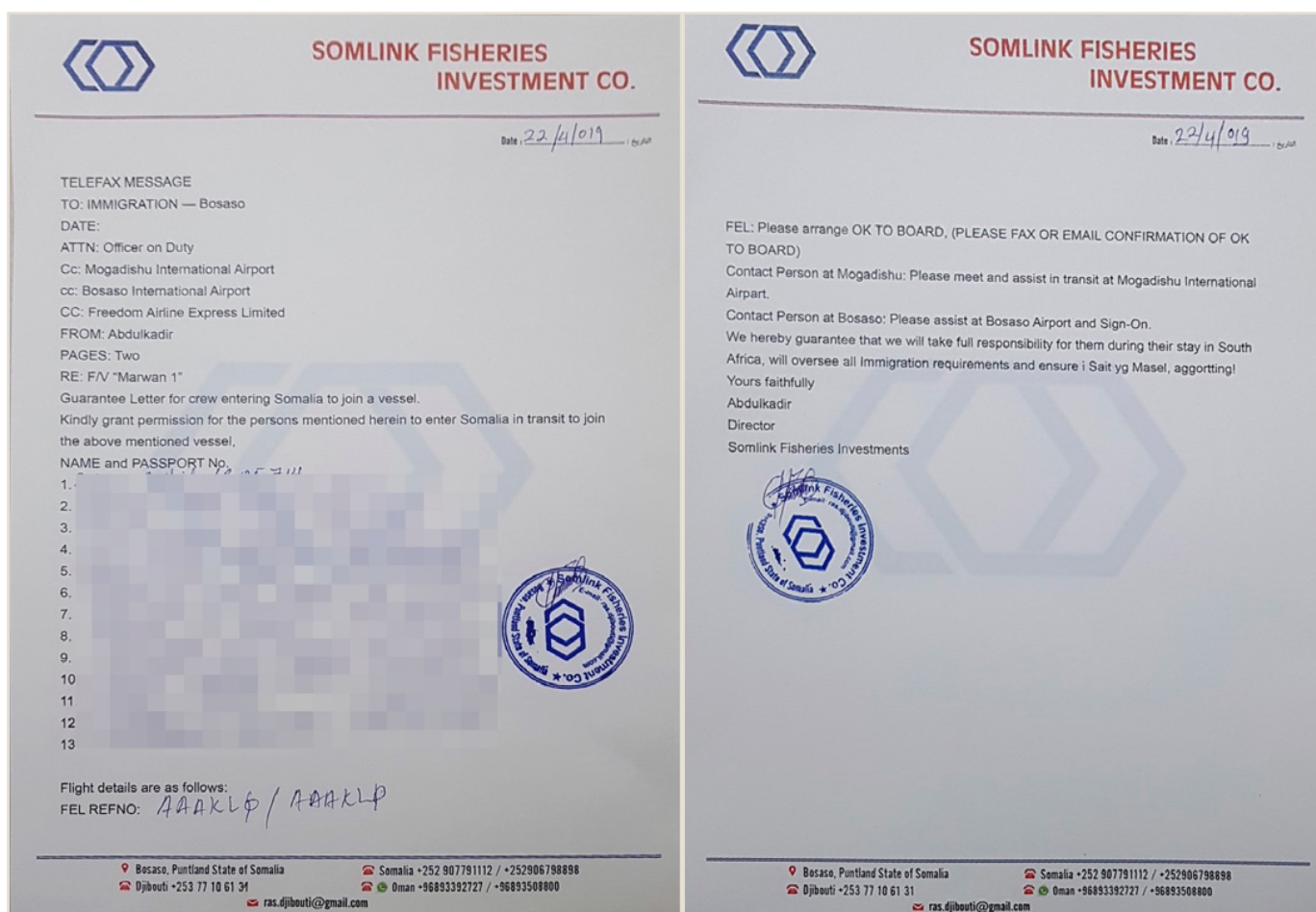


FIGURE 7 April 2019 letter from Somlink Fisheries Investment Co. director 'Abdulkadir' requesting Puntland visas for 13 Kenyan nationals intended to crew the *Marwan 1*.

According to members of this crew, the *Marwan 1* turned out to be another forced labour fishing operation. From April to July 2019, the Kenyan crew on the *Marwan 1* endured deplorable working conditions, leading to multiple untreated injuries.⁵⁰ They were reportedly forced to work up to 20 hours per day and sleep in the open, and were denied medical treatment.⁵¹ Following a confrontation with the captain of the vessel, crewmembers were denied food for two days and were threatened with being locked in cold storage and being shot.⁵² In July 2019, the crew eventually managed to contact the International Transport Workers' Federation, which in turn notified the Kenyan ambassador to Somalia. The following month, the seafarers returned home to Kenya after a long and onerous repatriation journey.⁵³ Despite being promised a salary of KES 26 000 (US\$240) per month,⁵⁴ each crewmember ultimately received between US\$450 and US\$500 for a total of four months' work, which was only sufficient to purchase airfare to Kenya.⁵⁵

A representative of Somlink Fisheries disputed this account, stating that the company had been misled by the Kenyan recruiting agent, and that the Kenyan crew he provided was unqualified, with some never having served on a fishing vessel before.⁵⁶ According to the representative, Somlink Fisheries discharged the crew with full compensation.⁵⁷

The repatriation of its Kenyan crew did not immediately end the fishing operations of the *Marwan 1* in Somalia. Nor did the fact that in December 2019, the IOTC publicly listed the *Marwan 1* as an IUU fishing vessel.⁵⁸ According to the IOTC, the *Marwan 1* was observed fishing in Somali waters on 15 September 2020.⁵⁹ Most recently, reporting suggests that the vessel was documented by international naval forces in Puntland waters in December 2020.⁶⁰ The crew most likely comprised Indonesian, Somali and Yemeni nationals, and was in possession a purported Puntland fishing licence, the authenticity of which could not be verified.⁶¹

A representative of Somlink Fisheries claimed that the vessel had since ceased fishing operations. He stated that the blacklisting of the vessel by the IOTC had rendered fishing operations untenable, and the company therefore intended to convert the *Marwan 1* into a supply vessel. The company claimed that the vessel had been 'illegally' blacklisted, as it did not fish tuna or tuna-like species and was therefore not subject to IOTC jurisdiction.⁶² It further claimed that the blacklisting had been politically motivated, stemming from the Somali federal government's preference for issuing licences to Chinese-flagged tuna longliners at the expense of Puntland-based vessels.⁶³

Al Wesam Fishing, Somlink Fisheries and the identity of 'Abdulkadir'

The GI-TOC has determined that Al Wesam Fishing and Cold Storage Company – the front company which operated the *Al Wesam* fleet – and Somlink Fisheries, the company responsible for recruiting the 13 Kenyan seafarers, are operated by the same family originating in Bosaso, Somalia. Subscriber data for four Somali mobile-phone numbers affiliated with the two companies showed the numbers to be registered to three brothers, each of whose names contained variant spellings of 'Abdulkadir'. Moreover, one number affiliated to Al Wesam Fishing, and a second number affiliated to Somlink Fisheries, were both registered to the same individual, 'Shermaarke Abdulqadir Mohamed'.

Mobile-phone records obtained by the GI-TOC provided further evidence of ties between the two companies. For instance, the same Thai mobile-phone number through which Somlink representative Abdulkadir contacted Seaport Operations Limited in Mombasa was also contacted twice by a phone number affiliated with Al Wesam Fishing in early 2019.⁶⁴ Revealingly, analysis of call records for the Somali mobile-phone numbers affiliated with both Somlink Fisheries and Al Wesam Fishing show numerous contacts with known arms traffickers in both Somalia and Yemen previously identified by the GI-TOC as members of the 'Mohamed Omar Salim network' (Figure 8).⁶⁵ The individuals contacted by Somlink and Al Wesam included the prominent Puntland-based arms trafficker Abdirahman Mohamed Omar (aka 'Dhofaye') and Yemen-based trafficker Mohamed Hussein Salad. These communications may constitute preliminary evidence of a nexus between IUU fishing and arms trafficking operations, the existence of which has been previously hypothesized by the GI-TOC.⁶⁶

MOBILE PHONE CONTACTS BY NUMBERS AFFILIATED WITH SOMLINK FISHERIES AND AL WESAM FISHING, JUNE 2016–NOVEMBER 2019

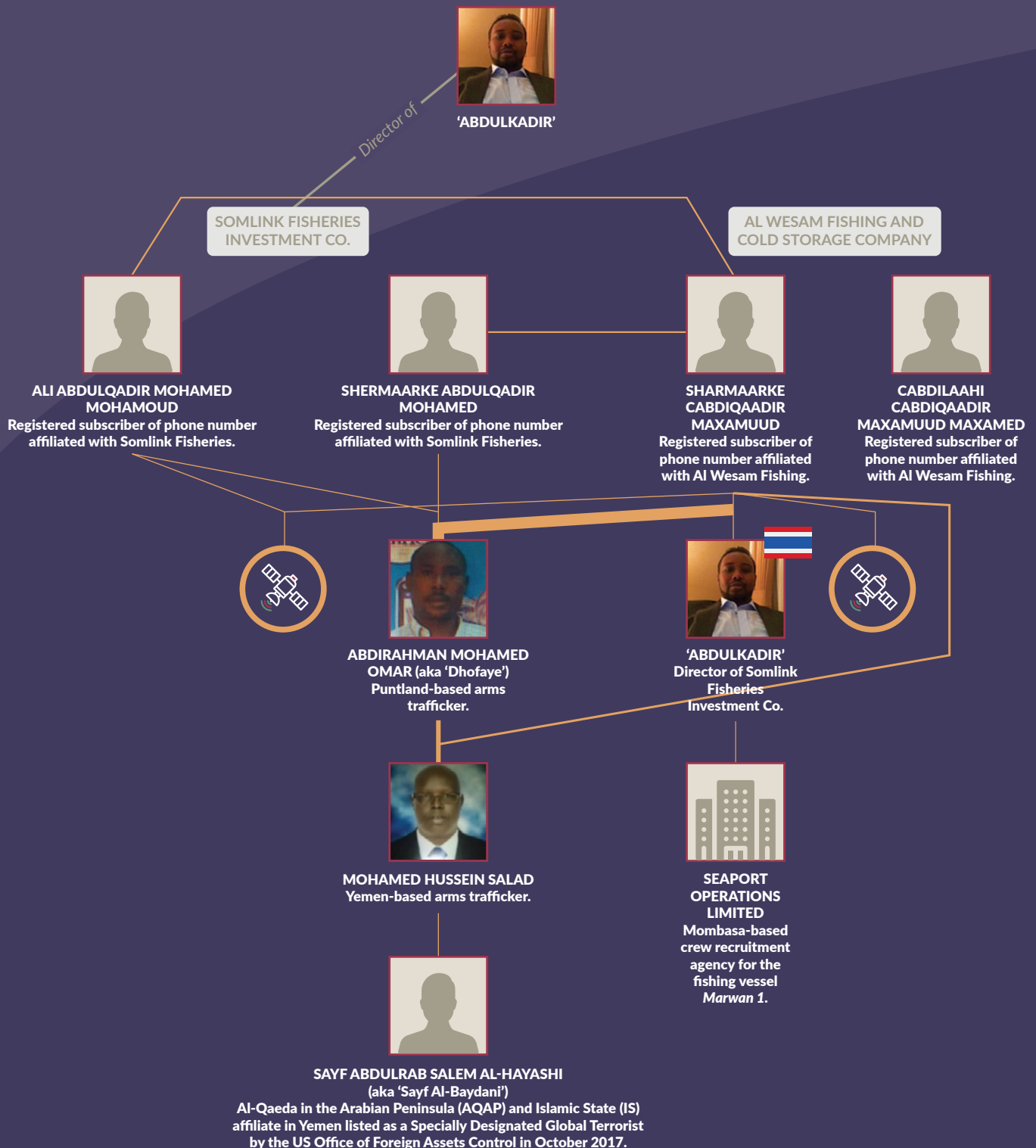


FIGURE 8 Mobile-phone records were used to map communications by numbers affiliated with Somlink Fisheries and Al Wesam Fishing. The thickness of the lines connecting the individuals and entities is indicative of the relative frequency of communication.



Communication with a Thuraya satellite device, likely indicating contact with a vessel at sea.



Communication with a Thai mobile phone.

Following repeated inquiries, a representative of Somlink Fisheries acknowledged that the Abdulkadir family had previously partnered with the Sangsukiam family in Thailand, facilitating the latter's fishing operations in Somalia.⁶⁷ He identified their point of contact as Wichai Sangsukiam, the brother of former Thai senator and Sangsukiam family patriarch, Wanchai Sangsukiam.⁶⁸ Following the exposure of the *AI Wesam* fleet's IUU fishing activities, the representative claimed that the family had purchased the *AI Wesam 4* from its Thai owners and renamed it the *Marwan 1*.⁶⁹ The vessel, he told the GI-TOC, was jointly owned by 20 family members; following the purchase, all business ties with the Sangsukiums were severed.⁷⁰ The other three vessels formerly comprising the *AI Wesam* fleet, he further claimed, were sold by their Thai owners to Burmese or Cameroonian companies following the vessels' blacklisting by the IOTC.⁷¹

The second iteration of the Somali 7 operation – the *AI Wesam* fleet – was ultimately disrupted by the fact that Thai customs authorities questioned the legitimacy of its Somali export documentation, namely catch and health certificates. Perhaps gleaned lessons from this example, the orchestrators of another IUU fishing scheme in Somalia were apparently able to co-opt high-ranking officials within the federal fisheries ministry itself, ensuring that the necessary export documentation would be issued by the legitimate authority and could therefore withstand scrutiny from importing states. At the centre of one such scheme was the North East Fishing Company, a Somali fishing concern that had been formed in the late 1980s as the country collapsed into civil war.

At the centre of one such scheme was the North East Fishing Company.

A photograph of a fisherman in a yellow shirt standing in shallow water, holding two large fish. In the background, there are several fishing boats, including a prominent white boat with blue trim and the letters 'P-KL' on its side. The sky is blue with some clouds. A large, stylized white graphic of a compass rose or a similar geometric design is overlaid on the image.

NORTH EAST FISHING COMPANY

Somali vendors offload a catch from fishing boats at Bosaso beach in Puntland northeastern Somalia, on 17 December 2016. Fishermen bring fish to the market for traders as they buy fish to resell it in the market of Bosaso. © Mohamed Abdiwahab via Getty Images

North East Fishing Company (NEFCO) is a company headquartered in Puntland but with ties to exporting companies in the UAE and Djibouti, as well as to a Republic of Korea national based in Oman. At the time of writing, NEFCO operated four fishing trawlers, the *Butiyalo One*, *Two* and *Three* and the *Haysimo Two*. A fifth vessel, the *Haysimo One*, sunk off the coast of Djibouti in August 2018 in unclear circumstances.

For decades, NEFCO has demonstrated a resilient ability to operate either outside or on the fringes of the law. Through the apparent co-option of agents of the state, both within the Puntland administration and the Somali federal government, NEFCO has consistently managed to obtain fishing licences, flag registrations and requisite export documentation through official channels. NEFCO has also been able to mobilize the Somali state in its defence when the legality of its fishing practices has been challenged by foreign governments.

Most notably, since at least late 2019 NEFCO has leveraged the influence of two ministers within the Somali federal government to irregularly issue the company with seafood export documentation, specifically catch and health certificates, for the vessels in its fleet. These authorizations have been forthcoming despite the fact that all four vessels operated by NEFCO are trawlers, and are accordingly banned from fishing under the 2014 Somali Fisheries Law.

A brief history of NEFCO

According to internal company documentation obtained by the GI-TOC, NEFCO was established in 1987,⁷² although its parent company's website states that NEFCO had begun fishing operations in Somalia's territorial waters in 1985, two years earlier.⁷³ The founder of the company is Isse Haji Farah, also known as 'Captain Isse'; Farah is also the director of the UAE-based Al Jubail Trading Company LLC, the parent company of NEFCO as well as a number of other business ventures.⁷⁴ Captain Isse's younger brother, Shire Haji Farah, is a prominent Puntland politician who held the positions of minister of finance and minister of planning and international relations between 2014 and 2019. Shire Farah is also believed to be a founding partner of NEFCO.⁷⁵

The company that would eventually become NEFCO appears to have grown out of the operations of a single trawler formerly owned by the state that Captain Isse converted to private use following the collapse of the Somali government in the early 1990s.⁷⁶ At first, NEFCO's operations were limited to the collection and onward sale of fish and lobster from local fishermen.⁷⁷ In 1996, Captain Isse was reported to have secured permission from the dominant local warlord for Ukrainian vessels to

fish in Somali waters.⁷⁸ However, according to internal company documentation, it was only in early 1999 that NEFCO entered into joint ventures with foreign fishing companies.⁷⁹ 'NEFCO's initial venture', writes researcher Awet Tewelde Weldemichael, 'grew into a large family business with sister companies, changing foreign partners but with an unchanging green light from the Puntland government.'⁸⁰

In 2014, Puntland's incoming president Abdiweli Mohamed Ali 'Gaas' vowed to fight IUU fishing by foreign vessels, referring to the situation as 'a natural disaster'.⁸¹ Accordingly, in March 2014, the Puntland Ministry of Fisheries revoked the validity of all existing fishing licences and placed a three-month moratorium on the issuing of new licences. 'All industrial fishing activities are currently prohibited in the totality of Puntland EEZ without exception', came the directive from the Puntland Ministry of Fisheries and Marine Resources.⁸²



Isse Haji Farah, a.k.a. 'Captain Isse,' founder of the North East Fishing Company.

NEFCO was nonetheless able to secure fishing permissions for four Republic of Korea-flagged trawlers, *Ixthus 7*, *8* and *9*, and *Beak Yang 37*.⁸³ The four vessels, which had been fishing Somali waters for years – possibly since 2007⁸⁴ – were operated by a company based out of Muscat, Oman, by the name of Rasa Trading Co. Ltd. The president of Rasa Trading was Jum Bai Kim, a Republic of Korea national and long-time resident of Oman (see 'Rasa Trading Co., Ltd. and Jum Bai Kim', below).

NEFCO subsequently claimed it had purchased the four fishing vessels, though there are conflicting accounts of when this acquisition took place. Internal company documentation indicates that its fleet was purchased in 2012,⁸⁵ while the company website gives the acquisition date as 2014.⁸⁶ It is, however, highly likely that Jum Bai Kim retained at least part ownership in the fleet.⁸⁷

Regardless of the timing of the alleged change of ownership, a letter from the Puntland Ministry of Fisheries and Marine Resources firmly establishes that the four trawlers were renamed and re-flagged by around November 2014; *Ixthus 7* was renamed as the *Butiyalo One*, *Ixthus 8* as the *Butiyalo Two*, *Ixthus 9* as the *Haysimo One* and *Beak Yang 37* as the *Haysimo Two* (see Figure 9). According to the ministry, all four trawlers had been registered under the Somali flag by the FGS Ministry of Ports and Marine Transport.

The re-flagging had been a response to a decision by South Korean authorities to deny authorizations for the vessels to export their catches;⁸⁸ in late 2013, the South Korean government had begun tightening regulations on vessels flying its flag, following increased scrutiny by the European Union of South Korean IUU fishing practices.⁸⁹

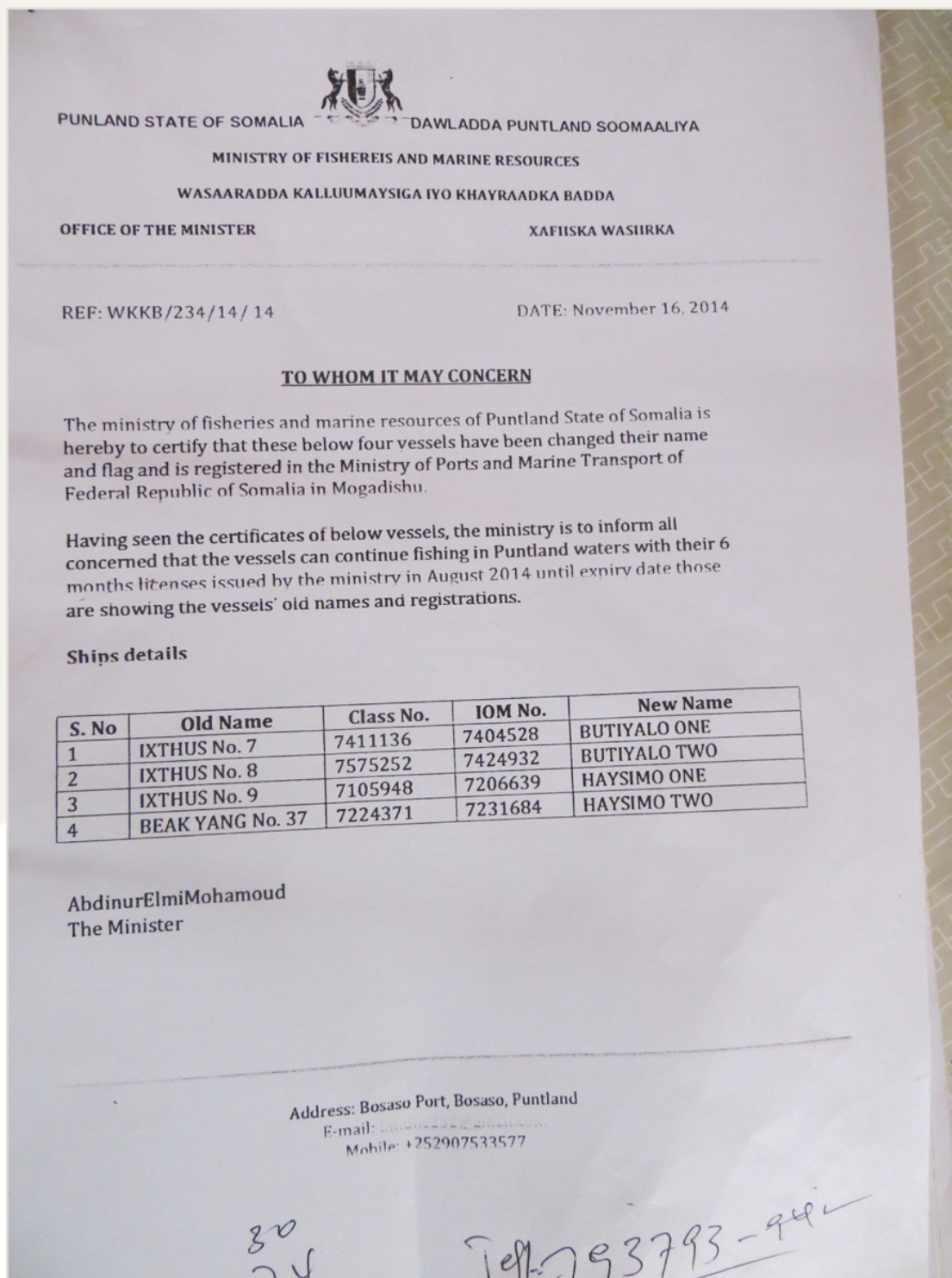


FIGURE 9 A November 2014 letter from the Puntland Ministry of Fisheries and Marine Resources certifying that the Ixthus/Beak Yang trawlers had been renamed and reflagged as Somali vessels.

Rasa Trading Co., Ltd. and Jum Bai Kim

Displayed below is a copy of a 2012 catch certificate issued by South Korean authorities for the *Ixthus 7*, which later became the *Butiyalo One* after its re-flagging as a Somali vessel (Figure 10). The catch certificate

– documentation issued by the vessel's flag state, in this case the Republic of Korea – indicated the exporter of the consignment to be Rasa Trading Co. Ltd.

ORIGINAL
European Community Catch Certificate

EUROPEAN COMMUNITY CATCH CERTIFICATE

Document number: KOR-YUCC-2012- 0420 Validating authority

1. Name: ANIMAL, PLANT AND FISHERIES QUARANTINE AND INSPECTION AGENCY YEONGNAM REGIONAL OFFICE Address: #104, GGA JUNGANG-DONG, JUNG-GU, BUSAN, KOREA Tel: 82-51-600-5800 Fax: 82-51-600-6203

2. Fishing vessel name: IXTUS NO.7 Flag-Home port and registration number: BUSAN, KOREA 9512156-6260003 Call sign: 6NEZ IMO/Lloyd's number/USC: 7404528

Fishing licence No./Valid to: TRAWL FISHERY NO. 2010-106 2010.10.13 - 2015.10.12 Inmarsat No., Fax No., Telephone No., E-mail address (if used): INMARSAT NO.: 876.773.110.046 FAX NO.: 873.762.631.096 E-MAIL: ixthus7@dreamport.co

3. Description of product: FROZEN FISH Type of processing authorised on board: ROUND / DRESS 4. References of applicable conservation and management measures: THE FISHING REGULATIONS OF THE PUNTLAND STATE OF SOMALIA

Species	Product code	Catch area(s) and dates	Estimated live weight(kg)	Estimated weight to be landed(kg)	Verified weight landed(kg) where appropriate
1) CUTTLE FISH SEPTEMBER ESCULENTA-ROUND	030799		2,782 KG	2,782 KG	
2) RED SNAPPER LUTJANUS SPP-DRESS	030889		2,116 KG	1,628 KG	
3) RED SNAPPER LUTJANUS SPP-ROUND	030889		2,926 KG	2,926 KG	
4) BARRACUDA SPYTHRAENA SPYTHRAENA-DRESS	030889		2,002 KG	1,540 KG	
5) GRAY MULLET MUGIL CEPHALUS-DRESS	030889		8,208 KG	6,314 KG	
6) KING FISH SCOMBEROMORUS COMMERCIV-DRESS	030889		171 KG	132 KG	
7) KING FISH SCOMBEROMORUS COMMERCIV-ROUND	030889		374 KG	174 KG	
8) TREVALLI CARANGOIDES FULVOGUTTATUS-DRESS	030889		4,299 KG	3,300 KG	
9) TREVALLI CARANGOIDES FULVOGUTTATUS-ROUND	030889		11,946 KG	11,946 KG	
10) RED SEABREAM ARGYROPS FLAVENTOSUS-ROUND	030889		2,882 KG	2,882 KG	
11) RED SEABREAM ARGYROPS FLAVENTOSUS-ROUND	030889		22 KG	22 KG	
12) GROUPER PINEPHILUS FUSCIGUTTATUS-DRESS	030889	INDIAN OCEAN ZONE	3,718 KG	2,860 KG	
13) GROUPER PINEPHILUS FUSCIGUTTATUS-ROUND	030889	INDIAN OCEAN ZONE	3,080 KG	3,080 KG	
14) EMPEROR LETHRINUS SPP-DRESS	030889	2012.05.16	7,264 KG	5,588 KG	
15) EMPEROR LETHRINUS SPP-ROUND	030889	2012.05.16	33,990 KG	33,990 KG	
16) CROAKER ARGYROSPOMUS REGIVS-DRESS	030889	2012.06.03	3,669 KG	2,772 KG	
17) CROAKER ARGYROSPOMUS REGIVS-ROUND	030889		1,408 KG	1,408 KG	
18) SAND LOBSTER SCHILLARIDES LATIS-ROUND	030619		504 KG	504 KG	
19) SWEET LIP PLECTROGNIATHUS PICTUS-DRESS	030889		1,146 KG	2,430 KG	
20) RED MULLET PARUPPELUS SPP-ROUND	030889		3,388 KG	3,388 KG	
21) KRINTIPOMADUS SPP-ROUND	030889		6,556 KG	6,556 KG	
22) INDIAN HALIBUT PSETTODES SPP-ROUND	030889		748 KG	748 KG	
23) PARROT FISH SCARUS SPP-DRESS	030889		2,659 KG	2,046 KG	

5. Name of master of fishing vessel-Signature-Seal: CAPT NAME: GO SANG BAE

6. Declaration of transshipment at sea: Name of master of fishing vessel: NON Signature and date: Transshipment date/area/position: Estimated weight(kg):

Master of receiving vessel: Signature: Vessel name: Call sign: IMO/Lloyd's number (if used):

ORIGINAL
10. Transport details of European Community Catch Certificate

TRANSPORT DETAILS

1. Country of exportation: SALALAH PORT, OMAN 2. Exporter Signature: RASA TRADING CO., LTD. Jum Bai Kim President: J. B. Kim

Port/air/port/other place of departure

Vessel name and flag: NEDLLOYD HONSHU 1210 Container number(s): MWCU660324-8 ML-OM0220291 Name: RASA TRADING CO., LTD. Address: #607-1 SHINDONG-A BLD 92, 5-GA, NAMPO-DONG, JUNG-GU, BUSAN, KOREA Signature: Jum Bai Kim

Flight number/airway bill number: MWCU687767-2 ML-OM0220292

Truck nationality and registration number: MWCU671640-4 ML-OM0220293

Railway bill number: MWCU659421-9 ML-OM0220294

Other transport document:

2. Exporter Signature:

RASA TRADING CO., LTD.

Jum Bai Kim

President: J. B. Kim

FIGURE 10 Korean-issued catch certificate for the *Ixthus 7*, dating to 2012. The exporter of the consignment is listed as Rasa Trading Co., Ltd.

SOURCE: Indian Ocean Tuna Commission

The signee on behalf of Rasa Trading was its president Jum Bai Kim, a Korean national and long-time resident of Muscat, Oman. In an interview in late 2015, Kim told a local media outlet that he had lived in Oman since

1981 and was president of Oman's Korean Residents Association.⁹⁰ According to a 2016 profile in the Korean media, Kim held the position of chairman of the Africa Middle East Business Association.⁹¹

Puntland's unilateral declaration that the NEFCO vessels were legally fishing under the Somali flag was initially rejected by the Somali federal government. In April 2015, the FGS reported to the IOTC that the NEFCO vessels were engaged in IUU fishing in Somalia. The four vessels, the FGS claimed, had been 'consistently operating in Somalia for many months, even before they were supposedly registered in Somalia and were still under the flag of the Republic of Korea', and further suggested that the vessels could have been active in Somalia since 2007.⁹²

Approximately one month later, *Butiyalo One* and *Haysimo One* attempted to enter the port of Salalah, Oman, to offload their catches, sparking a flurry of letters from the federal and Puntland administrations (Figure 11). On 19 May 2015, the then FGS minister of fisheries wrote to his Omani counterpart declaring that the two vessels were engaged in IUU fishing and requesting Omani authorities to take 'all necessary steps' to curtail the vessels' activities. Only one day later, the Puntland Ministry of Fisheries sent a strongly worded response, accusing the federal ministry of propagating 'false accusations' against NEFCO and assuring Omani authorities that the vessels carried valid Puntland fishing licences. On 24 May 2015, the federal ministry issued a second letter to Omani authorities retracting its original claims and backing Puntland's assertion that all four fishing vessels in the NEFCO fleet were in possession of valid licences. Faced with conflicting accounts of the vessels' legal status, Omani authorities ultimately decided to allow them to enter the port and go about their operations.

It is unclear why FGS authorities ultimately agreed to confer official legitimacy on the *Butiyalo/Haysimo* fleet given that trawling is banned under Somali law. Once again, NEFCO appeared to receive preferential treatment from both regional and federal authorities. It was also an embarrassing example of the weakness of Somali state institutions, whereby a regional entity was able to override the position of a federal ministry in its interactions with a foreign government.

There is a strong possibility that NEFCO was little more than a front operation for Korean national Jum Bai Kim.



FIGURE 11 Conflicting letters from the FGS and Puntland Ministry of Fisheries and Marine Resources concerning the legal status of the NEFCO fishing fleet.

While the re-flagging of the four trawlers ostensibly provided them with legal cover to fish within Somalia's EEZ, there is a strong possibility that NEFCO was little more than a front operation for Korean national Jum Bai Kim, the previous owner of the *Butiyalo/Haysimo* vessels. According to an individual with knowledge of NEFCO's operations, Kim maintains a beneficial ownership stake in the four vessels.⁹³ There is compelling evidence to support this assertion. On each of the catch and health certificates viewed by the GI-TOC, Al Kaus Overseas Trading LLC, a company based in the Omani capital of Muscat, is indicated as the consignor of the vessel's cargo. Open-source company listings reveal Al Kaus Overseas Trading LLC to be a parallel entity to Rasa Trading Co. Ltd., the previous holding company of the *Butiyalo/Haysimo* vessels during the period they were registered under the South Korean flag. Both Rasa Trading and Al Kaus Overseas Trading are headquartered in the Al Khuwayr district of Muscat, and their listed phone numbers are identical, with Jum Bai Kim indicated as the director of both companies. Moreover, Al Kaus Overseas Trading was the registered insurance policyholder for the *Haysimo One*, which sunk off the coast of Djibouti in August 2018.⁹⁴

Furthermore, Republic of Korea nationals appear to continue to head the NEFCO fleet's day-to-day operations; the names of the masters of all four vessels, as indicated in 2020 export documentation viewed by the GI-TOC, are of Korean origin.

The sinking of the *Haysimo One*

On 4 August 2018, one of the trawlers in the NEFCO fleet, *Haysimo One*, suffered a fire and sank 60 nautical miles off the coast of Djibouti, resulting in a total loss insurance claim.⁹⁵ The crewmembers were successfully evacuated off the vessel before it sank. The loss of the *Haysimo One* occurred five months after NEFCO had added a fifth trawler, *Butiyalo Three*, to its fleet in March 2018. Al Kaus Overseas Trading LLC, the Muscat-based company headed by Jum Bai Kim, was listed as the insurance policyholder for the *Haysimo One*.⁹⁶



The *Haysimo One*, which was reported to have caught fire and sunk off the coast of Djibouti on 4 August 2018.

If the NEFCO fleet of trawlers indeed remained in the whole or partial ownership of Jum Bai Kim, the re-flagging of the company's vessels would serve as an apt example of the common practice of foreign private commercial interests capturing elements of the Somali state in furtherance of IUU fishing operations. NEFCO's influence within the Puntland government would later expand to the federal Ministry of Fisheries and Marine Resources in Mogadishu, and, on the face of it, would even include the minister himself.

Around 2019, the director of NEFCO, Isse Haji Farah, appears to have relocated the company's export operations from Oman to Djibouti. Also by 2019, Haji had begun using the title of managing director of H.F Trading Company FZE, a previously unknown entity headquartered in Djibouti free trade zone.⁹⁷ Djibouti port records indicate that the *Haysimo* and *Butiyalo* vessels were using the Djibouti port by the second half of 2019.⁹⁸ Export documentation dating to 2020, obtained by the GI-TOC, demonstrates that H.F Trading Company was using Djibouti port to trans-ship the vessels' catches for delivery to a seafood importer based in Shangdon, China.

In order to satisfy Chinese import regulations, NEFCO was required to furnish documentation certifying the origin and sanitary condition of their seafood consignments, namely 'catch' and 'health' certifications. Catch certificates are issued by the competent authorities of flag state to certify that a catch has been made in accordance with applicable laws and regulations, while health certificates demonstrate that the consignment has met health and safety standards. NEFCO required these certifications to be issued by the competent national authority, namely the FGS Ministry of Fisheries and Marine Resources. To facilitate access to this paperwork, NEFCO seemingly turned to one of its own: a federal state minister, Mohamud Hayir Ibrahim.

A glorified paperwork factory? – the FGS Ministry of Fisheries and Marine Resources

NEFCO had a well-placed entry point into the federal government: the FGS State Minister of Finance, Mohamud Hayir Ibrahim, a Puntland native and cousin of NEFCO director Captain Isse. In addition to his familial ties to Captain Isse, Ibrahim also has been directly employed by Isse's business ventures; Ibrahim's curriculum vitae indicates that he was an assistant manager for NEFCO from 2001 to 2002. Furthermore, between 2007 and 2009 he held the position of general manager of Makhir Coast General Trading Company, a Dubai-based foodstuffs importer owned by NEFCO's parent company, Al Jubail Trading Company LLC.

In 2012, Ibrahim became a member of the federal parliament in Mogadishu, a position he still held at the time of writing;⁹⁹ he also sits on the parliamentary budget and finance committee. In 2015, Ibrahim was appointed as state minister of the Presidential Palace, and in 2017 to his current position of state minister of finance, the second highest ranking financial official in Somalia. Ibrahim's current Somali passport indicates his occupation as 'diplomat'. He also possesses Kenyan and Djiboutian citizenship.

Minister Ibrahim is said to protect Captain Isse's and NEFCO's interests at the federal level.


Most crucially to NEFCO's business interests, Ibrahim allegedly maintains a close interpersonal relationship with the FGS Minister of Fisheries and Marine Resources, Abdullahi Bidhan Warsame. Both Ibrahim and Warsame originally hail from Puntland, and share living accommodation in Mogadishu.¹⁰⁰ According to a Somali businessman involved in the fisheries sector, Minister Ibrahim is said to protect Captain Isse's and NEFCO's interests at the federal level.¹⁰¹

Sometime following NEFCO's relocation of operations to Djibouti in 2019, it appears that the company began to leverage the relationship between Ibrahim and Warsame to obtain necessary export documentation from the federal government. The GI-TOC has reviewed extensive leaked documentation dating to early 2020 that shows unsigned catch and health certificates being transmitted to Ibrahim on numerous occasions by NEFCO representatives, including Captain Isse. The health certificates – which are in both English and Mandarin script – indicate the intended consignee to be Wehai Sepia Foods Co. Ltd, a Chinese importer based in Shandong. Ibrahim would subsequently transmit the unsigned documentation to officials within the FGS Ministry of Fisheries and Marine Resources, including Minister Warsame himself. The certificates were then returned to Ibrahim with the requisite ministry stamps and signatures, with no indication that any physical inspection of cargoes or other regulatory oversight had taken place. Indeed, the fact that the *Butiyalo/Haysimo* vessels operate in Puntland waters and trans-ship their catches at Djibouti port renders it highly unlikely that federal government officials had any opportunity to physically inspect or verify any of the vessels' consignments.

Through examination of the leaked documents, the GI-TOC identified the following instances involving the manufacturing of paperwork for the NEFCO fleet:

- In early March 2020, the secretary for the FGS Minister of Fisheries and Marine Resources Abdullahi Bidhan Warsame transmitted seven signed and stamped catch certificates for the *Butiyalo/Haysimo* fleet to the director general of the ministry, Mohamoud Sheikh Abdullahi Abdirahman, who subsequently passed them on to Mohamud Hayir Ibrahim (Figure 12).

- In late August 2020, a senior NEFCO employee, Ahmed Osman Farah, provided Ibrahim with five unsigned catch certificates, instructing Ibrahim to take necessary steps to have them authorized.
- In late September 2020, Ibrahim transmitted unsigned certificates directly to Minister Warsame for the requisite authorizations.
- In late October 2020, the minister's secretary transmitted a signed and stamped catch certificate for the *Butiyalo One* to Ibrahim, who subsequently passed it on to NEFCO director Captain Isse.
- In mid-November 2020, the director general of the ministry, Mohamoud Sheikh Abdullahi Abdirahman, transmitted three signed and stamped health certificates (Figure 13) to Ibrahim and Minister Warsame.



FEDERAL REPUBLIC OF SOMALIA

CATCH CERTIFICATE					
Document number: SM-CC-2019-02		Validating authority: MINISTRY OF FISHERIES AND MARINE RESOURCES			
1. Name: MINISTRY OF FISHERIES AND MARINE RESOURCES		Address: Mogadishu		Email:	
2. Fishing vessel name: HAYSIMO TWO		Flag-Home port and Registration number MOGADISHU, SOMALIA 105-00118		Call sign TSAY IMO/Lloyd's number (if issued) 7231684	
Fishing license No-Valid to LICENSE # 0049 27.06.2019 – 27.12.2019		Inmarsat No, Fax No, Telephone No, E-mail address (if issued) INMARSAT NO: 00870773111115 E-MAIL: nefco.bso@gmail.com			
3. Description of product FROZEN FISH	Type of processing authorized on board ROUND	4. References of applicable conservation and management measures THE FISHING REGULATIONS OF FEDERAL REPUBLIC OF SOMALIA			
Species	Product Code	Catch area(s) and dates	Estimated live weight(kg)	Estimated weight to be landed(kg)	Verified weight landed(kg) where appropriate
1) BARRACUDA(SPHYRAENA SPHYRAENA)-ROUND	030389	INDIAN OCEAN ZONE	14,014KG	14,014KG	
2) JEMPERORILETHRINUS SPP.-ROUND	030389	FAO 051	10,186 KG	10,186KG	
3) GROUPE(JEPHINOPHEUS SPP)-ROUND	030389	23.11.2019-19.12.2019	2,200KG	2,200KG	
5. Name of master of fishing vessel-Signature-Seal: CAPT NAME : LEE KYEONG HAN					



6. Declaration of transshipment at sea NONE		Signature and date		Transshipment date/ area/position		Estimated weight(kg)	
Master of receiving vessel		Signature		Vessel name		Call sign	
						IMO/Lloyd's number (if issued)	
7. Transshipment authorization within a port area							
Name H F TRADING CO./ZEE		Authority DIBOUTI PORT		Signature		Address DIBOUTI FREE ZONE DRY PORT DIBOUTI	
						Tel 253-258258239940	
						Port of landing DIBOUTI	
						Date of Landing 23.12.2019	
						Seal(stamp)	
8. Name and address of exporter		Signature		Date		Seal	
NORTH EAST FISHING CO C/O AL KAUS OVERSEAS TRADING LLC P.O.BOX: 1821, RU/AL F.CODE 112, SULTANATE OF OMAN				DEC 25, 2019			
9. Flag State authority validation:							
Name/Title		Signature		Date:		Seal(stamp)	
MINISTRY OF FISHERIES AND MARINE RESOURCES, OFFICE OF THE DIRECTOR GENERAL, MOGADISHU				DEC 28, 2019			
MOHAMOUD SH. ABULLAH							

FIGURE 12 A catch certificate for the *Haysimo Two*, dated 28 December 2019, signed and stamped by the director general of the FGS Ministry of Fisheries and Marine Resources.

NOTE: The certificate was one of seven transmitted by the director general to Mohamud Hayir Ibrahim in early March 2020.



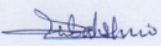
 证书号 Num.Ref : SM105 索马里联邦共和国向中华人民共和国出口水产品检验检疫卫生证书 Health Certificate For fish and fishery products intended for export from Federal Republic of Somalia to the People's Republic of China	
I. 主管当局信息 Information of competent authority	
输出国 Country of export :	FEDERAL REPUBLIC OF SOMALIA
生产国 Country of production :	FEDERAL REPUBLIC OF SOMALIA
主管当局 Competent authority :	MINISTRY OF FISHERIES AND MARINE RESOURCES
出证部门 Department of certificate issuance :	MINISTRY OF FISHERIES AND MARINE RESOURCES
II. 水产品信息 Identification of the fishery products	
商品名称 Commodity name :	FROZEN CUTTLE FISH
品名(学名) Commodity name/Scientific name :	SEPIA PHARAONIS
包装数量 Number of packages :	2,299 CARTONS
重量 Weight :	59,774 KGS
III. 水产品来源 Origin of the fishery products	
产地 Production Place :	FEDERAL REPUBLIC OF SOMALIA
加工方式 Processing Type :	FROZEN
生产模式 Production Mode :	***
养殖 Aquacultured : 是 Yes <input type="checkbox"/> 否 No <input checked="" type="checkbox"/>	野生捕捞 Wild Caught : 是 Yes <input checked="" type="checkbox"/> 否 No <input type="checkbox"/>
养殖区域 Aquaculture area : ***	捕捞区域 Catch Area : INDIAN OCEAN(FAO51)
	捕捞渔船船名及编号 Catch Vessel Name & Number : BUTIYALO TWO, 105-00116
生产加工企业名称及注册号 Production and processing enterprise name and registration number	NORTH EAST FISHING COMPANY (BUTIYALO TWO) 105-00116
生产日期 Production Date :	OCT. 05, 2020
IV. 运输信息 Information of Transport	
发货人名称及地址 Name and address of Consignor :	AL KAUS OVERSEAS TRADING LLC P.O BOX 1821, PC 112, RUWI, SULTANATE OF OMAN
收货人名称及地址 Name and address of Consignee :	WEIHAI SEPIA FOODS CO.,LTD NO.7, HAINAN ROAD, WEIHAI EXPORT & PROCESSING ZONE, SHANDONG, CHINA P.C 264205
发货地 Place of dispatch production :	DJIBOUTI
目的地 Place of destination :	QINGDAO, CHINA
运输工具信息 Means of transport :	VESSEL
船只名称 Name of Vessel :	MAERSK SELETAR 038E
航次号 Flight Number :	***
其他运输工具信息 other transport means :	***
集装箱号 Container Number :	MNBU0368510/SUDU8215196/MNBU0544878
封识号 Seal Number :	ML-DJ0226178/ML-DJ0226177/ML-DJ0226174
V. 健康声明 Health Attestation	
兹证明 : This is to certify that : 1. 上述产品来自主管当局注册的企业。The above fishery products were come from the establishment approved by competent authority. 2. 该产品在卫生条件下生产、包装、储藏和运输,并置于主管当局监督之下。The products were produced, packed, stored, and transported under sanitary condition, which were under the supervision of competent authority. 3. 该产品经主管当局检验检疫,未发现中国规定的有害病菌、有毒有害物质和异物。The products were inspected and quarantined by competent authority and not found any pathogenic bacteria, harmful substances and foreign substances regulated in the P.R.China. 4. 该产品符合兽医卫生要求,适合人类食用。The products meet veterinary sanitary requirements and fit for human consumption	
签发地点 Place of issue MOGADISHU, OFFICE OF THE DIRECTOR GENERAL	签发日期 Done at dates 20. 10. 2020
官方印章 Official Stamp	官方兽医签字 Official Veterinary Signature
	 MOHAMOUD SILABULLAHI DIRECTOR GENERAL
注释 Note : 1. 冷藏、冷冻、干制、熏制、罐装等。/ Refrigerated, Frozen, Dried, Smoked, Canned. 2. 此证书内容不适用部分以***填充。The content part which is not applicable should be used ***.	

FIGURE 13 A health certificate for the *Butiyalo Two*, dated 20 October 2020, signed and stamped by the director general of the FGS Ministry of Fisheries and Marine Resources.

NOTE: The certificate was one of three transmitted by the director general to Minister Warsame in mid-November 2020.

- In mid-December 2020, NEFCO director Captain Isse transmitted several unsigned health certificates to Ibrahim. Three days later, Ibrahim passed on two of the certificates to the director general of the ministry for authorization.




The director general of the FGS Ministry of Fisheries and Marine Resources, Mohamoud Sheikh Abdullahi Abdirahman.

SOURCE: Social media

In addition to issuing catch and health certificates for NEFCO, the FGS Ministry of Fisheries and Marine Resources also continued to endorse and legitimize the fishing licences issued by the Puntland administration to NEFCO trawlers (Figure 14), even though trawling is illegal under Somali law. As with the catch and health certificates, the federal endorsements of NEFCO's Puntland fishing licences were signed and stamped by the director general of the Ministry of Fisheries and Marine Resources, Mohamoud Sheikh Abdullahi Abdirahman.

License No. 0046 Serial No.1195132



THE PUNTLAND STATE OF SOMALIA
The Ministry of Fisheries and Marine Resources

Fishing License

The license is issued under the provisions of the Somali fishery law No. 75 of 30 November, 1985 and the Puntland state of Somalia Fisheries Regulations of 6 December, 2011 to the fishing Vessels whose details specified herein below to carry out fishing activities within Puntland marine waters.

Duration of Validity	
FROM	TO
27/06/2019	27/12/2019

VESSEL DETAILS	
Vessel name : Butiyalo One	
Type : Fishing Trawler	Flag : Federal Government of Somalia
Official No. : 105-00115	LOA/Beam/Depth: 51.97 / 10.60 / 4.52 M
Port of Registry : Mogadishu	Fish Hold Capacity : 300 Tons
GRT/NRT : 291 / 252 tons	Engine type & Power : Diesel Engine / 2200 Hp
Other crafts onboard :	

FISHING AREAS & TARGET SPECIES	
Species permitted : all species including King Fish & Mackerel	
Designated fishing areas : Puntland Waters	
Quantities Permitted : 1500 Tons	
Fish methods & gear : Trawler Net	

LICENSE DETAILS	
Owner's Name : North East Fishing Company	Address : Bossaso - Puntland State of Somalia
Head Office : Bossaso - Puntland State of Somalia	Telephone : 002525823994
Fax : 002525823531	Email : nefcosom@gmail.com
Agent in Puntland : NEFCO - BOSSASO	Address : Bossaso - Puntland State of Somalia
Telephone : 002525823994	Fax : 002525823531
Email : nefcosom@gmail.com	Receipt No :


RADIO COMMUNICATION	
International Call Sign : TSAS	Normal transmitting frequencies
Satellite phone : 008707720046	Access Code and No :

TRANSPONDERS / VMS	
Type :	Code :


OTHER POSITIONING EQUIPMENT	
LORAN : N/A	
OMEGA : N/A	
DECCA : N/A	

OTHER EQUIPMENT	
AUDIO BUOYS	Reco Sounder : Yes
EPHRS : YES	Fish Finder :

Approved and signed by the Minister
Hon. Farah mohamoud Hajji



JAMHUURIYADDA FEDERAALKA SOOMAALIYA
WASAARADDA KALLUUMEYSIGA IYO
KHEYRAADKA BADDA
XAFIISKA AGAASIMAHAA GUUD




FEDERAL GOVERNMENT OF SOMALIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
OFFICE OF THE DIRECTOR GENERAL

REF: MFMR/DG/033/2020 Date: 26/01/2020

To whom it may Concern

The Ministry of fisheries and Marine Resources of the Federal Government of Somalia has endorsed the attached fishing license issued by the Ministry of Fisheries and Marine Resources of the Puntland State of Somalia on the 12th of January 2020.

License No :	0057
Serial No :	1195153
Ship Name :	Butiyalo One
Official No :	105 - 00115
Port of Registry :	Mogadishu
GRT /NRT :	291/ 252 Tons
License issued date:	12/01/2020
License expiry Date :	12/07/2020



Mohamoud Sh. Abdullahi Abdirahman
Director General




FIGURE 14 A six-month Puntland fishing licence for the trawler *Butiyalo One*, effective from 27 June 2019; right: an endorsement of a Puntland fishing licence for the *Butiyalo One* by the Federal Ministry of Fisheries and Marine Resources, dated 26 January 2020.

In essence, it appears that the FGS Ministry has continued to act as a factory for manufacturing paperwork for private commercial interests, much as it had five years earlier when it had issued correspondence to vouch for the Somali flag registries of the *Butiyalo/Haysimo* fleet to Omani authorities.

The issuance of health and catch certificates to the NEFCO vessels is not the only recent instance of irregular practices by senior officials within the Ministry of Fisheries and Marine Resources. In the wake of a federal government crackdown on corruption in August 2020, four ministry officials were sentenced to imprisonment. Most prominently, the ministry's head of finance and administration was sentenced to a 10-year prison term and ordered to repay US\$137 907 that he had misappropriated.¹⁰²

The relationship between Minister Ibrahim and federal fisheries officials evidently grew more ambitious than the manufacturing of paperwork or endorsement of fishing licences on behalf of NEFCO. In early 2020, they seemed to have formed a business partnership with the purpose of selling exclusive access to Somali fishing rights to foreign clients.

Horn Investment Agency

Leaked documentary evidence viewed by the GI-TOC suggests that in early 2020 ministers Ibrahim and Warsame, along with a senior fisheries ministry adviser, were involved in the creation of the Horn Investment Agency, a private entity created to be the exclusive broker of Somali fishing rights to foreign companies. Ahmed Osman Farah, a high-ranking NEFCO officer and the nephew of company founder Captain Isse, was appointed as Horn Investment's 'business development manager'.¹⁰³



Undated photograph of Ahmed Osman Farah, NEFCO employee and Horn Investment Agency's business development manager.

SOURCE: WhatsApp profile

In mid-May 2020, Abdirahman Osman, a senior adviser to the FGS Minister of Fisheries and Marine Resources, disseminated a draft work plan for the Horn Investment Agency in advance of a planned joint video conference among the partners. The invitees to this conference consisted of the two federal ministers (Ibrahim and Warsame), Ahmed Osman Farah and a fourth individual. Examples of company benchmarks outlined in the draft work plan included 'Formulation of a framework for fisheries development' and 'Finalizing and launching the Fisheries Master Plan', to be achieved by August and November 2020, respectively.¹⁰⁴



FGS Ministry of Fisheries and Marine Resources officials: Minister Abdullahi Bidhan Warsame (left) and senior ministerial adviser Abdirahman Osman (right).

SOURCE: Social media

Horn Investment intended to use access to government channels afforded to it by the fact that at least three company partners were highly placed state officials.

Even though the company was still in the incipient stage of formation, it nonetheless began to search for prospective business opportunities. The same day as the draft work plan was circulated, Ahmed Osman Farah initiated contact with China Fishery Group Limited, a Hong Kong-based company that had operated in western Africa since 2012.¹⁰⁵ Farah represented Horn Investment as having exclusive rights to issue fishing permits for foreign fishing vessels on behalf of the FGS Ministry of Fisheries and Marine Resources. At the time of writing, the GI-TOC was unaware of any response to this email from China Fishery Group, or whether Farah's outreach had achieved any favourable outcome for Horn Investment.

It was also evident that Horn Investment intended to use access to government channels afforded to it by the fact that at least three company partners were highly placed state officials. In mid-May 2020, Ahmed Osman Farah apprised Minister Ibrahim on Horn Investment's attempts to initiate a business relationship with another Chinese fishing concern, Pingtan Marine Enterprise Ltd. In a document seen by the GI-TOC, Farah advised Ibrahim that Horn Investment should contact Pingtan Marine through the Chinese Embassy in Mogadishu. He further suggested that the contact be facilitated through an official channel, using letterhead from the FGS ministries of foreign affairs, planning or fisheries.

At the time of writing, the GI-TOC had been unable to establish whether Horn Investment had successfully established a business relationship with Pingtan Marine.¹⁰⁶

Perhaps buoyed by the FGS' successful sale of fishing licences to the Chinese longline fleet in November 2018 (see 'Resource-sharing: the federal-regional dilemma', above), ministers Ibrahim and Warsame apparently saw an opportunity to approach similar potential clients through the vehicle of a private company under their control, Horn Investment Agency. In doing so, they may have sought to emulate the rent-seeking model of the Puntland Ministry of Fisheries and Marine Resources, where the sale of fishing licences provides a stream of revenue for a network of ministry officials and private agents. However, at the time of writing the GI-TOC was not aware of any successful business arrangements entered into by Horn Investment on behalf of the Somali federal government.

The GI-TOC is aware of one other instance of an apparently irregular financial practice within the FGS Ministry of Fisheries and Marine Resources. Under the terms of an agreement between the ministry and Chinese longline fleet licensed by the FGS, the ministry obtained the right to select a company to be the exclusive supplier of fuel to the vessels. In early 2020, Minister Warsame appears to have unilaterally awarded the concession without issuing a tender consistent with the requirements of Somali federal law.

The awarding of a fuel-bunkering concession

As discussed above (see 'Resource-sharing: the federal-regional dilemma'), in November 2018 the FGS Ministry of Fisheries and Marine Resources began issuing fishing licences to a fleet of 31 Chinese longliners, in a process supported by the World Bank and the FAO. Representing the Chinese vessels was the China Overseas Fisheries Association (COFA), a Beijing-based organization founded in 2012 by the then-vice minister of agriculture¹⁰⁷ of the People's Republic of China, Dun Niu (Niu was subsequently appointed as China's ambassador to the FAO). COFA was the only entity to express interest in purchasing licences from the FGS Ministry of Fisheries and Marine Resources at the time of the offering.¹⁰⁸

Pursuant to a January 2020 MOU between the FGS Ministry of Fisheries and Marine Resources and COFA, the ministry reserved the right to designate a company to be the exclusive provider of fuel-bunkering services to the COFA fishing vessels.¹⁰⁹ In March 2020 correspondence between Minister Warsame and a representative of COFA (Figure 15), the minister informed COFA that the Kenya-based company Hass Petroleum had been awarded this concession.

COFA replied to the minister's letter the following day, congratulating Hass Petroleum on winning the bid and agreeing to use the company as its fuel provisioner. The COFA representative then urged the minister to issue the long-overdue licences for its fishing fleet, as the company had begun to suffer economic losses. 'We believe that a considerable amount of time has passed between us making the full payment and we still have not received the license[s]', the representative wrote. Shortly following COFA's letter of acquiescence, the ministry finally issued the promised licences. According to an individual who dealt with COFA representatives, COFA believed that the granting of the licences was directly contingent on the organization's acceptance of Hass Petroleum as its fuel provisioner.¹¹⁰

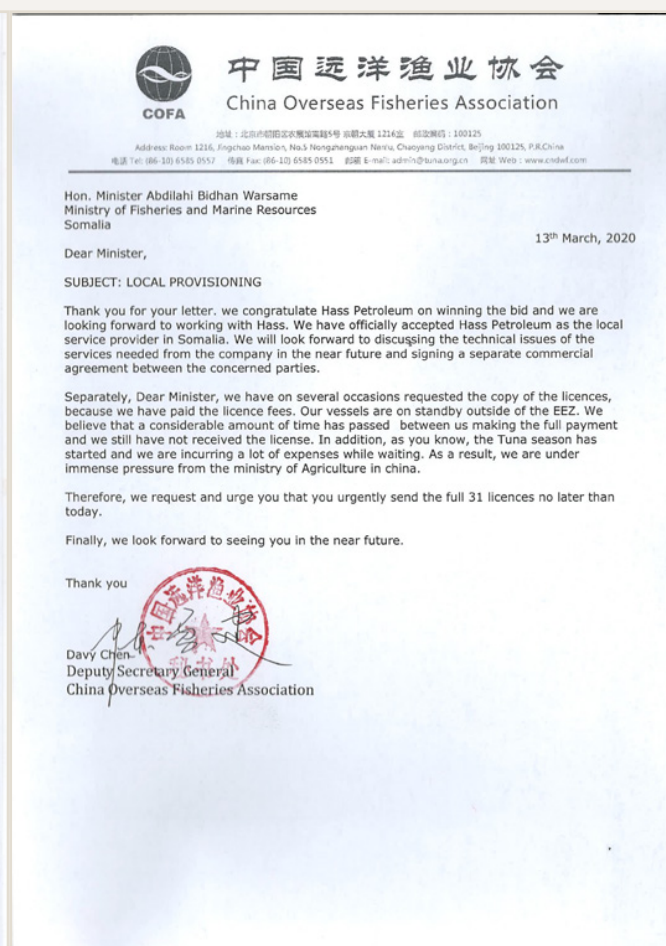
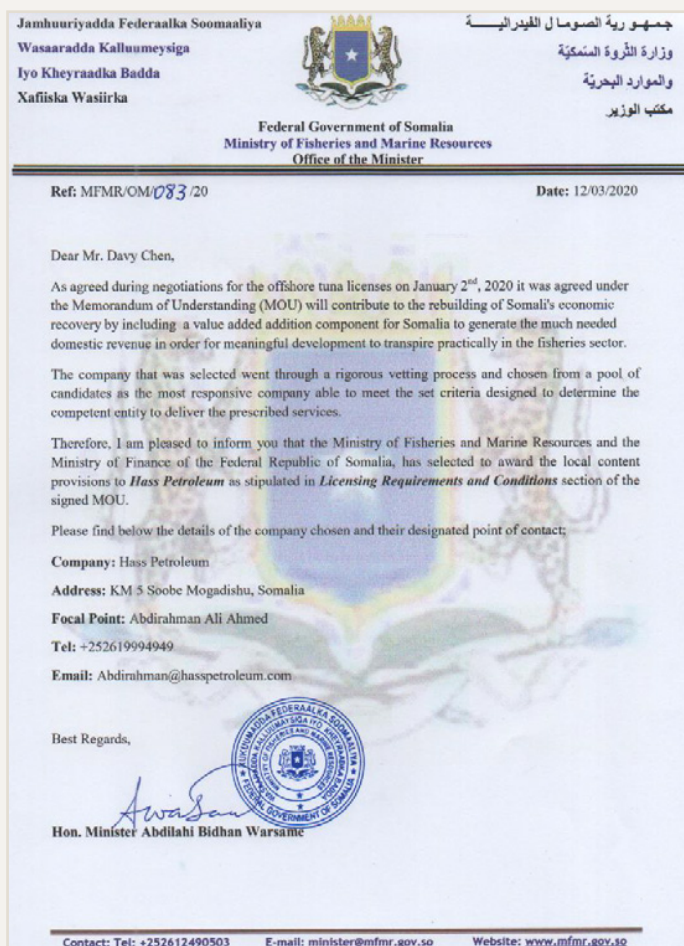


FIGURE 15 Correspondence between Minister Abdullahi Bidhan Warsame and a representative of the China Overseas Fisheries Association, dated 12 and 13 March 2020.

At their height, the COFA vessels licensed to fish in Somali waters numbered over 50. An international fisheries expert consulted by the GI-TOC estimated that such a fleet might consume between 10,000 and 15,000 metric tonnes of marine diesel per year.¹¹¹ Based on these figures, a very rough estimate of the annual revenue generated through the fuel-bunkering concession might range between US\$12 and US\$18 million.

Under Somalia's 2016 Procurement Act, the granting of federal government concessions is subject to approval from an inter-ministerial committee composed of finance ministry and other officials.¹¹² Minister Warsame's March 2020 letter to COFA asserted that Hass had undergone a 'rigorous vetting process' and had been chosen from 'a pool of candidates' as the company most able to provide the required services. However, no tendering process consistent with Somali law appears to have taken place. The FGS Ministry of Finance website – which publishes all legitimate government tender and concessions notices – contains no listing of the

fuel-bunkering concession.¹¹³ Moreover, under normal circumstances such a concession would have been reviewed by the Financial Governance Committee (FGC), a joint high-level advisory panel composed of FGS officials and international financial advisors. Yet the FGC's 2020 annual report also contains no reference to any fuel-bunkering concession tendered by the FGS.¹¹⁴

Hass Petroleum, conversely, contended that a tendering process for the concession did occur – involving several other fuel supply companies – but claimed to be unable to provide the GI-TOC with the tendering documents due to several logistical obstacles.¹¹⁵ According to a company representative, after winning the tender Hass subsequently declined to enter into a contract with COFA due to the latter's demand for an open line of credit.¹¹⁶

Abdullahi Bidhan Warsame, COFA, and FGS finance ministry officials did not respond to the GI-TOC's inquiries regarding the circumstances surrounding the awarding of the fuel provisioning concession.

NEFCO AND AFFILIATED NETWORK

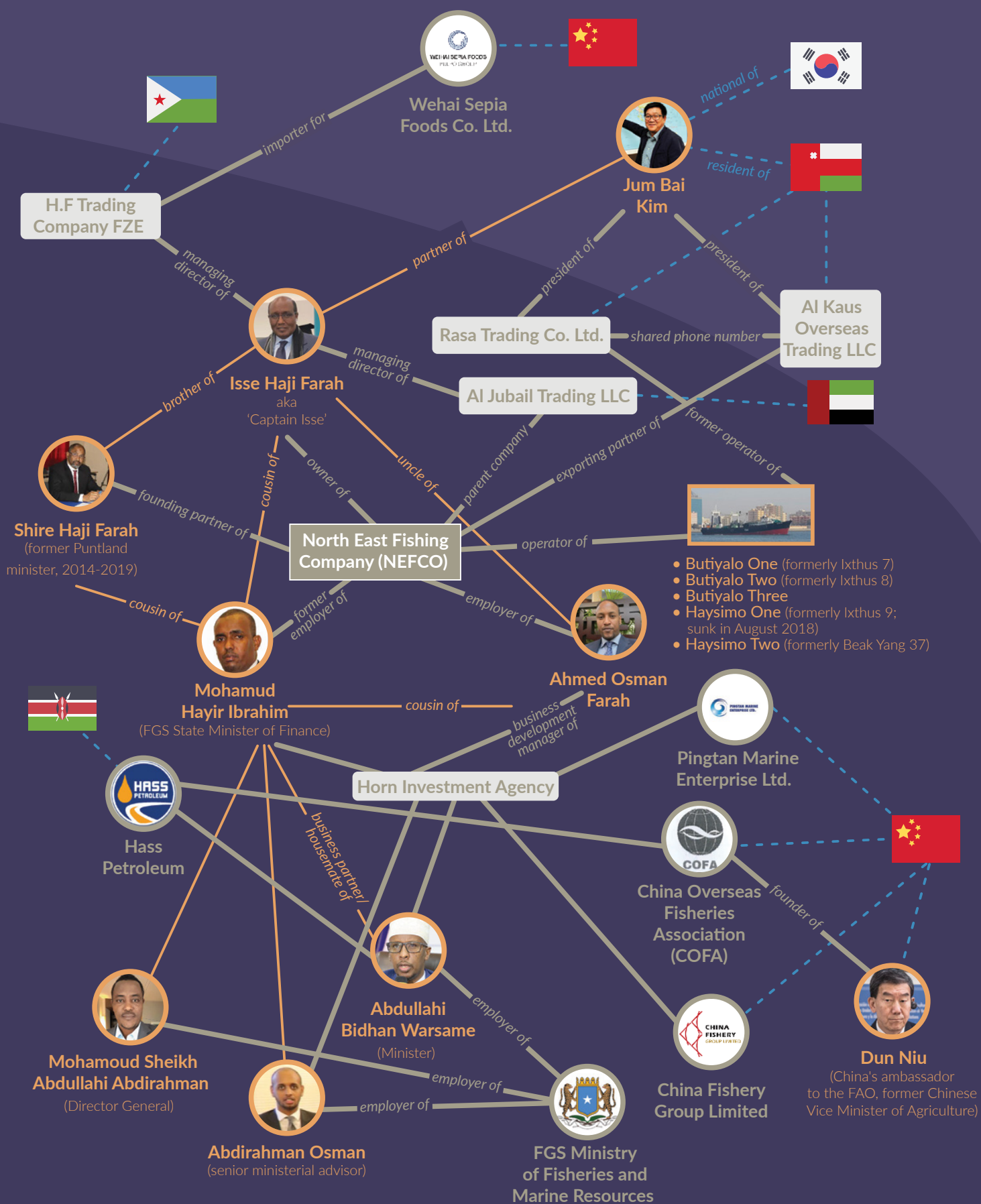


FIGURE 16 Organogram showing the North East Fishing Company IUU fishing network.

*No tendering process
consistent with
Somali law appears
to have taken place.*


Responses from individuals and entities

Prior to publication, the GI-TOC presented the individuals and entities named in this study with detailed accounts of the relevant findings, and provided ample opportunity to review and comment thereon. Abdullahi Bidhan Warsame, Isse Haji Farah, Mohamoud Sheikh Abdullahi Abdirahman, Jum Bai Kim, the China Overseas Fisheries Association, Al Wesam Fishing and Cold Storage Company, and the Puntland Ministry of Fisheries and Marine Resources did not respond to the GI-TOC's outreaches. Through a lawyer, Mohamud Hayir Ibrahim requested that the GI-TOC cease all contact with him.¹¹⁷ Ahmed Osman Farah declined to respond to the GI-TOC's findings, stating that he was accountable only to the Somali government and not to foreign nationals.¹¹⁸

A large number of fishing boats, mostly blue and white, are sailing in a bay. The boats are moving in various directions, creating white wakes in the water. In the background, there are large, green mountains under a clear sky. The water is a murky brownish-grey. The boats have red flags on their masts. The overall scene depicts a busy fishing fleet.

CONCLUSION AND RECOMMENDATIONS

Fishing boats set sail for fishing after the three-month fishing ban on the East China Sea on 1 August 2020 in Zhoushan, Zhejiang Province of China. © Yao Feng via Getty Images



IUU fishing in Somalia is often cast domestically in nationalistic terms, as a foreign predation upon a weak and divided country. However, as the three case studies presented above illustrate, a significant proportion of IUU fishing operations in Somali waters are in reality abetted by a network of local enablers, both inside and outside of the state apparatus. Rampant corruption within Somali state institutions continues to foster a dynamic whereby foreign fishing actors will have little incentive to purchase legitimate fishing licences from the state when their competitors are able to secure the same rights through extra-legal channels. So long as this dynamic persists, it will contribute to the environmental destruction of Somalia's marine resources and undermine the long-term ability of the state to generate legitimate revenue from fisheries.

So, what measures might be taken to reduce the prevalence of IUU fishing in Somali waters? The first step should be for the FGS to establish meaningful institutional checks and balances on the arbitrary issuing of fishing licences, flag registrations and other commercial documentation by individual agents of the state to their private clients. Furthermore, Somali federal and regional authorities should enforce judicial consequences for senior government officials who may have profited from IUU fishing schemes.

Thirdly, the FGS should also make efforts to improve cooperation and information sharing on the fisheries sector with Somalia's international partners, such as the IOTC, the European Union Naval Force (EUNAVFOR) counter-piracy operation off the coast of Somalia, and the FAO. The IOTC maintains a 'blacklist' of IUU fishing vessels and has proved effective at pressuring member states to reject imports of illicit seafood products. EUNAVFOR, while primarily an anti-piracy mission, is also mandated to report on IUU fishing within its areas of operation as of December 2020. However, EUNAVFOR is presently restricted to transmitting its data via DG MARE, the European Commission's department responsible for maritime affairs and fisheries policy. While some information subsequently filters through to the IOTC and the FGS, the lack of timely direct transmission may inhibit prompt action against IUU fishing actors. And finally, the FAO has been one of Somalia's most steadfast international supporters in the fisheries sector, monitoring fishing vessels in Somalia's EEZ with AIS tracking systems, as well as assisting the FGS with its engagement with the IOTC, foreign governments and potential commercial partners.

Lastly, there may also be a role for international sanctions in deterring IUU fishing in Somalia. For instance, in 2015 the UN Monitoring Group on Somalia and Eritrea recommended to the Security Council that IUU fishing be considered a criterion for imposing targeted UN sanctions on individuals and entities.¹¹⁹ The basis for this proposal was that IUU fishing represented a

threat to the peace, security and stability of Somalia by fostering state corruption as well as spurring acts of maritime piracy by provoking resentment among coastal communities.

With the above considerations in mind, the GI-TOC has drafted nine recommendations aimed at disrupting IUU fishing networks active in Somalia.

Recommendations

- The Federal Government of Somalia (FGS) Attorney General Office should identify and prosecute senior government officials who have facilitated, abetted and profited from IUU fishing practices in Somalia.
- The FGS should establish a recognized focal point to handle inquiries from international partners regarding the legal status of Somali-flagged and licensed vessels. This focal point should receive confirmations from counterbalancing arms of the FGS – for example, both the Ministry of Fisheries and Marine Resources and the Ministry of Ports and Marine Transport – before certifying a vessel's status under Somali law.
- The FGS should require Somali-owned fishing companies to make a full declaration of the beneficial ownership of their vessels before being granted a domestic flag registration. Such due diligence would reduce the likelihood of Somali nationals being used as fronts for foreign vessel owners.
- The FGS should make its flag registry public so that any foreign-owned vessel falsely claiming to fly the Somali flag may be easily identified.
- The mandate of the EUNAVFOR naval mission should be adapted to allow the direct sharing of data on IUU fishing vessels observed within Somalia's EEZ with the FGS, federal member states (FMS) and other relevant national authorities. Such information might enable Somali authorities to take timely domestic action against IUU fishing networks, assuming there is the political will to do so.
- All trawlers operating within Somalia's EEZ should be treated by domestic and international authorities as *prima facie* engaged in IUU fishing, as trawling is categorically banned under Somali law. Importing states should therefore reject as invalid any documentation – such as catch and health certificates – pertaining to trawler products originating in Somalia.
- Any licence issued to a foreign vessel by an FMS of Somalia, such as Puntland, should be treated by domestic and international authorities as *de facto* invalid, as Somali law stipulates that FMS may only issue licences to domestic fishermen.
- The FGS should suspend the sharing of revenue generated from the sale of fishing licenses to any FMS that continues to issue its own licenses to foreign vessels and companies.
- The UN Security Council should consider IUU fishing as a potential criterion for imposing targeted sanctions measures on individuals and entities, as recommended in the 2015 report of the UN Monitoring Group on Somalia and Eritrea.

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