FISHY BUSINESS

Illegal fishing in Somalia and the capture of state institutions

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JUNE 2021
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ACKNOWLEDGEMENTS

Ian Urbina, investigative journalist and director of The Outlaw Ocean Project, provided invaluable contextual understanding and documentary support for this paper, particularly with respect to forced labour fishing practices in Somalia. The author is also highly grateful to the non-profit research organization C4ADS, and in particular Austin Brush, for sharing their research into illegal fishing networks in Thailand and Somalia. C4ADS’ Jack Margolin also assisted greatly with data ingestion and analysis in relation to mobile-phone records.

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.
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

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Abbreviation</th>
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<tbody>
<tr>
<td>AIS</td>
<td>Automatic Identification System</td>
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<tr>
<td>COFA</td>
<td>China Overseas Fisheries Association</td>
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<td>DOF</td>
<td>Department of Fisheries (Thailand)</td>
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<tr>
<td>EEZ</td>
<td>Exclusive Economic Zone</td>
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<td>EUNAVFOR</td>
<td>European Union Naval Force (Somalia)</td>
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<td>FAO</td>
<td>Food and Agricultural Organization</td>
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<td>FGC</td>
<td>Financial Governance Committee</td>
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<td>FGS</td>
<td>Federal Government of Somalia</td>
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<td>FMS</td>
<td>federal member state (Somalia)</td>
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<tr>
<td>GI-TOC</td>
<td>Global Initiative Against Transnational Organized Crime</td>
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<td>IOTC</td>
<td>Indian Ocean Tuna Commission</td>
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<tr>
<td>IUU fishing</td>
<td>illegal, unreported and unregulated fishing</td>
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<tr>
<td>MOU</td>
<td>memorandum of understanding</td>
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<tr>
<td>NEFCO</td>
<td>North East Fishing Company</td>
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<tr>
<td>PMPF</td>
<td>Puntland Maritime Police Force</td>
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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. Somali pirates have instrumentalized this perception, casting themselves as defenders of Somali waters against foreign exploiters. 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.
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. 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.

IUU fishing in Somalia is in effect a public–private partnership in transnational crime.
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 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
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. 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’.

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. As of January 2021, licence fees had generated a total revenue of US$2.7 million. 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.

**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.\textsuperscript{11} The region’s bountiful fishing grounds make it particularly attractive to bottom-trawling vessels as well as gillnets, 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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). The vessels were categorized as engaged in 'jiidmo' (trawling); 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.

<table>
<thead>
<tr>
<th>VESSEL NAME</th>
<th>REGISTRATION NUMBER</th>
<th>DATE OF LICENSING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nadiil</td>
<td>2187</td>
<td>10/9/2020</td>
</tr>
<tr>
<td>Aarya</td>
<td>2188</td>
<td>10/9/2020</td>
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<td>Miiraas</td>
<td>2189</td>
<td>10/9/2020</td>
</tr>
<tr>
<td>Al-Maxamedi</td>
<td>2191</td>
<td>12/9/2020</td>
</tr>
<tr>
<td>Al-Aqris</td>
<td>1749</td>
<td>14/9/2020</td>
</tr>
<tr>
<td>Armin</td>
<td>2284</td>
<td>15/9/2020</td>
</tr>
<tr>
<td>Al-Amir</td>
<td>2268</td>
<td>16/9/2020</td>
</tr>
<tr>
<td>Al-Moosin</td>
<td>2267</td>
<td>16/9/2020</td>
</tr>
<tr>
<td>Al-Shohin</td>
<td>1750</td>
<td>16/9/2020</td>
</tr>
<tr>
<td>Al-Yusufi</td>
<td>2254</td>
<td>17/9/2020</td>
</tr>
<tr>
<td>Umiid</td>
<td>2269</td>
<td>17/9/2020</td>
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<tr>
<td>Suber</td>
<td>2270</td>
<td>17/9/2020</td>
</tr>
<tr>
<td>Al-Uweys</td>
<td>2192</td>
<td>18/9/2020</td>
</tr>
<tr>
<td>Al-Macrufi</td>
<td>2240</td>
<td>19/9/2020</td>
</tr>
<tr>
<td>Milad</td>
<td>2239</td>
<td>19/9/2020</td>
</tr>
<tr>
<td>Safa</td>
<td>2193</td>
<td>20/9/2020</td>
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<tr>
<td>Al-Maxamedi</td>
<td>2194</td>
<td>20/9/2020</td>
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<tr>
<td>Al-ubeyr</td>
<td>2241</td>
<td>22/9/2020</td>
</tr>
<tr>
<td>Al-Raxman</td>
<td>2255</td>
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<td>Mowlai</td>
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<td>22/9/2020</td>
</tr>
<tr>
<td>Aarsalan</td>
<td>2256</td>
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</tr>
<tr>
<td>Nimcan</td>
<td>2013</td>
<td>22/9/2020</td>
</tr>
<tr>
<td>Suheyl</td>
<td>2014</td>
<td>22/9/2020</td>
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<tr>
<td>Cadnan</td>
<td>2015</td>
<td>22/9/2020</td>
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<td>Al-Samaan</td>
<td>2273</td>
<td>22/9/2020</td>
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<td>22/9/2020</td>
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<td>Al-Arslaan</td>
<td>2275</td>
<td>22/9/2020</td>
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<tr>
<td>Al-Fariid</td>
<td>2276</td>
<td>22/9/2020</td>
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<td>Saajid</td>
<td>N/A</td>
<td>23/9/2020</td>
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<td>Faaruqi</td>
<td>N/A</td>
<td>23/9/2020</td>
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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 vessel 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. 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. 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. ‘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. 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. 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. 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.

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. 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.’

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. 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. 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.

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. ‘We are protected’, he said.

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. 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*. 

**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
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. Nonetheless, the ongoing operations of Chinese fishing vessels in Puntland waters have caused considerable frustration among local coastal communities.

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 Suphernavee 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. 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. The abuses, Urbina noted, took place with the knowledge and complicity of both Somali federal government and Puntland administration officials. 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. Companies affiliated with the Sangsukiam family have long been implicated in IUU fishing practices, as well as labour and human rights abuses.

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).
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). 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. 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. 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.
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.

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. 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. Abdulkadir subsequently sent the agent airline tickets from Mombasa to Garowe, Puntland, for the 13 crewmembers via the messaging application WhatsApp. 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.

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

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

Undated photograph of ‘Abdulkadir’.
SOURCE: WhatsApp profile
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. They were reportedly forced to work up to 20 hours per day and sleep in the open, and were denied medical treatment. 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. 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. Despite being promised a salary of KES 26,000 (US$240) per month, 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.

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. According to the representative, Somlink Fisheries discharged the crew with full compensation.

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. According to the IOTC, the *Marwan* 1 was observed fishing in Somali waters on 15 September 2020. Most recently, reporting suggests that the vessel was documented by international naval forces in Puntland waters in December 2020. 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.
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. 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.

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

Communication with a Thai mobile phone.

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.
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. He identified their point of contact as Wichai Sangsukiam, the brother of former Thai senator and Sangsukiam family patriarch, Wanchai Sangsukiam. Following the exposure of the Al Wesam fleet’s IUU fishing activities, the representative claimed that the family had purchased the Al Wesam 4 from its Thai owners and renamed it the Marwan 1. 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. The other three vessels formerly comprising the Al Wesam fleet, he further claimed, were sold by their Thai owners to Burmese or Cameroonian companies following the vessels’ blacklisting by the IOTC.

The second iteration of the Somali 7 operation – the Al 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 gleaning 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.
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, although its parent company’s website states that NEFCO had begun fishing operations in Somalia’s territorial waters in 1985, two years earlier. 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. 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.

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. At first, NEFCO’s operations were limited to the collection and onward sale of fish and lobster from local fishermen. In 1996, Captain Isse was reported to have secured permission from the dominant local warlord for Ukrainian vessels to
fish in Somali waters.\textsuperscript{78} However, according to internal company documentation, it was only in early 1999 that NEFCO entered into joint ventures with foreign fishing companies.\textsuperscript{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.’\textsuperscript{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’.\textsuperscript{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.\textsuperscript{82}

NEFCO was nonetheless able to secure fishing permissions for four Republic of Korea-flagged trawlers, *Ixthus 7, 8 and 9*, and *Beak Yang 37*.\textsuperscript{83} The four vessels, which had been fishing Somali waters for years – possibly since 2007\textsuperscript{84} – 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,\textsuperscript{85} while the company website gives the acquisition date as 2014.\textsuperscript{86} It is, however, highly likely that Jum Bai Kim retained at least part ownership in the fleet.\textsuperscript{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 *Butiylao One*, *Ixthus 8* as the *Butiylao 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;\textsuperscript{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.\textsuperscript{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.

![Catch Certificate Image]

**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. According to a 2016 profile in the Korean media, Kim held the position of chairman of the Africa Middle East Business Association.
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.
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. 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.

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.

FIGURE 11 Conflicting letters from the FGS and Puntland Ministry of Fisheries and Marine Resources concerning the legal status of the NEFCO fishing fleet.
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, *Butiyolo 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
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. Djibouti port records indicate that the Haysimo and Butiyalo vessels were using the Djibouti port by the second half of 2019. 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; 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.

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. 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.

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.

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**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.
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 Abdullaahi Abdirahman.

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 Butiylalo/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

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

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
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 agriculture 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.

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. 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.
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. 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. 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. 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.

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. 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.

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.
FIGURE 16 Organogram showing the North East Fishing Company IUU fishing network.
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.\textsuperscript{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.\textsuperscript{118}
Discussions around China’s overseas lending, debts and debt negotiations gained even more traction in the course of 2020, raising doubts over the sustainability of what President Xi Jinping had described as the ‘project of the century’. Data released by Boston University in December 2020 showed that lending by Chinese institutions to BRI countries had fallen dramatically in the 2016–2019 period, suggesting that the policy of lending to countries with shaky finances was unsustainable, in part because it involves multiple debt renegotiations along the way (further proliferated as a result of the COVID-19 pandemic and related hardship). Analysts also pointed to the uncertainty resulting from the trade war with the United States (2018–2019), the desire to consolidate existing investments and a shift towards investments in the domestic market as factors behind reduced Chinese foreign lending. To this list, one could add the notion that the BRI has not always helped China’s reputation.

Notwithstanding concerns about the financing model, which may have far-reaching consequences especially for low-income countries that rely heavily on China for building their national infrastructures, China is not going to withdraw from the BRI, although it can be expected that lending might increasingly involve international financial institutions.

Another controversial aspect of the BRI concerns the inclusion of countries into the initiative’s ecosystem, which is often seen as part of a bigger strategy. To mention one, the 2020 memorandum of understanding signed with Kiribati (in addition to those signed with all the Pacific islands that have diplomatic relations with Beijing) was centred on the integration of the BRI with Kiribati’s 20-Year Vision development plan. Apart from the concerns relating to the specifics of the agreement, which came mere months after the restoration of ties between the two countries, it cannot be ignored that Kiribati and its exclusive economic zones are strategically located in the Pacific Ocean. The construction of two transhipment hubs as part of the development plan, as well as land reclamation, lends credence to the notion that the atoll could become a future Chinese military base and also grant China access to large fishing and mineral resources in the deep sea.

Lastly, whereas much has been written about the New Silk Road (as the BRI is also referred to) and its accompanying Maritime Silk Road, a great deal of opacity remains: neither a comprehensive list of all BRI projects nor criteria for prospective projects are officially available. In addition, some projects that had started prior to 2013 now appear to be discussed as part of the BRI and others that were conceived as independent from the BRI have been absorbed into the initiative’s universe. A notable example is the China–Pakistan Economic Corridor (CPEC), which now represents the bulk of BRI-related initiatives in Pakistan and is a flagship component of the overall BRI effort.

Notwithstanding such gaps in the available data and the observation that many BRI-related infrastructure projects are yet to be completed, it is already possible to identify some actual and potential implications for transnational crime and the trafficking of illicit goods. The analysis in this report illustrates how BRI-associated economic corridors, trade routes and major infrastructure developments such as railways and ports coincide or intersect with established trafficking routes and criminal hubs in South East Asia and Eastern and Central Africa. The report also examines which by-products of BRI connectivity (e.g. an increase in the volume of container shipping) are likely to be exploited by criminal enterprises.

Although beyond the scope of this report, opacity and lack of a BRI governing body or strong oversight from Beijing have opened up opportunities for other illicit activities. For example, Chinese investors associated with criminal groups have been known for promoting various projects in China’s neighbouring countries, fraudulently claiming their being associated with the BRI.

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. 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 shouldsuspend 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.


At the time of writing, a new draft fisheries law was under consideration by the FGS cabinet that would further designate the area up to 12 nautical miles from shore as a ‘fisheries-restricted zone’. Within this area, only artisanal fishermen with vessels under 12 metres in length would be allowed to fish. Interview with an international fisheries expert, 27 January 2021, by phone.

Also stipulated in the agreement was that all parties would allocate 40 per cent of the revenues generated through fisheries towards the development, management and preservation of Somali marine resources, as well as towards supporting local fishermen.


Interview with an international fisheries expert, 27 January 2021, by phone.

Internal correspondence from the FGS Ministry of Fisheries and Marine Resources dated 2 October 2020.

The findings of a researcher who studied IUU fishing in Puntland broadly accorded with the GI-TOC’s own estimates of the standard amount charged by local fishing agents. The researcher determined that vessel owners typically paid Somali agents between US$8 000 to US$10 000 per ship to obtain permissions to fish, as well as local protection. Awet Tewelde Weldemichael, Piracy in Somalia: Violence and Development in the Horn of Africa. Cambridge: Cambridge University Press, 2019.


The GI-TOC contacted the Iranian businessman involved in Somali fisheries on 21 October 2020, by phone, under the guise of seeking his advice on how to conduct fishing operations in Somalia.

Ibid.

Author interview with the master of the dhow Arifi. At the time of the interview, a representative of the vessel’s Somali fishing agent was present at the Puntland Ministry of Fisheries and Marine Resources, attempting to secure the dhow’s release.

Said Gul Ismail has been identified by UN sanctions monitors...
ty of Southern Denmark, 2015.


77 North East Fishing Company (NEFCO), Company profile, internal company document on file with the GI-TOC.


79 North East Fishing Company (NEFCO), Company profile, internal company document on file with the GI-TOC.


82 Ibid.


85 North East Fishing Company (NEFCO), Company profile, internal company document on file with the GI-TOC.


87 NEFCO partner Shire Haji Farah told a researcher, conversely, that the four trawlers were family-owned and ‘not Korean to begin with’. Registering the vessels under the South Korean flag, he said, was necessary in order to gain access to export markets. Awet Tewelde Weldemichael, Piracy in Somalia: Violence and Development in the Horn of Africa. Cambridge: Cambridge University Press, 2019.


93 Interview with a source with intimate knowledge of the Somali fisheries sector, 26 January 2021, by text message.

94 Interview with a maritime insurance source, 16 February 2021, by video conference; email from a legal firm with knowledge of the circumstances of the vessel’s sinking, 23 March 2021.


96 Interview with a maritime insurance source, 16 February 2021, by video conference; email from a legal firm with knowledge of the circumstances of the vessel’s sinking, 23 March 2021.

97 Documentary evidence viewed by the GI-TOC, dated January 2019.


99 The constitutional term of the 10th Parliament of Somalia, of which Mohamud Hayir Ibrahim is a member, expired on 27 December 2020. However, scheduled parliamentary elections have been delayed indefinitely due to a political crisis in Somalia that was ongoing at the time of writing.

100 Interview with a source with intimate knowledge of the Somali fisheries sector, 26 January 2021, by text message.

101 Interview with a source with intimate knowledge of the Somali fisheries sector, 4 March 2021, by text message.


103 Farah had previously worked as a technical adviser in the Puntland Ministry of Planning and International Cooperation, headed at the time by Captain Isse’s younger brother, Shire Haji Farah.

104 Draft work plan for Horn Investment Agency, on file with the GI-TOC.


106 Pingtan Marine Enterprise Ltd. has previously been the subject of allegations of IUU fishing practices, as well as of human and wildlife trafficking, which the company has denied. On 7 December 2020, the US Department of State announced that it had the revoked the visas of Pingtan Marine officials over alleged involvement in IUU fishing and human trafficking. EAP Bureau, The U.S. revoked more than 15 visas for those complicit in IUU fishing, Twitter post, 7 December 2020, https://twitter.com/USAsiaPacific/status/1336001789696960496.

107 In the People’s Republic of China, the fisheries portfolio falls under the remit of the Ministry of Agriculture.


109 Memorandum of Understanding on a private longline fishing agreement for the exploitation of tuna and tuna-like species in the Somali Exclusive Economic Zone, 2 January 2021, on file with the GI-TOC.

110 Interview with a source with intimate knowledge of the Somali
fisheries sector, 12 March 2021, by text message.

111 Interview with an international fisheries expert, 23 March 2021, by text message. The estimate was based on the assumptions that each longliner would consume 1-1.5 metric tonnes of diesel per day, and would spend on average 200 days per year fishing in Somalia’s EEZ.


115 Emails dated 15 and 21 April 2021 from the director of Hass Petroleum.

116 Ibid.

117 Email from a lawyer representing Mohamud Hayir Ibrahim, 29 March 2021.

118 Text message from Ahmed Osman Farah, 14 February 2021.

ABOUT THE GLOBAL INITIATIVE

The Global Initiative Against Transnational Organized Crime is a global network with over 500 Network Experts around the world. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime.

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