

IS IT PIRACY OR FISHERIES LAW ENFORCEMENT?

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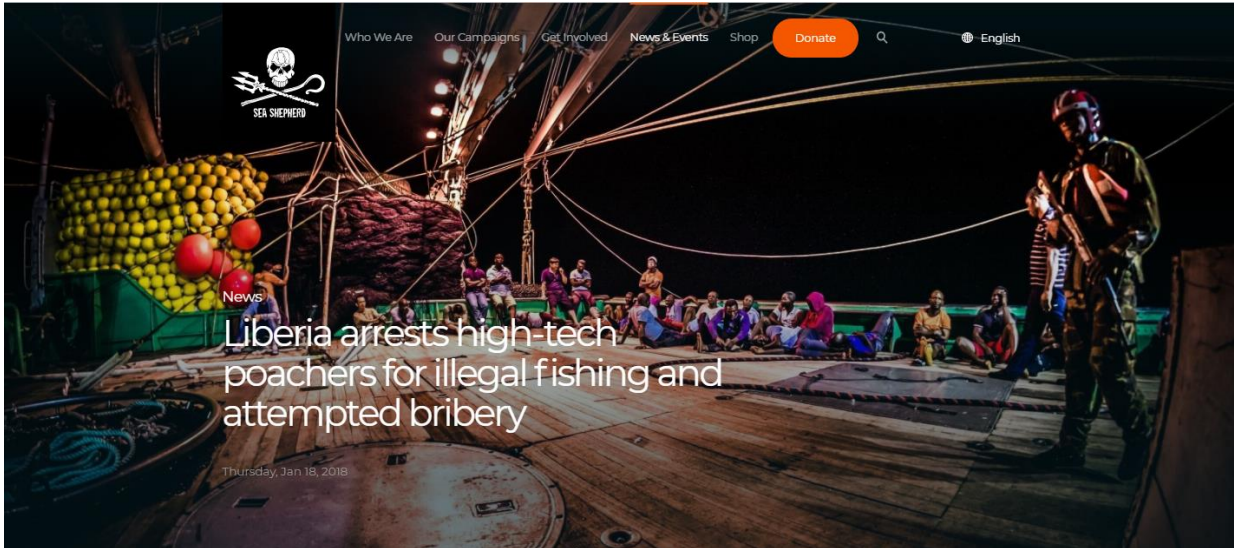


Figure 1: Picture showing crew of Panofi Forerunner under arrest in Liberia (culled from Sea Shepherd Global)

The Liberian Coastguard and Sea Shepherd are becoming notorious for the use of excessive force and unconventional methods in their quest of combatting illegal, unreported and unregulated fishing (IUU) in Liberian waters. Some Ghanaian fishing vessels have of late become victims of the brute force of the Liberian Coastguard and the Sea Shepherd whose activities could well be described as modern-day piracy as is depicted in the above picture which was gloriously published on the website of Sea Shepherd Global on 18 January 2018.

The above picture tagged with the inscription “Liberia arrests high-tech poachers for illegal fishing and attempted bribery,” clearly portrays the unwarranted brutalities meted out to the crew on board the Ghanaian flagged vessel, Panofi Forerunner on 14 January 2018 after the vessel was intercepted and arrested whilst conducting “innocent passage” at 12 knots in Liberian waters. In a publication by ATUNA based on the publication of Sea Shepherd Global on the incident and captioned “Panofi-Owned Ghanaian Seiner Faces Multi-Million Dollar Fine”, the Sea Shepherd was described as **“a group which has received criticism in the past for supposedly using violent means of protest and detaining ships unlawfully”**.

About a year ago (on 19 February 2017) from the arrest of Panofi Forerunner, a Ghanaian flagged trawler, Lu Rong Yuan Yu 988, which was authorized to fish in Cote d’Ivoire was arrested, allegedly, for fishing illegally in Liberian waters. The observer on board the vessel at the time reported cruelty meted out to him and the crew which were detained for as long as 48 days, after

which the vessel was released without any charges of fisheries infractions. Their release was only backed with a note from the Ministry of Justice of Liberia. The fisheries observer's report gave account of himself and some members of the vessel's crew being denied medical attention for a diarrhoea condition in a Government-run hospital until they could find solace in a privately-run facility.

The interception and arrest of Panofi Forerunner came to the notice of the Fisheries authorities in Ghana because the owners, Panofi Co. Ltd. could not establish communications in any form with the vessel for about 24 hours. The company therefore presumed that the vessel was under attack by sea pirates. It was until the Liberian Navy was contacted by Ghana Navy that it became clear that the vessel, instead, had been arrested by the Liberian Coastguard and Sea Shepherd. According to the Fisheries observer on board, the mobile phones of the crew were seized and other communication devices were disabled during the interception and boarding of the vessel by the Liberian Coastguard. The crew were generally manhandled whereas the master and the observer specifically were physically assaulted. The above picture, which shows the crew huddled together (like criminals) on the main deck of the vessel with an armed personnel on guard, speaks for itself. It will be appropriate for the Liberian authorities to explain why they kept the vessel incommunicado for such a long time.

When eventually word came to Ghana from the Liberian Fisheries Bureau on 15 January 2018, the Liberian Coastguard's reason for intercepting Panofi Forerunner was **that the vessel's AIS was off prior to entry in Liberian waters and also the vessel had deployed nine radio buoys in Liberian waters**. The publication on the incident by Sea Shepherd Global and ATUNA also stated that **the master of the vessel attempted to bribe the Liberian Coastguard with cash (dollars)**. Both publications concluded that Panofi Forerunner could be fined about USD11 million for the above mentioned alleged fisheries infractions. The publications by Sea Shepherd Global and ATUNA were respectively headlined "Liberia Arrests High-tech Poachers for Illegal Fishing and Attempted Bribery" and "Panofi-Owned Ghanaian Seiner Faces Multi-Million Dollar Fine".

It is important to note that prior to entry into Liberian waters, the company communicated by email entry-exit notification of innocent passage which was confirmed by the Liberian Fisheries Bureau, and also Panofi Forerunner was steaming on a steady course at 12 knots when it was intercepted and arrested.

The assertion by the Liberian Coastguard and Sea Shepherd that the vessel's Automatic Identification System (AIS) was off is completely fallacious as there was evidence at the Fisheries Monitoring Center in Tema, Ghana, that all electronic monitoring systems were fully functional. The functioning of the AIS was also confirmed by Trygg Matt Tracking (TMT), technical experts of the West Africa Task Force (WATF) of the Fisheries Committee for the West Central Gulf of Guinea (FCWC). It is appropriate therefore to enquire from the Liberian authorities why they gave the assertion of non-functional AIS as one of the reasons for intercepting Panofi Forerunner.

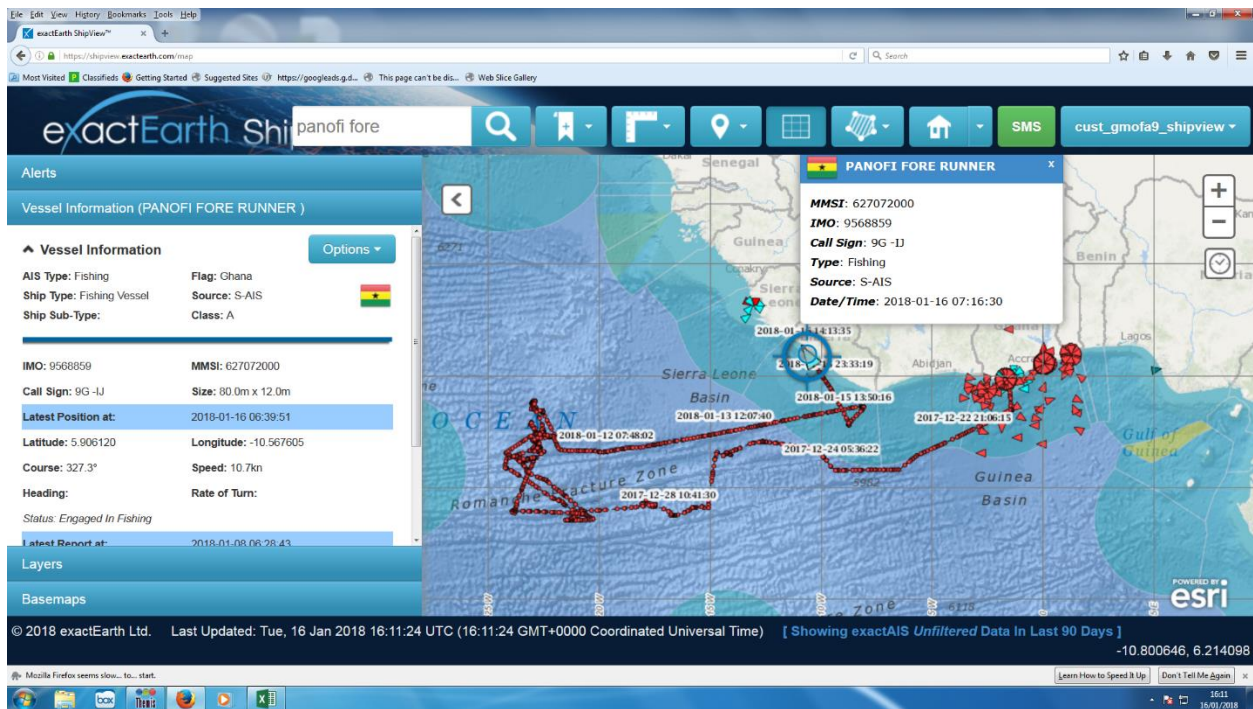


Figure 2: AIS track of Panofi Forerunner

The Liberian Coastguard and Sea Shepherd also cited that Panofi Forerunner had deployed and fished on nine radio buoys in Liberian waters. As has already been stated, the vessel was steaming steadily at 12 knots when it was intercepted, so when was the illegal fishing on the radio buoys conducted? The observer on board the vessel reported that after the vessel had been stopped, it was forced to make a detour to pick a radio buoy with Serial No. T8E020185846 belonging to Panofi Forerunner in Liberian waters in order to give credence to the committal of a crime. This radio buoy and eight others (deployed between 25 August 2017 and 2 December 2017 in the high seas) were in Liberian waters having drifted there naturally by means of oceanic currents. Moreover, the vessel which was returning from a fishing trip in the high seas with 700 metric tonnes of fish on board could not be conducting any fishing activity in connection with the buoys at the speed of 12 knots in the Liberian waters. According to the fisheries observer on board, the Liberian Coastguards forced him to admit to the illegal fishing in Liberian waters at gun and knife points.



Figure 3: Location of deployment of Nine FADS in the High seas

Despite the hype given this incident by Sea Shepherd Global and ATUNA, the vessel was released by the Liberian Coastguard four days after being arrested with a written statement by the Commanding Officer of the Liberian Coastguard, Commander Cephas Toe Gboe that **“we found no fault and pending issues with Panofi Forerunner and therefore we release the said vessel”**. The release date and time given in the statement was 18 January 2018 at 10.00am. It is therefore appropriate to enquire from the Liberian Coastguard, Sea Shepherd and ATUNA whether the vessel’s release was based on the payment of USD11 million fine or bribes as was adduced in the publications. If that is not the case, the two organizations must retract the false statements about the arrest of Panofi Forerunner and publish the release with the same prominence they gave the vessel’s arrest. This is important to Ghana which is the Flag State of the vessel and must answer to queries about the behavior of the vessel and its crew especially in a matter of such international importance.

The arrest of Panofi Forerunner by the Liberian Coast Guard and Sea Shepherd coming after that of a Ghanaian trawler, Lu Rong Yuan Yu 988 in a spate of one year, requires attention and thorough investigation by such international bodies including the Fisheries Committee for West Central Gulf of Guinea (FCWC), the United Nations Food and Agriculture Organization (FAO), the Economic Community of West African States (ECOWAS), International Commission for the Conservation of Atlantic Tunas (ICCAT) and the International Tribunal for the Law of the Seas (ITLOS). Illegal, unreported and unregulated fishing (IUU) is a global menace that must be curbed in acceptable ways in order to exact responsible fishing to achieve sustainability in fisheries. Utmost care, therefore, must be taken to isolate and condemn any adversarial acts in maritime

jurisdictions that preclude freedom of navigation and human rights as is being demonstrated by the Liberian Coastguards and Sea Shepherd.