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Theatre of Enforcement at Sea: The Global Fight Against 'Illegal Fishing' and the Criminalisation of Fisher Peoples and Exploitation of Fish Workers

Paula Satizábal[1,2] | Gina Noriega-Narváez[3] | Lina M. Saavedra-Díaz[3] | Philippe Le Billon[4]

[1]Helmholtz Institute for Functional Marine Biodiversity at the University of Oldenburg (HIFMB), Oldenburg, Germany | [2]Alfred Wegener Institute Helmholtz Centre for Polar and Marine Research, Bremerhaven, Germany | [3]Research Group on Socio-Ecological Systems for Human Wellbeing (Grupo de Investigación en Sistemas Socioecológicos para el Bienestar Humano - GISSBH), Biology Program, Universidad del Magdalena, Santa Marta, Colombia | [4]Department of Geography, University of British Columbia, Vancouver, British Columbia, Canada

Correspondence: Paula Satizábal (paula.satizabal@gmail.com)

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ABSTRACT

Illegal, unreported and unregulated (IUU) fishing has been internationally branded as a major threat to oceans. Frequently depicted as having profound societal impacts and operational synergies with other forms of criminal activities, which justify the need for a so-called global fight against IUU fishing to protect the marine commons and secure marine spaces. Whereas industrial fishing is the prime culprit, policy reforms are being promoted to regulate and formalise artisanal and traditional fishing practices. This raises questions on how enforcement and formalisation processes are translated into practice and shaped by economic interests within and beyond the oceans. In this intervention, we focus on the governance of IUU fishing in Colombia and anchor our critique into two acts—the *act of criminalisation* and the *act of impunity*—to uncover a theatre of enforcement at sea. We argue that the punitive approach to IUU fishing criminalises fisher peoples, whereas domestic, foreign and transnational capitalist actors continue to operate, depleting oceans and exploiting fish workers' labour with very limited control. We conclude by asserting that the fight against IUU fishing is in part a fight against precarious fish workers and fisher peoples, rather than against 'ocean grabbers', reflecting biased criminalisation processes with differentiated impacts at the intersections of class, gender and race.

1 | Introduction

In the past three decades, 'illegal, unreported and unregulated' (IUU) fishing has been branded as 'one of the biggest threats to oceans' and a transnational maritime security concern (Chapsos and Hamilton 2019; IUU Fishing Action Alliance Pledge 2023; Rosello 2020). IUU is frequently approached as having profound societal impacts and operational synergies with other forms of criminal activities (de Coning and Witbooi 2015; Belhabib and Le Billon 2022). The United Nations (UN), in particular the Food and Agriculture Organisation (FAO), have been instrumental in the configuration of a so-called 'global fight against IUU fishing' (FAO 2023, 32), hosting high-level policy forums allegedly aimed at 'combating IUU fishing' (FAO 2023, 29) and protecting the global marine 'commons' (FAO 2016a). IUU fishing is now part of the

dominant development agenda (e.g., Sustainable Development Goals [SDGs], Target 14.4 on sustainable fishing and 14.6 on fisheries subsidies[1]), as well as international agreements and domestic legal reforms (e.g., Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing). Also, since 2010, the European Union (EU), has used an anti-IUU fishing carding system, which imposes market measures to influence the fisheries regulations and governance of countries exporting fish to the EU, focusing on environmental sustainability (Kadfak et al. 2023; Kadfak and Linke 2021). In this essay, we contend that the *fight against IUU fishing* is not doing what it allegedly was set to do, especially in relation to halting rampant fish overexploitation and safeguarding oceans. States around the globe are increasingly relying on market-based and punitive approaches—administrative and criminal sanctions—to control and regulate fishing practices. This coincides with a scaling-up of military law enforcement and privatisation of oceans, yet, as we show, what enforced, who is targeted, where and how, is predominantly mediated by uneven capitalist social relations and historically entrenched power structures. We argue that punitive approaches are disproportionately targeting fisher peoples and precarious fish workers,[2] rather than elite corporate actors, including business owners, financiers and traders responsible for funding, sustaining and accelerating overexploitation.[3] Moreover, if the goal is to 'save' the oceans, then, why are the state-led agencies, international nongovernmental organisations and international bodies supposedly committed to the fight against IUU fishing also promoting and capitalising from the harmful expansion of the ocean economy? (Brent et al. 2020; Mallin and Barbesgaard 2020). This begs questioning saving what, for whom, and how.

In this essay, we contribute to the growing literature exploring the biases of IUU fishing governance. We show how corporations navigate global and national IUU fishing policy frames with impunity, while labour issues at sea and across the seafood supply chain are frequently bypassed and excluded from IUU fishing policies and enforcement [Thailand as an exception] (see Alonso and Marschke 2023; Kadfak and Linke 2021; Kadfak and Linke 2021; Vandergeest and Marschke 2021). Our analysis expands existing work, showing how the criminalisation of fisher peoples and the exploitative labour relations in the fishing industry are deeply connected and embedded to the expansion of capitalist accumulation. To develop the argument, we draw on the governance of IUU fishing in Colombia, anchoring our critique into two acts that expose a theatre of enforcement at sea.[4] First, is the *act of criminalisation*, which centres on the spectacles of military enforcement and the criminalisation of fisher peoples.[5] Second, is the *act of impunity*, which focuses on the labour struggles within the sector, including the labour abuses of industrial tuna fish workers on land, in processing factories, and at sea, working on large commercial fishing vessels. Also, examining who are the 'grabbers' benefitting from this impunity. We understand grabbers as the individuals and companies who use policies, laws and practices to privatise and take control or gain access over ocean spaces and commons, displacing fisher peoples and communities (Franco et al. 2014). Here, we pay attention to industrial fishing and seafood processing companies. We assert that the fight against IUU fishing emerges in part as a fight against fisher peoples and precarious fish workers, not grabbers, instigating a new wave of ocean grabbing and criminalisation of already marginalised groups, with differentiated impacts at the intersections of class, gender and race. The criminalisation of fisher peoples and fish workers requires further scrutiny to unpack the processes that enable foreign and domestic capitalist elites to operate under high levels of impunity (e.g., Sumaila et al. 2017; Belhabib and Le Billon 2022).

We divide Colombia's fisheries into three main domains: *nearshore*, where fisher peoples come under harsh anti-IUU fishing regulations for the state to bolster its sovereignty and sustainability claims (see Roszko 2017, on how fishers are used by states to defend national sovereignty in the South China Sea); *offshore*, where industrial fishing companies registered in tax haven jurisdictions rework state sovereignties and law enforcement, and the absence thereof, exploiting oceans and fish workers to the advantage of their beneficial owners and political backers (as also shown by Alonso and Marschke 2023; Marschke and Vandergeest 2023; Vandergeest and Marschke 2021); and *onshore*, where fisher peoples and fish workers are sanctioned. Moreover, fish workers processing industrial catches are subjected to labour exploitation to boost corporate profits. These domains are porous and interconnected, for instance, industrial fishing vessels often operate illegally in nearshore waters reserved for artisanal fisheries with relatively high impunity. Importantly, fisher peoples have historically played a key role defending their marine commons from grabbers (e.g., Figueroa et al. 2024; Satizábal et al. 2024). This is now further threatened by biased enforcement from authorities. In connecting the criminalisation of fisher peoples and the labour exploitation of fish workers, we stress the political need to build solidarity across movements of fisher peoples and fish workers, as well as with the movements of other precarious workers and food producers to stregthen and collectivise the struggle against criminalisation, labour exploitation and the destruction of customary commons.

2 | Setting the Stage: Common Oceans and IUU Fishing

IUU fishing is frequently used as an all-inclusive expert-driven term that divides fishing practices in ahistorical and normative binaries: legal/illegal, reported/unreported and regulated/unregulated (Song et al. 2020). These binaries are ambiguous and elude issues of power and scale (Okafor-Yarwood et al. 2022), as much as the intricacies of cross-sectoral and land–ocean relations. For instance, illegal fishing is often defined as failing to comply with the fisheries regulation (i.e., breaking the law), including fishing without a permit (FAO 2016b). However, most fisher peoples around the globe operate without permits and are under-reported, partly because of their historical exclusion from national reporting systems and the institutional weakness and underfunding of fishing authorities (Saavedra-Díaz and Jentoft 2017; Song et al. 2020). Moreover, a lack of government rules does not mean an absence of place-based customary laws, tenure and governance arrangements (Mbatha 2022; Wilson 2021). The assumption is that more sanctions and punishment are needed, which positions widely criticised top-down approaches to the rule of law as integral to 'saving' the marine commons from reckless and rampant exploitation (see, e.g.,

Mora et al. 2009). Although international arenas and discussions on IUU fishing remain focused on capital-intensive industrial fisheries and their forms of organised crime, at national levels, reforms are predominately targeting fisher peoples and precarious fish workers via intensifying militarisation and criminalisation (Noriega Narváez 2023; Okafor-Yarwood et al. 2022; Song et al. 2020).[6]

Importantly, commons are not homogenous and fixed in space; they are produced, lived and shaped by everyday interactions and capitalist relations (García-López et al. 2021; Harvey 2011). Commons are contradictory; the myth of the 'tragedy of the commons' has perversely relied on the idea of commons as open access and in need of state intervention and privatisation (Harvey 2011; Mildenberger 2019). As Harvey (2011) explains, commons involve processes of enclosure, which are used by political elites to impose rules that end up turning certain places and entities into capital (i.e., natural resources) to be commodified. Indeed, the configuration of IUU fishing as a threat to the global marine commons is weaponised by state and industry actors to create fear and claim authority/property over certain marine places/entities/peoples (see FAO (2018) on 'the fight to save our oceans'). As Song et al. (2020, 837) point out, the governance of IUU fishing works to reconfigure small-scale/artisanal/traditional fisheries as illegal and ungovernable.

3 | The Act of Criminalisation

In 2020, on the Caribbean coast of Colombia, the police shared on social media an image of a Black woman standing in front of a police wall banner, flanked by two armed officers. She appears to be handcuffed and looking at the ground where the image reveals the top of a plastic bucket. The image caption states, 'woman captured transporting nine blue crabs, an endangered species protected by the authorities ... the woman is now with the Office of the Attorney General and will have to respond to the alleged crime of use of renewable natural resources'.[7] This image reveals the problematic policing and use of social media by armed forces to show off their authority and actions in the protections of the Atlantic and Pacific oceans. Similar images have been shared by the same and other armed forces in the country, especially after Law 1851 in 2017 established new measures against the crime of illegal fishing and illicit fishing activity in Colombia. Press releases often link military actions to the defence of the environment and state sovereignty. The images used show alleged criminals surrounded by armed guards while dramatically displaying the seized illegal catches like trophies organised in rows (Figure 1). The banner used by the National Army repeats the following message: '*protegemos el azul de la bandera*' (we protect the blue from the flag). This is no surprise, since the mid-1980s the armed forces and news media in Colombia have produced and shared similar media representations in relation to the failed 'war on drugs', enforced by the very same agencies. This also happens in a context of centralised fisheries management regulations, which are often unknown to fisher peoples and created without the participation of artisanal fisheries representatives (Jiménez and Saavedra-Díaz 2019). However, in relation to the press release of the woman and the bucket of blue crabs, social media users responded outraged; some comments included 'the police should be ashamed!', 'the injustices of justice' and 'maybe she was hungry and has a family to feed, why are they treating her like a criminal, I hope [...] those crabs don't go to waste'. Our writing in this symposium piece ripples from this outrage and our shared concern with the rapid increase in administrative and criminal sanctions that are disproportionately targeting fisher peoples and precarious fish workers, rather than transforming industrial exploitative relations.

FIGURE 1 | Typical photo of a law enforcement press release on 'illegal fishing' in Colombia. Courtesy of the National Army of Colombia. *Source:* https://www.cgfm.mil.co/es/multimedia/noticias/incautados-mas-de-700-kilogramos-de-pesca-en-el-pacifico-colombiano.

3.1 | Uneven Criminalisation of Onshore and Nearshore Artisanal Fisheries

The governance of IUU fishing in Colombia has grown rapidly since the mid-1970s, with a rise from at least 21 types of offences resulting in 8 types of administrative sanctions at the national level in 1974[8] to 96 types of offences and 57 administrative and criminal sanctions in 2024 (see Appendix 1 for summary of key national regulations). This reveals a rapid increase in the number of sanctioned behaviours, as well as the types and severity of administrative and criminal sanctions. Existing regulations have largely omitted distinctions between industrial and artisanal fisheries (only excluding subsistence fishing for IUU fishing regulations), marine or inland fisheries, or between social classes (e.g., in relation to monthly income, types of labour and size of vessel/catch). From its inception until today, the severity of sanctions is determined by the legislator in their assessment of the severity of the damage. However, the processes to conduct this assessment for industrial or artisanal fisheries, or in relation to the division and allocation of sanctions among vessel captains, shipowners and fishing permit holders, or in relation to the actors involved in fisheries supply chains remains unspecified.

In the 1970s, fish were governed as *hydrobiological resources*, a subgroup of *natural resources*, with sanctioned behaviours subjected to administrative sanctions from the natural resources' authority. This shifted during the 1980s, when the Penal Code (Decree 100, 1980) introduced *the illicit use, harm and border violation for the exploitation of natural resources* as sanctioned behaviours, subjected to economic (fines) and criminal sanctions (imprisonment). In the 1990s, the National Fisheries Policy

(Law 13, 1990) increased the number of sanctioned behaviours and the severity of administrative sanctions. It also framed fish as *renewable natural resources*, divided into *hydrobiological resources*, with species subjected to environmental protection by the environmental authority, and *fishing resources*, with species as opened for exploitation and subjected to fisheries quotas or bans, and governed by the fisheries authority.

Later, in 2000, the reform to the Penal Code (Law 599, 2000) introduced the crime of *illegal fishing* in relation to fishing in a prohibited area, with explosives, poisonous substances or drying bodies of water. Illegal fishing was subjected to fines from 10 to 50,000 monthly minimum wage (MMW) and 12 to 36 months of imprisonment for the illegal fishing of fishing resources—note that in 2014, 78.5% of fishers earned less than the MMW (FAO 2015, 22–23). Fines and periods of imprisonment for the illicit use of hydrobiological resources was prolonged, to up to 10,000 MMW (increasing from up to 300 MMW as defined by Law 99, 1993) and to a range of 24–60 months of imprisonment (from 6 to 36 months as established by Decree 100, 1980; see Appendix 1).

In 2017, the 'Policy to prevent, deter, and eradicate illegal fishing and the crime of illicit fishing activity' (hereon the Illegal Fishing Policy) was established by Law 1851 despite the political opposition and resistance of artisanal fisheries representatives throughout its political debate and their exclusion from the lawmaking process. An activist from Fundación Alma stated at a public hearing discussing the Illegal Fishing Policy at the Senate, 'we don't need a law like this, a kind of policing code, badly made on a desk'.[9] In framing the Illegal Fishing Policy as *a policing code*, this and other activists highlighted that the law was created without representatives from artisanal fisheries, increasing the risks of criminalisation and further socio-economic exclusion of a historically marginalised group.[10] The Illegal Fishing Policy led to the creation of the National Board on Illegal and Illicit Fishing Activities (*Mesa Nacional de Pesca Ilegal e Ilícita actividad de Pesca*), an inter-institutional board for coordinating the implementation of the law. The board is responsible for articulating the cooperation among national fisheries, environmental and enforcement agencies, excluding human rights and labour related agencies, as well as representatives from the fisheries sector (Noriega Narváez 2023).[11] In responding to the demands from artisanal fisheries representatives and supporting activists, only a 2-year period in which artisanal fishers could not be sanctioned was established, but the National Authority for Aquaculture and Fisheries (AUNAP) committed to finalising the formalisation of artisanal fishers. Seven years later, the formalisation process has not been completed. Indeed, the formalisation of artisanal fisheries has been discussed in Colombia since the 1990s for the creation of a special regime of social security for artisanal fishers as established by Law 13, which has not been created (Article 62). Moreover, to date, there is no census of fisheries in the country, which should have been completed by AUNAP in 2024 (as established by Law 2268, 2022; see Defensoría del Pueblo 2024).

By 2024, AUNAP reported the formalisation of a total of 126,963 artisanal fishers (AUNAP 2024a, 2024b, 131). Some rough estimates from the Ministry of Agriculture and Rural Development projected that in 2011, there were at least 423,135 fishers (including industrial fish workers and artisanal fishers) with 350,000 involved in artisanal fisheries (FAO 2015, 23). Although these outdated estimates are likely to underestimate the total number of artisanal fishers, they would suggest that about 36% of artisanal fishers had fishing licences by 2024, compared to 2% in 2014. The Illegal Fishing Policy excludes subsistence fishing, but offers no distinction between marine and inland fisheries, or industrial and artisanal fisheries, only specifying that industrial and artisanal vessels with foreign flags will be subjected to higher fines.[12] Thus, despite licensing efforts, the Illegal Fishing Policy threatens the legality of most artisanal fishers in the country, also failing to specify the process to determine the severity of the sanctions and the allocation of criminal liability. Formalisation in this context is contradictory, reducing the vulnerability of fisher peoples to be sanctioned for not having a licence, while also making fisher peoples more easily identifiable and sanctioned.

In 2021, Decree 281 lobbied by environmental non-governmental organisations (NGOs) turned sharks and rays into hydrobiological resources, thereby banning their capture, even to artisanal fishing communities that have traditionally used shark and ray bycatch in their local diets. A year later, the Colombian Constitutional Court (C-148/2022) banned recreational fishing under the premise that fish are animals and as such are sentient subjects, which should be treated with dignity and not as objects. Both measures have been widely criticised for undermining coastal food security and the dignity of fishing ways of life. Particularly, considering that recreational fishing has primarily employed artisanal fishers (including Black and Indigenous fishers) and small businesses with access to engine vessels hired by domestic and foreign tourists using hand-lines to catch large pelagic/freshwater fish species in inland and nearshore waters. In relation to the ban on recreational fisheries, the former Mayor of Bahía Solano (north Pacific Coast) stated that 'the mistreatment of fish is not part of recreational fishing, but of industrial fisheries with licences in Colombia, where fish are caught indiscriminately' (Castellanos-Galindo et al. 2021; Chocó7días 2022; Torres Tovar 2023).

Colombia is also the first country around the globe to meet the goal of declaring 30% of the national marine territory as a protected area (in 2022). The process to achieve this involved a political push to rapidly increase state control over marine customary commons (leading to unprecedented philanthropic support, including from the US$10 Billion Bezos Earth Fund commitment for the 2020s). In early 2022, former right-wing president, Iván Duque, declared the expansion of the problematic 'Artemisa Operation' to oceans, which aimed to 'fight' environmental destruction via militarisation, but has been criticised and framed as a new phase of the 'war against peasantry' in Colombia (Bautista 2022). This military operation was halted in September 2022 by the former Minister of Environment and Sustainable Development, Susana Muhamad, from the left-wing government of Gustavo Petro, who highlighted the need to transform the approach to work with communities and focus on large capital funding environmental destruction (Osorio and Díaz 2022).

As Alonso and Marschke (2023) highlight in relation to the 'blue boats' in Vietnam, artisanal fisheries are an easier target

for law enforcement as they are smaller and slower, and fish onshore and nearshore, thus reducing enforcement fuel costs, time, interinstitutional coordination efforts, and the risks faced by enforcement agents in comparison with industrial fleets operating further offshore. In Colombia, the rapid increase in the number of fishing behaviours sanctioned unevenly impacts artisanal fishers, particularly those fishing, processing, trading and transporting fish in proximity to marine protected areas and ports, where law enforcement intensifies. Many artisanal fishers continue their traditional ways of life in fear of sanctions and persecution, with uneven impacts at the intersection of class, race and gender. The lack of transparency in relation to the application of sanctions, together with the limited training legislators receive in relation to fisheries management, means that artisanal fishers charged with minor offences are also at risk of high administrative, criminal and/or economic sanctions. For artisanal fisher peoples in lower socio-economic groups, administrative sanctions including the seizure of catches or confiscation of fishing gears or vessels may disproportionately impact their lives, families and communities, facing higher risk of losing local control over their livelihoods. Noriega Narváez (2023) identified collective and individual human rights violations to artisanal fishers associated with the governance of IUU fishing in Colombia. This includes violations to the right to a dignified life, food, work, social security, territory, healthy environment and cultural identity, thus demonstrating that artisanal fisheries should not be subjected to biased and human rights–infringing IUU fishing policies and law enforcement.

4 | The Act of Impunity

4.1 | Nearshore Impunity

On 26 August 2022, 'Taurus I', a large tuna purse seiner (78 m) built in the United States, with a Venezuelan flag and registered to operate in Bahía Solano to service the Colombian company Mar Atún Ltda., was recorded by artisanal fishers fishing inside the Special Fisheries Management Zone (ZEMP from 2.5 nautical miles [nm] to 22.5 nm from the coastline, Resolution 2724/2017), where there is a ban on industrial fishing (Semana 2022). This zone was initially declared in 2013 (from 2.5 to 12 nm and expanded in 2017) as part of the struggle and resistance of Black fishing communities, who have been mobilising for more than 25 years to ban the fishing industry and defend their territory (Díaz Merlano et al. 2024). Artisanal fishers have repeatedly accused foreign and national industrial tuna vessels that continue to fish in this area; however, their complaints are often ignored by coastal law enforcement authorities under the premise that there are not enough resources to cover for the costs of enforcement or that there is not enough evidence to advance sanctioning processes (e.g., Liga Contra el Silencio 2022; Satizábal and Batterbury 2018). On this occasion, the video shared by artisanal fishers on social media revealed a pod of dolphins trapped in the nets of the tuna vessel with some individuals with snorkels trying to release them (see Noticias Caracol 2022). It also showed a GPS monitor indicating the specific geographic location of the event (21.92 nm from the coastline) and an image of Taurus I and its helicopter parked on a landing deck. This video went viral causing national outrage over the safety of the dolphins. Just a few hours later, the authorities requested Taurus I to return to port in Buenaventura for investigation. In dubious circumstances, Taurus I ended up catching fire and sinking before arriving at port (Figure 2; see CNC Chocó 2022). The fishing crew of 29 (14 Venezuelan, 5 Mexican, 5 Colombian, 2 Ecuadorian, 2 Peruvian,and 1 Costa Rican nationals) were rescued by the Colombian National Army (Armada de Colombia 2022).

Taurus I had a fishing licence from AUNAP. Despite the video shared by artisanal fishers, the Maritime Authority (DIMAR) claimed that the vessel was not fishing inside the ZEMP.[13] However, on the 29th of August, the Minister of Environment and Sustainable Development gave a press release noting that Taurus I was fishing outside its permit area—at 22 nm with a fishing permit from 30 nm (Redacción Ambiente 2022). To date, there is no resolution in relation to the investigation of the incident or the sanctioning process for fishing in a restricted area and other 13 possible infractions, including in relation to fishing crew certifications and the maintenance of the vessel and fishing gears (Quintero Díaz 2024). There is also a legal dispute in relation to who is the maritime agent responsible for the management of Taurus I (DIMAR 2024). This episode reveals the struggles of fishers as law enforcement is shaped by financial and political will. The act of impunity also jeopardises community empowerment and customary governance, threatening the territorial rights of Black communities who have been historically fighting to protect and recover their marine commons from industrial overexploitation and environmental destruction.

4.2 | Onshore Impunity

We now turn to tuna processing factories and tuna companies to reveal what is excluded from the governance of IUU fishing. In the Public Audience on Companies and Human Rights (2023), a Black woman activist representing the Women's Movement Board (*Mesa del Movimiento de Mujeres*) in Cartagena and Bolívar, which is part of the National Union of Food Industry Workers (SINALTRAINAL), denounced human rights violations from Seatech International Inc. (owners of Van Camp's), one of the four main tuna industry companies in Colombia. She explained that this has been a long-term struggle of more than 11 years, as most workers are subcontracted (approximately 1700

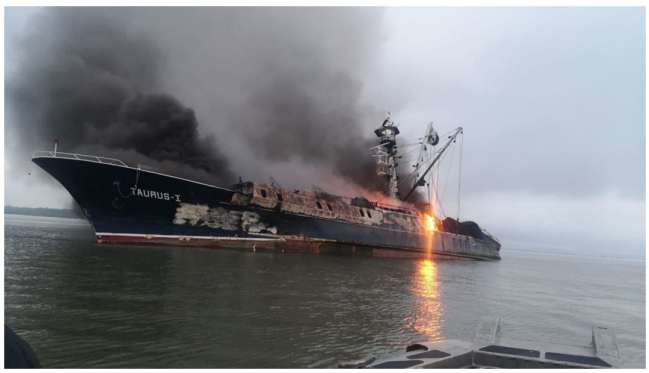

FIGURE 2 | Taurus I. Fire incident. Courtesy of the National Army of Colombia. *Source:* https://www.armada.mil.co/es/content/armada-colombia-rescata-29-tripulantes-una-embarcacion-en-emergencia.

workers, 83% women, only 100 directly contracted) and are subjected to anti-union violence, human rights abuses and gender violence including sexual harassment, labour and psychological abuses. This includes working long hours under salary reductions for taking a break. As she noted, workers' salaries undergo reduction penalties for taking breaks, many are using diapers to avoid going to the toilet, this also constrains their access to nursing and caring breaks. A group of workers (mainly women) self-organised against these abuses and were fired. She claimed that 'we are fighting a big monster, we have been threatened, their violence is not only subcontracting to weaken the union movement, violating rights ... it is violence against women and the environment ... these companies have the police on their side, they are the owners and are also part of the ex-government'.[14]

The *Fundación Manos Muertas* (Dead Hands Foundation) was created in 2009 in response to mass dismissals of tuna and shrimp women workers in Cartagena. Workers in processing factories are subjected to repetitive movements, intense and prolonged work shifts (14–18 hours), many of whom end up developing musculoskeletal diseases (including carpal tunnel syndrome) (Torres-Tovar 2020). *Fundación Manos Muertas* has more than 300 members; together with the Food Industry Workers' Union (USTRIAL), they have mobilised legal actions, complaints, rallies in defence of the rights and reparation of sick workers. Union members have legally and publicly denounced their experiences of repression, policing, harassment, massive layoffs, threats and legal persecution (see, e.g., Volcánicas 2023). One of the companies is being investigated by the Ministry of Labour. Importantly, ports and industrial fish workers have also been impacted by neoliberal and anti-union policies since the 1990s, which pave the way for the privatisation of ports and precarisation of labour in a context of high violence against union activists (Pereira de Barros 2018).[15] In 2012, the Inspector of the International Transport Workers' Federation (ITF) in Colombia wrote a letter to the Minister of Labour stating that Seatech International Inc. and Pescatún Colombia S.A. were not complying with the law with only 20% of Colombian crew (should by at least 80%, Decree 994, 1966) and also detailing irregularities in the payment of social security contributions for foreign crew members. More than a decade later, in 2024, a group of 196 Ecuadorian fish workers sued Seatech International Inc. and protested in Cartagena, claiming that Van Camp's has evaded most of the crew social security contributions for decades, demanding compensation from the Colombian government and the protection of fish workers labour and social security rights (Riaño Valencia 2024a, 2024b). This group of fish workers includes individuals and the families of workers exposed to work-related accidents, injuries and deaths at sea, as well as those experiencing diseases associated with exposure to heavy machinery, UV light, heat and the manipulation of ammonia used in fishing vessels cooling systems.[16] Although Colombia has not ratified the 2007 Work in Fishing Convention from the International Labour Organisation (ILO) C188, by law, fish workers share the same labour rights established by the Colombian Political Constitution for workers in the country.

4.3 | Offshore Impunity

In such an unequal context, it is worth asking who owns the tuna industry and how are these companies impacted by the enforcement of 'illegal fishing'. There are four main tuna companies in Colombia: Atunec S.A., Gralco S.A., Seatech International Inc. and Atunamar Ltda, all of which are involved in the processing of tuna. In 2020, the report 'The owners of the sea: a business with teeth' from *Liga Contra el Silencio* (League Against Silence, cooperative of investigative journalists in Colombia) revealed that the national tuna fishing fleet includes 13 vessels operated by Seatech International Inc., a company that is registered as a foreign company in the tax haven of the British Virgin Islands. The fleet services five tuna processing companies, most of which share the legal representation from three men, one of them has taken part of the Colombian delegation at the Inter-American Tropical Tuna Commission (IATTC). Six vessels are owned by Pescatún de Colombia S.A., and seven vessels are registered to offshore companies created in Panamá by the law firm Arosemena, Noriega & Contreras, which appeared in the Investigative Consortium of Investigative Journalism (ICIJ) offshore leaks (Liga Contra el Silencio 2022).[17] Many of these companies also share the members of their boards of directors. Tuna is primarily captured in the Pacific, taken to Manta (Ecuador) where a cargo vessel transports the landings from different companies passing through the Panama Channel to Cartagena to be distributed and processed in factories (Liga Contra el Silencio 2022). The report argues that six men direct the tuna industry in Colombia and that they have a very close relation with powerful families and politicians from conservative parties, including the Centro Democrático and a candidate from the Green Party who has family connections with one of these companies. Some of these men donated funds to political campaigns of former right-wing presidents and congress representatives (Liga Contra el Silencio 2022). Not surprisingly, despite the former administration's apparent public commitment to protecting oceans, in 2019, the president signed a tributary reform project (that was rejected in the context of a major social upheaval), which sought to remove the value-added tax to the capture, processing and commercialisation of fisheries products (Article 11). That government also released the Colombia Sustainable Bioceanic Power policy (CONPES 3990/2020), which is centred on expanding the ocean economy and fuelling coastal development.

Rodríguez Ortíz et al. (2016, 133–134) in their analysis of IUU fishing sanctions revealed an increase in investigations and sanctions from AUNAP from 1990 to 2013 and a decrease in 2014, which could be showing undue delays in sanctioning processes. They also show that only 27% of investigations end up in sanctions with more than half still in process (Rodríguez Ortíz et al. 2016). In terms of offences, Pescatún de Colombia S.A. appeared on a list of the world's top 10 companies with vessels reported for IUU fishing (Daniels et al. 2022). Despite owning almost half of the tuna fishing fleet in Colombia, access to information on this company is limited. Although several vessels have been reported to fish illegally either by discarding catches, turning off their Automatic Identification System (AIS), shark finning or fishing inside marine protected areas, the company continues to operate, which raises questions on the enforcement processes and the effectiveness of the types of sanctions imposed (Daniels et al. 2022).

To sum up, law enforcement is instrumentalised as a theatre to dispossess and displace artisanal fishing communities, whereas elite industrial actors continue rampant extraction under limited control. The exclusion of labour issues from

IUU fishing policy and enforcement also raises questions in relation to the ways in which the fishing industry works with the state to maximise profits onshore, nearshore and offshore at the expense of the lives of fish workers and the sustainability of marine commons. This contrasts with the growing criminalisation faced onshore and nearshore by artisanal fisher peoples, who are subjected to forms of performative policing that, far from protecting marine commons, serve capitalist interests, working to deepen exploitation, marginalisation and dispossession.

5 | Behind the Scenes: Concluding Thoughts

As states and mainstream media render 'illegality' as a problem and a fact, state authorities, in particular armed forces, emerge as central to securing protection (de Genova 2013). Racist and elitist policies and media coverage fuel imaginaries of precarious fish workers and fisher peoples as illegal actors responsible for the destruction of oceans (see also Okafor-Yarwood et al. 2022; Okafor-Yarwood and Onuoha 2023). The expanding geographies of illegality at sea are filled with contradictions, shaped by the power relations of capital-intensive industrial fisheries and the role they play in subordinating the labour of fish workers and displacing fisher peoples. Moreover, it obscures the historical complexities of class, race and gender relations, which extend beyond the act of fishing, moving across the value chain, while also being shaped by cross-sectoral and transnational capitalist relations (Campling and Colás 2021; Campling et al. 2012). Although these patterns of criminalisation may seem relatively new in fisheries management and marine governance, they are part of dominant approaches to territorial governance—see similar threads in relation to coca growers (Acero and Thomson 2021), illegal mining (Vila Benites 2023) and small-scale/artisanal/traditional producers (Gutiérrez and Ciro 2022). Interventions that capitalise from othering processes (i.e., 'the illegal other'), fuelling the destruction of customary commons via appropriation, exploitation and displacement (Harvey 2011; Zalik 2009).

Our analysis connects the governance of IUU fishing to ocean grabbing, showing how enclosures, laws and military control are used to secure state and elite access and control over coastal and marine spaces, entities (framed as resources and species) and certain groups of peoples. We argue that anti-IUU fishing regulations are enforced *nearshore* as a performance of state sovereignty and sustainability claims via the criminalisation and dispossession of artisanal fisher peoples. This is sustained by high levels of impunity that bring together *offshore* fishing grounds and tax havens, driving the exploitation of marine commons and fish workers. O*nshore*, the dispossession of fisher peoples and exploitation of fish workers maximises corporate profit. The reduced profitability and increased criminalisation of artisanal fisheries is driving precarious labour transitions, including to work as labourers for the fishing industry and seafood supply chains. What emerges is a repressive *sustainability-sovereignty-profitability* nexus, deepening exploitation, marginalisation and dispossession. The criminalisation of precarious fish workers and fisher peoples cannot be understood in separation from historical and place-based agrarian struggles (Graddy-Lovelace 2021). Onshore, nearshore and offshore, states and powerful elites act with impunity to enable large capital to expand and profit via dispossession, appropriation and exploitation of marginalised groups (La Via Campesina 2022). All this threatens customary tenure rights, displacing people while opening space for more capitalist interventions. The growing displacement and incarceration of fisher peoples drives industrialised labour transitions, dramatically transforming coastal livelihoods and ecologies (Fisk 2021).[18] This poses a major threat to the oceans, considering the crucial role that fishing communities play in defending their seas and coasts from ocean grabbers (Ertör 2023; Figueroa et al. 2024; Satizábal et al. 2024; WFFP 2022).

In February 2024, the movement of Black fisherwomen workers in Buenaventura (Pacific Coast) who have resisted the criminalisation of shark and ray fishing successfully led a campaign to depenalise shark bycatch (Resolution 0119/2024, which depenalised the bycatch of 15 of the 176 species of shark and rays in Colombia). In the context of the new resolution, the Minister of Agriculture and Rural Development at that time, Jhenifer Mojica Flórez, stated that the ban on shark and ray fishing (Decree 281/2021) was written by *preppy yuppies*, arguing that it was a clear example of racism in the country.[19] This regulation has also been widely criticised by fisheries experts who share concerns over (i) the marginalisation of artisanal fisheries considering the unrealistic target of zero shark bycatch, (ii) the potential development of an illegal market of shark species, and (iii) the absence of shark bycatch reports to monitor populations and inform species management and conservation strategies (see, e.g., Castellanos-Galindo et al. 2021; Puentes et al. 2022). Finally, in April 2024, Resolution 766 (Article 5, Paragraph 2) depenalised the traditional use and transport of shark and ray bycatch (except for shark fins) to support coastal food security. However, even under the left-wing government of President Gustavo Petro, the struggle to dignify the livelihoods of fishing communities continues. For almost 2 years of government, the AUNAP lacked stable leadership, hindering all efforts to challenge the marginalisation of fisher peoples and fish workers. Historically, the arbitrary division and move of certain charismatic species from the status of fishing resources to hydrobiological resources (under the jurisdiction of different environmental and fisheries related authorities) reveals the disconnection of law-making processes from fishing realities; as well as the exclusion of racialised communities whose rights are ignored unless there are charismatic species involved. Moreover, there is a lack of examination of cross-sectoral impacts of extractive economic development—such as mining, gas, oil and energy projects—on fisheries, which have major detrimental impacts on fishing communities and their ocean ecologies (Figueroa et al. 2024). The Manifesto for the protection of the human rights of artisanal fishing communities in Colombia (2023) emphasises that fishing is a way of life and an ancestral art; however, 'continuing to fish in this [punitive] context is in itself an act of peaceful resistance every day'.[20]

Challenging capitalist configurations of commons, Federici (2014) denotes that 'if commoning has any meaning, it must be the production of ourselves as a common … there cannot be commons without community' (228–229). As such, the problem with commons is not about 'getting the institutions right' (García-López et al. 2021, 1201), it is about being in common with the world, which accounts for social, political and ecological interdependencies and relations that shape past, existing and emerging ways of caring, doing and

being. In alignment with this critique, the World Forum of Fisher Peoples (WFFP), in representation of the global fisher movement, has repeatedly and powerfully asserted 'we are the ocean, we are the waters, we are the people!' (Masifundise 2017; WFFP 2022). Similarly, during the 'First National Dialogue Fishing for Justice: Human rights Violations in Fishing Territories' organised in 2023 at the Universidad del Magdalena in Colombia, a *Wayúu Apalaanshi* Indigenous leader explained that the ocean is our grandmother and that we are related to all the life that flourishes at sea.[21] Reflecting on his words, a young *Raizal* women activist stated that if the ocean is our grandmother, then they (fisher peoples) were all cousins, and as such, we are among family. Here, the emphasis is on connecting and collectivising the struggle, an ethics of relating to oceans that is intrinsically linked to dignifying other-than-capitalist ways of being and living.

There is a need for future research on the impacts of punitive anti-IUU fishing regulations and enforcement in the sustainability of marine commons across different geographies, more broadly unpacking the changing relations between exploitative labour regimes and processes of criminalisation in contexts of ocean grabbing and environmental change. We highlight the importance of all efforts to dismantle punitive approaches that target and criminalise fisher peoples and precarious fish workers, and that fail to halt the political economies of death and plunder within and beyond the oceans (Alonso and Marschke 2023; Márquez 2019; Satizábal et al. 2024). Moreover, mobilising for the protection of fisher peoples' customary rights and fish workers' labour rights within anti-IUU fishing regulations and enforcement, and more broadly in the governance of marine commons. The global call for strengthening the solidarity among fisher peoples and precarious fish workers, as well as peasant and workers movements, is more urgent than ever.

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Data Availability Statement

Data sharing is not applicable to this article as no new data were created or analysed in this study.

Endnotes

[1] As discussed by Haas (2023), the negotiation of SDG targets was mainly dominated by wealthy nations where there is an emphasis on scientific assessments and exclusion of Indigenous and customary knowledge and alternatives. There are also mismatches between targets and indicators, for instance, IUU fishing is not necessarily related and should not be an indicator of fishing subsidies contributing to overcapacity and overfishing, which hinders the evaluation of in-country initiatives towards this target (Haas 2023).

[2] Precarity as a position of 'living on the edge: a life lived as a fragile thread that keeps unravelling; when life becomes an effort to hold on to what keeps unravelling' (Ahmed 2017, 238). We understand 'fish workers' as people working for the industrial fisheries sector and associated food processing companies, which takes place primarily onshore and offshore; whereas 'fisher peoples', encompass diverse identities, including small-scale, artisanal, subsistence, traditional, seafood collectors and gatherers and workers involved in the cleaning, processing and trading of artisanal catches, as well as the crafting and cleaning of boats and fishing gear (Fakhri 2024, 4–5). Fisher peoples rely on small amounts of capital and household or cooperative labour, fishing onshore and nearshore and engaging in fishing as part of their intergenerational, traditional and communitarian ways of life (Fakhri 2024). In Colombia, fisher peoples are predominately approached in terms of artisanal fishers, which we use interchangeably throughout the text.

[3] For instance, fish workers aboard impounded industrial vessels may experience detention, whereas company owners are rarely sanctioned or detained, which is often linked to incompetence and corruption at different levels (Chapsos and Hamilton 2019). Moreover, informal working arrangements and worker documentation enable boat and company owners to deny their responsibilities and cut their ties with stranded or incarcerated workers (see, e.g., Alonso and Marschke 2023; Song et al. 2019).

[4] Drawing on Gutiérrez & Ciro (2022, 31), we approach criminalisation as the exercise of power by which certain economic activities and ways of living/thinking/doing are regulated by state and other powerful actors through specific forms of violence and punishment.

[5] Spectacles as 'political and media environments characterised by alienation and distraction' (Stahl 2009, 20).

[6] The most common manifestations of organised crime in fisheries include fraud, corruption, tax crime, money laundering, labour market crimes, security threats, drug trafficking, fisheries offences and smuggling (Witbooi et al. 2020).

[7] As an act of refusal to this violence and in respect of this fisherwoman, we have decided not to share the link to this press release (see Simpson 2014).

[8] There were no sanctioned fisheries related offences prior to that.

[9] Intervention available at: https://www.youtube.com/watch?v=ctnO1dUmXWU.

[10] See also an intervention made by the *Confederación Mesa Nacional de Pesca Artesanal de Colombia*, available at: https://www.youtube.com/watch?v=r3msCtwppxg.

[11] Including the National Authority for Aquaculture and Fisheries (AUNAP), the Administrative Unit of Colombia's Natural National Parks System, the General Maritime Directorate, Coast Guards from the National Army, Port Captaincies, Ministry of Foreign Affairs, Attorney General and the Especial Administrative Unit of Migration (República de Colombia 2015).

[12] Law 13 (1990) and Resolution 649 (2019) divided fisheries in Colombia into inland and marine, as well as industrial, artisanal, research and recreational fisheries. Artisanal fisheries were divided between commercial (maximum 40 kg of daily catches) and subsistence fishing. Importantly, these divisions are arbitrary and fail to reflect the heterogeneity of the sector. Moreover, National Natural Parks have different definitions of subsistence fishing in their own management plans. This often results from the political activism of displaced fishers resisting the exclusion from their

fishing grounds, as only subsistence fishing is allowed within marine protected areas (see, e.g., sentence T-606/15 from the Colombian Constitutional Court on the resistance of fishers in the Tayrona National Park).

[13] See DIMAR's media intervention: https://www.youtube.com/watch?v=aLZyNP-NuyI.

[14] Intervention available at: https://www.youtube.com/watch?v=u0Dh6Febois&t=9394s.

[15] Colombia is the deadliest country in the world for trade union leaders (ITUC 2023, 47).

[16] Listen to the testimonies of fish workers and their widows at: https://www.youtube.com/watch?v=g7X73kaVq6A and https://www.youtube.com/watch?v=2H8w4iyHyuQ.

[17] Available at: https://offshoreleaks.icij.org/nodes/297632.

[18] See also the discussion on the criminalisation and incarceration of fish workers at the 'Fencing the ocean: State response to fisher people' event organised in 2023 by the World Forum of Fisher Peoples (WFFP) and the Pakistan-India Peoples' Forum for Peace and Democracy (PIPFPD). Available at: https://www.facebook.com/pipfpd/videos/fencing-the-ocean-state-response-to-fisher-people/2246473340466180/.

[19] Intervention available at: https://www.youtube.com/watch?v=b8HXVHr03m8.

[20] Available at: https://dialnet.unirioja.es/servlet/articulo?codigo=9165891.

[21] Recordings available at: https://www.youtube.com/watch?v=aSjNuG5J_S4 (morning session) and https://www.youtube.com/watch?v=VoVZfX0sWT0 (afternoon session).

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Appendix 1

Summary of Key National Regulations Governing IUU Fishing in Colombia

Regulations	Description	Sanctioned behaviours	Types of sanctions
National Code of Renewable Natural Resources and of Environmental Protection, Decree 2811, 1974	Fish as *hydrobiological resources* (*natural resources*) Administrative authority: National Institute of Renewable Natural Resources and Environment, INDERENA	• Fishing using explosives, toxic substances and unauthorised fishing gears • Fishing with gears, nets and trawling tools with forbidden specifications or in banned places • Drying, blocking and changing the course of water sources • Fishing and commercialising banned species and zones • Polluting water sources and fish breeding areas • Destroying or altering the environment using forbidden fishing practices • Transhipment of catches • Fishing more than the allowed quotas and fish size • Others established by law or regulation	*Administrative* • Permit cancellation or suspension • Seizure of catches and gears • Seizure of transported catches and products without or with incorrect documentation
Penal Code, Decree 100, 1980	Fish as *hydrobiological resources* (*natural resources*) Investigative authority: Attorney General's office Criminal authority: Penal judge	• Illicit use of natural resources: anyone who illicitly exploits, transports, commercialises and benefits from hydrobiological resources • Harm to natural resources: destroy, unuse, disappear or any other harm to natural resources • Border violation for the exploitation of natural resources	*Administrative* • Fines from 100,000 to 2,000,000 COP for illicit use. Total can triple for endangered species and threats to water conservation • Fines from 20,000 to 2,000,000 COP for harm • Fines from 1000 to 50,000 COP for border violation *Criminal* • Prison from 6 months to 3 years for illicit use • Prison from 1 to 6 years for harm • Prison from 2 to 4 years for border violation
General Fisheries Statute, Law 13, 1990	Fish as *renewable natural resources*, divided into *hydrobiological resources*, subjected to environmental protection, and *fishing resources*, subjected to use, extraction and exploitation regulations Administrative authority: INDERENA and National Institute of Fisheries and Aquaculture, INPA	• Fishing without a permit, patent, authorisation, concession or violating other regulations • Obstructing, impeding or disrupting legal fishing practices • Exploiting banned fishing areas or resources • Drying, blocking or changing the course of water sources or lowering the water level without permit • Fishing using illicit methods, such as using toxic materials, explosives and others that harm humans or fishing resources or taking on board such materials • Leaving waste, polluting substances or other objects that constitute a hazard to navigation, traffic or life on beaches and shores or throwing them into the water • Taking on board or using non-permitted fishing gears or fishing systems • Using fishing vessels for other purposes • Transhipment and selling of catches at sea • Transfer of permits, authorisation, concessions and patents • Providing false or misleading information or denying access to required documents • Others established by law or regulation	*Administrative* • Written warning • Temporal suspension of fishing permit, authorisation, concessions or patents • Revocation of fishing permit, authorisation, concessions or patents • Temporary or permanent closure of establishment • Seizure of vessels, catches and gears • Fines for temporal or permanent closure of establishment: from 1 to 1000 daily minimum wage (DMW) for inland fisheries; 1–100,000 DMW for marine fisheries *Economic sanctions directed to captains, shipowners and fishing permit holders

Regulations	Description	Sanctioned behaviours	Types of sanctions
Environmental Law, Law 99, 1993	Fish as *hydrobiological resources* (*renewable natural resources*) Administrative authority: Ministry of Environment, MADS and Regional Environmental Authorities (Regional Autonomous Corporations [CAR])		*Administrative* • Daily fines up to 300 monthly minimum wage (MMW) • Suspension of register, licence, concession, permit or authorisation • Temporary or permanent closure of establishment, edification or service and revocation or expiration of permit or concession • Definitive seizure of individuals and specimens of fauna or products and tools used • Verbal and written warning • Preventive seizure of individuals and specimens of fauna or products and tools used • Assessment and evaluation of harms, impacts and the measures needed for mitigation and compensation (process not specified) • Mandatory damage repair to the environment and renewable natural resources (process not specified)
Penal Code reform, Law 599, 2000	Fish as *renewable natural resources*, divided into *hydrobiological resources*, subjected to environmental protection, and *fishing resources*, subjected to use, extraction and exploitation regulations Investigative authority: Attorney General's office Criminal authority: Penal judge	• Illicit use of renewable natural resources: anyone who introduces, exploits, transports, traffics, trades, exploits or benefits from specimens, products or parts of the hydrobiological resources of threatened or endangered species • Illegal fishing: fishing in a prohibited area or with explosives, poisonous substances or drying bodies of water for fishing purposes • Harm to natural resources: destroy, unuse, disappear or any other harm to natural resources • Border violation for the exploitation of natural resources: foreigner who carries out an unauthorised act of exploitation of natural resources • Environmental pollution of water or hydrobiological resources	*Administrative* • Fines up to 10,000 MMW for illicit use • Fines from 10 to 50,000 MMW for illegal fishing • Fines from 100 to 10,000 MMW for harm • Fines from 100 to 30,000 MMW for border violation • Fines from 100 to 25,000 MMW for pollution *Criminal* • Prison from 2 to 5 years for illicit use • Prison from 1 to 3 years for illegal fishing • Prison from 2 to 6 years for harm • Prison from 4 to 8 years for border violation • Prison from 3 to 6 years for pollution
Penal Code reform, Law 890, 2004		• Illicit use of renewable natural resources: anyone who introduces, exploits, transports, traffics, trades, uses or benefits from specimens, products or parts of the hydrobiological resources of threatened or endangered species • Illegal fishing: fishing in a prohibited area or with explosives, poisonous substances or drying bodies of water for fishing purposes • Harm to natural resources: destroy, unuse, disappear or any other harm to natural resources • Border violation for the exploitation of natural resources: foreigner who carries out an unauthorised act of exploitation of natural resources • Environmental pollution of water and hydrobiological resources	*Administrative* • Fines up to 15,000 MMW for illicit use • Fines from 13.33 to 50,000 MMW for illegal fishing • Fines from 133.33 to 15,000 MMW for harm • Fines from 133.33 to 45,000 MMW for border violation • Fines from 133.33 to 37,500 MMW for pollution *Criminal* • Prison from 32 to 90 months for illicit use • Prison from 16 to 54 months for illegal fishing • Prison from 32 to 108 months for harm • Prison from 64 months to 144 months for border violation • Prison from 48 to 108 months for pollution

Regulations	Description	Sanctioned behaviours	Types of sanctions
Penal Code reform, Law 1453, 2011	Fish as *hydrobiological resources* (*renewable natural resources*) Investigative authority: Attorney General's office Criminal authority: Penal judge	• Illicit fishing activity (previously referred to as illegal fishing): anyone who, without a permit from the competent authority or in breach of existing regulations, carries out fishing activities, commercialisation, transport or storage of specimens or products of banned species or in reserve zones or areas, or in banned seasons, or prohibited areas, or with explosives, or poisonous substances • Fishing using unauthorised instruments or instruments with unauthorised technical specifications • Drying, modifying and lowering water levels from rivers, ponds, marshes or any other sources for fishing purposes • Modify the ecological refuge or environment of hydrobiological and fishing resources driven by the exploration and exploitation of non-renewable natural resources • Construction work, installation of nets or other elements that restrict fish movement • Harm to natural resources • Border violation for the exploitation of natural resources: foreigner who carries out any unauthorised act of use, exploitation, exploration or extraction of natural resources. • Environmental pollution of water and hydrobiological resources	*Administrative* • Fines up to 50,000 MMW for illicit fishing activity, fishing using unauthorised instruments, modifying water levels, modifying the environment, restricting fish movement • Fines from 133.33 to 15,000 MMW for harm. Sanction will triple for impacts to strategic ecosystems, action or omission from those with control and surveillance functions • Fines from 133.33 to 45,000 MMW for border violation • Fines from 140 to 50,000 MMW for pollution *Criminal* • Prison from 48 to 108 months for illicit fishing activity, fishing using unauthorised instruments, modifying water levels, modifying the environment, restricting fish movement • Prison from 48 to 108 months for harm. Sanction will triple for impacts to strategic ecosystems, action or omission from those with control and surveillance functions • Prison from 64 to 144 months for border violation • Prison from 55 to 112 months for pollution
Policy to prevent, deter and eradicate illegal fishing and the crime of illicit fishing activity, Law 1851, 2017	Fish as *fishing resources* Administrative authority: National Aquaculture and Fisheries Authority (AUNAP)	• Illegal and illicit fishing activity: any fishing activity without a permit or under the infractions determined by Law 13 (not applied to subsistence fishing)	*Administrative* • Written warning • Temporary suspension of permit, authorisation, concessions or patents • Revocation of fishing permit, authorisation, concessions or patents • Seizure of vessels, gears and catches. Forbidden gear subjected to destruction (vessels and gears can also be donated to public entities) • Temporary or permanent closure of establishment • Fines from 1 to 1000 DMW for inland fisheries • Fines from 1 to 100,000 DMW for marine fisheries • Sanctions aggravated for foreign flag industrial and artisanal vessels (process not specified) *Sanctions directed to captain, shipowner and fishing permit holders, unless individual responsibility is proven

Regulations	Description	Sanctioned behaviours	Types of sanctions
Environmental crimes, Law 2111, 2021	Fish as *hydrobiological resources* (*renewable natural resources*) Investigative authority: Attorney General's office Criminal authority: Penal judge	• Illicit use of renewable natural resources: appropriation, access, capture, storage, introduction, extraction, exploitation, use, transport, trading, commercialisation and benefiting from hydrobiological resources • Illegal fishing: anyone who, without a permit from the competent authority or in breach of existing regulations, carries out fishing activities, commercialises, transports, processes or stores specimens or products of species that are banned, protected, in any category of threat, or in reserve areas, or in closed seasons, or in prohibited areas (not applied to subsistence fishing) • Fishing using unauthorised fishing gears and methods, or technical specifications not corresponding to those permitted by the competent authority for any species • Modify and threaten the ecological refuge or environment of hydrobiological and fishing resources driven by the exploration and exploitation of natural resources • Construction work, installation of nets or other elements that restrict fish movement	*Administrative* • Fines from 134 to 50,000 MMW for illegal fishing • Fines from 134 to 43,750 MMW for illicit use of hydrobiological resources • Fines from 300 to 40,000 MMW for wildlife trade • Fines total triples for finning of cartilaginous fish *Criminal* • Prison from 60 to 135 months for illicit use • Prison from 60 to 135 months for wildlife trade • Prison from 48 to 108 months for illegal fishing
Protection and conservation of sharks, rays and chimaeras, Decree 281, 2021	Sharks as *hydrobiological resources* Administrative authority: AUNAP	• Turned sharks and rays into hydrobiological resources, prohibiting their catches	
Sentence Colombian Constitutional Court, C-148, 2022	Fish as *hydrobiological resources* and *sentient beings* Administrative authority: AUNAP	• Declared unconstitutional the rules/norms that allow recreational fishing	
Resolution 766, 2024	Sharks as *hydrobiological resources* Administrative authority: AUNAP	• Ban on shark and ray fishing. However, shark and ray bycatch can be used and transported following the use, customs and traditions of coastal communities contributing to their food security	

Note: This table excludes specific fishery regulations across local and regional levels.