



OPEN ACCESS

EDITED AND REVIEWED BY

Shankar Aswani,
Rhodes University, South Africa

*CORRESPONDENCE

Jade Lindley
✉ jade.lindley@uwa.edu.au

RECEIVED 12 September 2024

ACCEPTED 19 September 2024

PUBLISHED 03 October 2024

CITATION

Lindley J and Hübschle A (2024) Editorial:
Transnational maritime environmental crime.
Front. Conserv. Sci. 5:1495064.
doi: 10.3389/fcosc.2024.1495064

COPYRIGHT

© 2024 Lindley and Hübschle. This is an open-access article distributed under the terms of the [Creative Commons Attribution License \(CC BY\)](https://creativecommons.org/licenses/by/4.0/). The use, distribution or reproduction in other forums is permitted, provided the original author(s) and the copyright owner(s) are credited and that the original publication in this journal is cited, in accordance with accepted academic practice. No use, distribution or reproduction is permitted which does not comply with these terms.

Editorial: Transnational maritime environmental crime

Jade Lindley^{1*} and Annette Hübschle²

¹The University of Western Australia Law School and the Oceans Institute, University of Western Australia, Crawley, WA, Australia, ²Global Risk Governance Programme, Department of Public Law, Law Faculty, University of Cape Town, Cape Town, South Africa

KEYWORDS

globalization, transnational maritime environmental crime, southern blue criminology, Sustainable Development Goal 14: life below water, oceans

Editorial on the Research Topic

Transnational maritime environmental crime

In our increasingly globalized world, Transnational Maritime Environmental Crimes (TMEC) have become a major concern for international law and policymakers due to their significant and often uncertain impacts. The vast and complex nature of maritime spaces poses unique challenges to global conservation efforts, complicating the harmonization of international laws and policies. These challenges are compounded by the diverse and evolving nature of maritime crimes, which include illegal fishing, marine pollution, flora and fauna trafficking, ecocide, vandalism of underwater infrastructure, underwater cultural heritage trafficking, and unsustainable marine tourism (Bueger and Edmunds, 2020). Addressing TMEC effectively requires a comprehensive and multidisciplinary approach, recognizing these crimes at international, regional, and domestic levels through robust regulatory and adaptive policy frameworks.

TMECs are not only diverse in their manifestations but also transnational with criminal activities crossing national borders and exploiting the vastness of international waters. The movement between state borders and international waters complicates law enforcement efforts, as actors involved in TMEC frequently exploit these jurisdictional complexities to carry out their illegal activities with relative impunity. Respecting the United Nations Convention on the Law of the Sea's (UNCLOS) intent for freedom of navigation on the high seas, effective responses to TMEC require international alignment, strong political will, and coordinated efforts across borders (United Nations, 1982). This need for coordinated global action is further underscored by global challenges such as the Coronavirus pandemic of 2019 (COVID-19), maritime boundary disputes, and climate change, all of which exacerbate the potential harm of TMEC, particularly for low- and middle income countries and small island developing states in the Global South.

Despite growing awareness of the severity of these crimes, law enforcement efforts are often outmatched by the sophistication and stealth of organized criminal syndicates involved in TMEC. These criminal networks are highly adaptable, using advanced technologies and complex logistical networks to evade detection, arrest and prosecution.

As a result, building a comprehensive and multidisciplinary knowledge base is therefore essential for the international community, including states and non-state actors, to effectively respond to current and emerging threats posed by TMEC. It was within this complex setting we sought to broaden the knowledgebase from which innovatively solutions could grow. This knowledge base must integrate insights from various disciplines, including criminology, environmental science, and international law, to develop innovative strategies that can address the unique challenges of TMEC.

The sub-discipline of blue criminology provides valuable insights into understanding and addressing TMEC. Blue criminology expands traditional criminological frameworks to include environmental harms, particularly those affecting the world's oceans, from a socio-ecological perspective (Bueger and Edmunds, 2020). Within this framework, TMEC should be viewed as an umbrella term that encompasses both traditional maritime crimes like illegal fishing and marine pollution, as well as modern variations on crimes such as ecocide and underwater cultural heritage trafficking. This broader perspective is crucial for developing more effective and sustainable responses to TMEC, but requires innovative multidisciplinary thinking.

Together as editors, we recognized an opportunity to explore TMEC in this Research Topic through innovative 'blue' thinking by building upon our own earlier research publications (see for example Hübschle and Kasipo, 2018; Hübschle, 2010; Lindley and Lothian, 2024; Lindley, 2023a, b; Huda and Lindley, 2023; Lindley, 2022) among others; and expert consultations, for example, Hübschle participated in an UNODC expert consultation on transnational organized crime in the fishing industry in Vienna in 2011 and Lindley contributed to drafting the United Nations *Legislative Guide on Combatting Crimes in the Fisheries Sector* in 2022 (UNODC, 2023).

The ecological, socio-economic, and security implications of TMEC are profound. Oceans are critical to life on Earth, providing oxygen, regulating climate, and supporting a vast diversity of life forms. TMEC poses a direct threat to the health of marine ecosystems, leading to biodiversity loss, habitat degradation, and the disruption of essential ecological processes. From a socio-economic perspective, many communities, particularly in the Global South, depend on the ocean for their livelihoods through activities like fishing, tourism, and trade. TMEC undermines these industries by depleting resources, polluting environments, and destabilizing local economies. Moreover, TMEC is often linked to broader transnational organized crime networks, which exploit poorly regulated maritime spaces to conduct illegal activities with impunity, thereby posing significant challenges to global security (United Nations Organization on Drugs and Crime, 2011).

Given these challenges and opportunities, this Research Topic seeks to understand the relevant TMEC problems and optimize strategies that limit the prevalence for crimes to occur within this ocean setting. With a focus on the Global South, the topic also emphasizes the importance of local community-led and gendered responses to these maritime crimes. Such approaches are crucial for ensuring that strategies are culturally relevant and address the specific needs and circumstances of local communities.

Additionally, this topic aligns closely with Sustainable Development Goal 14 (SDG 14) – life below water – which aims to conserve and sustainably use the oceans, seas, and marine resources for sustainable development (UN, 2015). By addressing TMEC within the framework of SDG 14, this Research Topic contributes to global efforts to protect marine environments and support the livelihoods of coastal communities.

Four articles were included within this Research Topic. Hübschle and Berg introduce 'southern blue criminology' a novel theoretical framework that emphasizes the diverse and complex governance landscapes that characterize the Global South. This framework critically examines existing criminological theories and maritime enforcement practices, exposing significant inadequacies in current responses to TMEC. By drawing on the unique socio-economic and cultural contexts of the Global South, southern blue criminology challenges the predominantly Northern-centric perspectives that have historically dominated criminological discourse. At the heart of southern blue criminology is the concept of "harmscapes" which expands the analysis beyond crime-centric views to embrace the broader ecological and social harms that occur within ocean environments. By advocating for a more inclusive understanding that values non-state actors, informal governance, and hybrid systems, southern blue criminology calls for a broader, more adaptable framework. It advocates for a shift away from traditional punitive responses to TMEC, proposing instead a preventive and restorative approach (Hübschle and Berg).

Further advancing the discourse on blue criminology in the Global South, Hübschle and Lindley delve into TMEC through the lens of two compelling case studies: illegal, unreported, and unregulated (IUU) fishing in the Philippines and sea cucumber trafficking in the Seychelles. These case studies vividly illustrate the pressing need for innovative and inclusive solutions that address the complex harmscapes associated with TMEC. The authors advocate for a 'carrot and stick' regulatory framework, which balances incentives for compliance with penalties for violations. This framework is grounded in existing international law, particularly the United Nations Convention Against Transnational Organized Crime (UNTOC) an important and, when facing potential "treaty congestion", oft overlooked tool that provides a platform to harmonize the regulation of TMEC globally, and indeed across the Global South (UN, 2000).

The importance of holistic and inclusive responses at the local level is emphasized by the authors, particularly in relation to SDG 14, which prioritizes the conservation and sustainable use of oceans, seas, and marine resources (Hübschle and Lindley). By drawing on international legal frameworks, Hübschle and Lindley argue that states within the Global South can better align their efforts to regulate TMEC, ultimately contributing to the achievement of SDG 14.

In a related exploration, Looram and Lindley focus on the trafficking of underwater cultural heritage, another critical form of TMEC that disproportionately affects the Global South. Their work (Looram and Lindley) highlights the gaps in existing law enforcement practices and suggests building on established international legal frameworks, such as UNTOC and the emerging High Seas Treaty (BBNJ), to develop more effective

global responses (UN, 2024). This approach is particularly pertinent for the protection of shipwrecks and other cultural heritage sites located in areas beyond national jurisdiction that are vulnerable to exploitation.

Lothian's contribution to this Research Topic further underscores the pivotal role of international law and policy in addressing TMEC. She examines the potential of the BBNJ to facilitate enhanced communication and cooperation within the international community, particularly in relation to ocean management and governance (Lothian). By promoting regional and bilateral dialogues, the BBNJ can play a crucial role in helping the Global South achieve SDG 14, emphasizing the importance of sustainable ocean use and conservation (UN, 2024).

The collective contributions within this Research Topic offer valuable insights into the complexities of TMEC and the critical need for solution-focused frameworks. These contributions address significant gaps in academic literature and propose innovative strategies for overcoming the challenges associated with TMEC, particularly in the Global South. By reimagining how the international community considers and responds to TMEC, this research emphasizes the need for regulatory harmonization, international cooperation, and the integration of local and gendered perspectives.

The concept of harmscapes—dynamic zones where multiple environmental harms converge, transcending national boundaries and legal jurisdictions—is central to understanding TMEC. As Berg and Shearing (2018) describe, this perspective necessitates a holistic understanding of the cumulative impacts of various harms on marine environments. To address these complexities, the research suggests a multifaceted approach, closely aligned with the objectives of SDG 14.

However, enforcement of TMEC remains particularly challenging due to the vastness of maritime spaces and the transnational nature of these crimes. While these are not new challenges, limited resources for monitoring and enforcement, coupled with jurisdictional gaps and differing national laws, create a patchwork of regulations that can be easily manipulated by those involved in TMEC. This issue is exacerbated by practices such as reflagging vessels to evade stringent environmental regulations, a tactic frequently employed by criminal syndicates.

To combat these challenges, the 'carrot and stick' approach advocated by Hübschle and Lindley emerges as a promising regulatory framework. This approach encourages behavioral change among states and individuals involved in TMEC by providing incentives for adherence to regulations while imposing penalties for breaches. It is particularly effective in contexts where traditional punitive measures alone have proven insufficient to deter criminal activities.

Moreover, the research highlights the importance of a whole-of-society response to TMEC, which involves the inclusion of all stakeholders—governments, corporations, civil society, and local

communities, including women and girls—in the design and implementation of regulatory measures. Such an inclusive approach leverages the knowledge, resources, and capabilities of various actors, ensuring that strategies are context-specific and culturally relevant.

In particular, local community-led and gendered responses are critical for effectively addressing TMEC, especially in the Global South. These approaches ensure that interventions are tailored to the specific needs and circumstances of local communities, empowering women and girls who are often disproportionately affected by maritime crimes and who play a crucial role in community-based conservation efforts.

In conclusion, the articles included in this Research Topic collectively contribute to the academic literature on TMEC by providing solution-focused frameworks that address the challenges set out in SDG 14. By focusing on the Global South, this research reimagines how the international community considers and responds to TMEC, emphasizing the need for regulatory harmonization, international cooperation, and the integration of local and gendered perspectives. Future research and policy efforts should continue to explore innovative strategies that enhance global ecological justice, promote sustainable management of marine environments, and support the livelihoods of coastal communities. By leveraging multidisciplinary approaches and fostering inclusive and cooperative frameworks and enhancing innovative thinking to complex historical and modern issues, the international community can more inclusively and effectively address the challenges posed by TMEC and work towards achieving the targets set out in SDG 14.

Author contributions

JL: Conceptualization, Project administration, Writing – original draft, Writing – review & editing. AH: Conceptualization, Writing – original draft, Writing – review & editing.

Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Publisher's note

All claims expressed in this article are solely those of the authors and do not necessarily represent those of their affiliated organizations, or those of the publisher, the editors and the reviewers. Any product that may be evaluated in this article, or claim that may be made by its manufacturer, is not guaranteed or endorsed by the publisher.

References

- Berg, J., and Shearing, C. (2018). The practice of crime prevention: design principles for more effective security governance. *South Afr. Crime Q.* 36, 23–30. doi: 10.2139/ssrn.2674002
- Bueger, C., and Edmunds, T. (2020). Blue crime: Conceptualising Transnational Organised Crime at Sea. *Mar. Policy* 119, 104067. doi: 10.1016/j.marpol.2020.104067
- Hübschle, A. (2010). *Organised crime in Southern Africa: First Annual Review* (Pretoria, South Africa: Institute for Security Studies).
- Hübschle, A., and Kasipo, M. (2018). *Gendered perspectives in law enforcement and fisheries crime: A Global South perspective* (Vienna: LE Femmes, Pesca Dolus).
- Huda, D., and Lindley, J. (2023). The impact of Covid-19 on maritime piracy in the Singapore straits: A routine activity theory analysis. *Blue Secur.* 2023, 4–23. Available at: <https://www.latrobe.edu.au/asia/research-initiatives/blue-security>.
- Lindley, J. (2022). "Fisheries crime and ocean resilience," in *The Palgrave Encyclopedia of Urban and Regional Futures*, vol. 1. Ed. R. Brears (Cham, Switzerland: Palgrave Macmillan).
- Lindley, J. (2023a). The cost of crime and corruption on Pacific fisheries. *Interpreter*. Available at: <https://www.lowyinstitute.org/the-interpreter/cost-crime-corruption-pacific-fisheries> (accessed 4 May 2023).
- Lindley, J. (2023b). Fishing non-compliance and culture. *Mar. Policy* 152, Article 105581. doi: 10.1016/j.marpol.2023.105581
- Lindley, J., and Lothian, S. (2024). Exposure to transnational maritime crime in the Pacific Islands region. *Ocean Soc.* 1, 8459. doi: 10.17645/oas.8459
- United Nations. (1982). *Convention on the Law of the Sea* (New York: UN).
- United Nations. (2000). *United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (New York: UN). Available at: https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf.
- United Nations. (2015). Transforming our world: the 2030 Agenda for Sustainable Development A/RES/70/1. Available online at: https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E (accessed September 27, 2024).
- United Nations. (2024). *Treaty Collection: Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, 19 June 2023* (New York: UN). Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXI-10&chapter=21&clang=en.
- United Nations Office on Drugs and Crime and Food and Agriculture Organization of the United Nations (FAO). (2023). Combating crimes in the fisheries sector: A guide to good Legislative practices. Available online at: https://www.unodc.org/documents/organized-crime/tools_and_publications/Legislative_Guide_Crimes_in_the_Fisheries_Sector.pdf (accessed September 27, 2024).
- United Nations Office on Drugs and Crime (UNODC). (2011). *Transnational Crime in the Fishing Industry* (Vienna: UNODC). Available at: https://www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf.