

## Non-compliance with Fishery Regulations in Sakhalin Island: Contested Discourses of Illegal Fishery<sup>1</sup>

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### Abstract

*This article examines the practice of illegal fishery in Sakhalin Island as well as modes of its interpretations by different categories of fishermen. It is also discuss ways Sakhalin society is organized via illegal fishery within the context of informal economy and new changes in traditions of fishing morals. By analyzing the ethnography of poaching, its materiality and social regulative standards, subsistent significance and household economy, this paper demonstrates the totality of non-compliance with fishery regulations and its dominant role in everyday life of the islanders.*

**Keywords:** noncompliant behavior, fishery regulations, neotraditionalism, indigenous people, informal economy, Sakhalin Island.

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## Introduction

The fieldwork in Smirnykhovskii and Noglikskii districts of the Sakhalin Island was conducted in July 2013 and September 2014. The empirical data was gathered in 2013 and 2014 due to financial support of Wild Salmon Center and supervised by Dr. Dmitry Laius. The main research methods were in-depth interviews with fishermen, representatives of administration and fishery officers and participant observation. The interviews included the representatives of the local indigenous fishermen from Nanai, Nivkh, Uilta, Orochen and Evenki groups.

The work in Smirnykhovskii region (*raion*) took place in Smirnykh, Pobedino, Orlovo, Buiukly and Pil'vo settlements. In the Noglikskii raion interviews were conducted in Nogliki, Val and Katangli. We paid a special attention to illegal fishery in the context of informal economy. One of the main purposes of our research was detailed description of each category of illegal fishermen and the reasons for noncompliant behavior in different category of fishermen. Totally in 2014 we interviewed 50 persons (25 in each district).

Poaching is often perceived in the official discourse as something that seriously damages local ecosystem. At the same time it can be connected with a 'sense of aesthetics, fairness, and identity' (Hampshire et al. 2004: 306). It is often discussed in the scientific literature as intersection point of different disciplines such as criminology, economy, legal studies, and anthropology (Charles, Mazany & Cross 1999). Poaching is also interpreted as models of behaviour subordinated to various conditions that influence people's choices to follow or not to follow official rules (Sumalia, Alder & Keith 2006). As Gerkey (2011: 81) has shown in his research in Kamchatka, feelings of entitlement to fish among local fishermen, as well as the cultural norms and values that form fishing practices, may establish a very complex interpretations of the term 'poacher.'

The involvement into poaching emerged as a biographical fact for many informants. Many representatives of administration and fishing control authorities declared that they themselves previously were poachers. They admitted that this was especially the case of the 1990s when '*all local people were involved in illegal fishery*', because after the collapse of the Soviet system, the majority of population became unemployed. Many informants emphasized that 'there was no caviar before the breakup of the Soviet Union, we did not know it and did not see it'. In a similar way, in Kamchatka and other regions the organised criminal poaching appeared just after the collapse of the soviet system (Shevliakov 2013; Shevliakov et al. 2013).

For many people fishery remains the main food source and gives people an opportunity to increase income and survive. People in Smirnykh complained that local fish appears in local shops rather rarely. '*Fish is survival for us; we were forced to become poachers*' – an informant concluded.

The official unemployment rate is not very big in Smirnykhovskii region; however, according to the representatives of the local administration, there is a high rate of hidden unemployment. For instance, in September 2014 in Buiukly only 6 unemployed registered at employment agency. Most low income people earn additional money by selling fish.

There are yearly fluctuations in the quantity of fish in the region. According to local fishermen from Smirnykhovskii raion, the quantity of fish in 2014 was especially small compared to previous years. They admitted that there is always difference in quantity of fish; however, they do not remember such a bad year.

According to fishery officers from Smirnykh, in 2014 the decrease in noncompliant behavior took place. The rate of officially registered violations of the fishery law became very low. The officers said that by the 10<sup>th</sup> of September 2014 they registered only one criminal case in the current year. Comparatively, in 2013 they registered ten cases. A case becomes criminal if the penalty exceeds 10000 rubles that is around 200 US dollars.

Fishery officers classify violations into two categories: violations of nature conservation law and violations of fishery rules (Fig. 1).



**Figure 1. Poster in Fishery Police depicting illegal fishermen. Smirnykh, Sakhalin Island. September 2014 (photo made by V. Davydov).**

### **Domestic poaching**

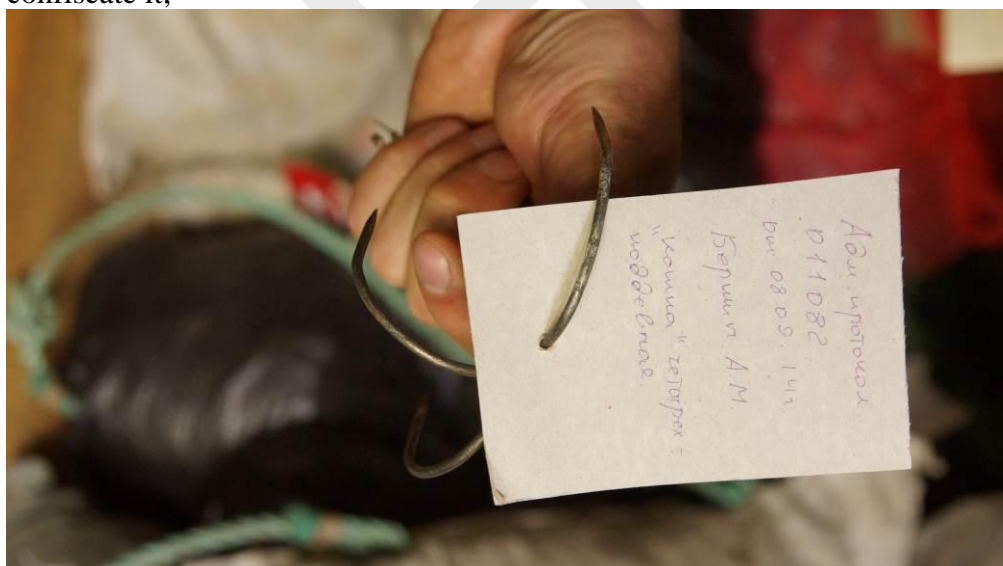
Many informants emphasized that fishery officers usually do not consider as violations the cases when they use fishing rods. Local people's practices are oriented on 2 sectors of economy: they catch fish for own consumption and for commercial sale. Fishery officers often do not register the cases linked with fishing for own consumption. They call these cases domestic poaching (Rus. *bytovoe brakon'erstvo*). One family usually gets four sacks one hundred kilo each of fish per winter season, or better to say 'from fish to fish period'. For instance, an informant from Pobedino emphasized that sometimes he even catches Sakhalin taimen, but fishery officers do not pay attention to him because he uses a rod. At the same time fishery officers used to catch people who use nets and confiscate their fishing tools (Fig. 2).



**Figure 2. Confiscated tools, Smirnykh, Sakhalin Island. September 2014. (photo made by V. Davydov).**

We have observed that local people keep a lot of tools at their homes, sheds and garages. Most tools people use are self-made and produced from remains of old things. Fishery officers classify some of them as illegal and they are prohibited to use and can be confiscated. The main self-made fishing gears are:

- *koshki* (grapplers – rus.) or *iakor'* (anchor – rus.) which are produced from aluminum tube and 3-4 sharpened and declinate pieces of wire and a string (Fig. 3). The other names of these tools are *sekukha* and *troinik*. Fishery officers consider this tool to be illegal and usually confiscate it;



**Fig. 3. Grapplers. Smirnykh, Sakhalin Island. September 2014 (photo made by V. Davydov).**

- *kriuchok* (hook) – a tool made from iron wire which is usually attached to a wooden stick. This tool is illegal for fishing as well;

- *gruzilo* (sinker) is usually smelted from lead extracted from old accumulators (Fig. 4);





**Figure 4. Sinker. Pobedino, Sakhalin Island. September 2014 (photo made by V. Davydov).**

- *shumovka* – a tool used during winter fishery for cleaning an ice-hole from ice (Fig. 5);



**Figure 5. A tool used during winter fishery for cleaning an ice-hole from ice. Pobedino, Sakhalin Island. September 2014 (photo made by V. Davydov).**

- *zakidushka* – a self-made small winter fishing rod;

- *kolokol'chik* (bell) may be produced from old cans, rope and a screw (Fig. 6).



**Figure 6. Fishing Bell. Pobedino, Sakhalin Island. September 2014 (photo made by V. Davydov).**

According to informants from Orlovka, in 2014 the quantity of fish in the Poronai River significantly declined. They emphasized this happens every five years despite natural dynamics of pink salmon varies every even year. The decrease of fish quantity led to a conflict situation between officially recognized indigenous people and other dwellers became more poignant. Fishery officers called these indigenous quotas 'veiled poaching' (Rus. *zavualirovannoe brakon'erstvo*). Even though official quota for an indigenous person is 100 kg of fish per year, one may easily exceed it many times. Other local people who were born in Sakhalin consider that other people have special rights to fish for their needs as they were born in the island. At the same time there are only 2 Nanai families in Orlovo and the amount of such quotas is limited.

Fishery during the spawning period is oriented on black market. Local people sale fish at several illegal 'points' (Rus. *tochki*), functioning as distribution points. In many cases 'points' purchase mostly illegally produced caviar (Fig. 7). For instance, in autumn 2014 people mentioned 4 'points' in Pobedino and 10 'points' in Buiukly. It means, compared to the northern part of the raion, level of poaching would be much higher in the settlements located to the south from Smirnykh compared to the northern villages. The number of these points did not changed compared to 2013. Even though the quantity of fish decreased, the tendency of illegal dealers was to earn the same quantity of money: some dealers tried to secure their income by selling salted fish which costs more than fresh fish. Accordingly, poachers invested more time in fishery than in the previous years in order to secure the income from selling fish. Some poachers from Pobedino started to live in the forest in order to get more fish. Some people tried to save their income by picking up and selling berries as well as cutting trees and selling firewood.



**Figure 7. Salmon caviar. Pobedino village. September 2014 (photo made by V. Simonova).**

The informants emphasized, that they prefer to sell fish to these reliable ‘points’ because this is more secure than selling to unknown dealers from outside. Moreover, informants from Pobedino emphasized that in 2014 there were no dealers from outside and people used to sell fish to well-known 3-4 ‘points’ who work in this illegal business for more than 10 years. Therefore, there is a relative stability in fish selling strategies. People said that the concurrence among these fish buying up ‘points’ has increased.

### **Estimation of amount of illegally harvested fish**

The number of these points may help us to estimate an approximate number of fish poachers took out of a river. According to informants from Pobedino, each point purchases 1,5 – 2 tons of caviar each spawning season. The rough calculating gives the approximate quantity of fish which is illegally taken from the river near Pobedino (Fig. 8). According to informants, who participated many times in poaching brigades, each female chum salmon gives approximately 80 grams of caviar. Informants admitted that the number of male chum salmon near Pobedino is triple amount compared to female fish. Several independently asked informants confirmed this numbers. Poachers often through male fish away. It means that each point becomes a reason for taking 18750-2500 female chum salmon that would be 56250 – 100000 female chum salmon per year and the number would be at least 3 times bigger if we add male chum salmon. However, this numbers does not include the number of fishes used in private sector. People admitted that roughly one third of men in Pobedino are fishermen. The price for one liter of chum salmon was 700 rubles in September that means 7000-8000 for one bucket of fresh chum salmon caviar.





**Figure 8. Salmon. Sakhalin Island. September 2014 (Photo made by V. Simonova).**

According to informants, even though the quantity of fish in the river became much smaller, the total catch for own consumption did not suffer significantly. The quantity they take for own consumption remained almost the same. *'You will catch the same quantity for own consumption in any case'* – emphasized an informant from Pobedino. In Pobedino and Buiukly people catch fish both for own consumption and for sale on black market. They usually stock 1-2 barrels of salted fish (100-200 liters totally) and take 2 fishes per day to make a soup and fry. The local dealers purchase the rest. According to informants, dealers tried to attract more sellers by suggesting purchasing smaller amounts of caviar and fish. In 2013 they preferred to deal with large parties. In 2014 they purchased any amount of fish and caviar.

Thus the quantity of fish which local people use for own consumption remains almost the same from year to year and does not depend on the quantity of fish in the river. Illegal dealers try to secure their income by attracting more sellers. Poachers tried to secure their income through the intensification of fishing. Therefore this all means that in 2014 the percent of fish which is taken out of the river (in relation to the whole amount of fish) would be bigger than in previous years.

There is a difference in the quantity of illegal fishermen between the western and eastern coasts of the island. Pil'vo is rather remote from the center settlement and is located on the western coast. The distance between Pil'vo and Smirnykh is eighty six kilometers. Local authorities discussed the project of resettlement of local people to Smirnykh. Most people moved to other places themselves. According to local people only about thirty dwellers only stay in Pil'vo nowadays. Local people declared that the quantity of fish decreased in Pil'vo last years. They linked this with the growth of poaching in the 1990s.

The informants in all settlements said the main reason for the decrease fish was 'the desire of people to earn more money' and that 'people did not think about the possible consequences'. Informants in Pil'vo estimated that one poacher can easily extract 100 kg caviar per day. According to informants the peak of poaching in Pil'vo was in the 1990s. Later the quantity of fish became smaller and the level of poaching on the west coast gradually decreased. According to local people, poaching brigades in the 1990s usually consisted of 10 persons. People remember that the quantity of female fish was previously



bigger than males. Now they see more males. For the people who used to visit Pil'vo for short periods of time in order to fish and spend holidays, local people use the term '*otdykhaiushchie brakon'ery*' ('leisure time poachers'). However, they do not take large amount of fish as it was in poachers brigades in the 1990s when they took the quantity compared to taken by the legal fishery industry. All informants said that the degree of poaching would be much higher on the east coast rather than on the west coast of the Sakhalin Island. An informant from Orlovo which is closer to the eastern coast, confirmed that in good years poachers managed to extract up to 300 kg of caviar per person per day.

The other reason for fish decline which appeared almost in all interviews of local people was the officially permitted coastal fishery (Rus. *pribrezhnyi lov*). Fishery officers (Rus. *rybinspektsyia*) in Smirnykh share the same opinion. One of them concluded 'The level of poaching is relatively small compared to legal coastal fishery' and emphasized that 'people are restricted in the amount of fish; at the same time the representatives of the fish industry are not restricted'.

In the Noglikskii raion people also mentioned the problem of grinding dust (Rus. *shlam*) conservation which they connect with the gradual decrease of fish in the Tym' River. People assume that there much illegal storages for grinding dust exist in the region. One of the informants, employed in the Rosneft' company emphasized that grinding dust is storage near Tymovsk and pollutes the water of the Tym' River.

### **Social niches of informal fish economies**

In order to understand the correspondence between human activity and bio-resources' dynamics here fish in North-Eastern Sakhalin, we need to invest a great portion of attention to ways informal fish economy is socially determined and how local specific features of that determinism intersect with fishing activity as a strategy of survival and as a result unavoidably interferes into fish life and intricacies.

Local visions of poaching as not a process but as an organized society linked directly to the market economy demands and trends are placing different categories of poachers to a particular niche. Every niche is under a control of another one and every poacher belonging to a particular niche has his relations with water places and fish. As a result, this niche is a product of networking between economic process, social groups and consensus between social groups which are allowed to engage with informal fish business in Sakhalin. Moreover, the amount of fish taken out of the sea is directly related to this consensus. Thus it is needed to unpack the meaning of social niches and all the above stated processes.

#### *Entrepreneurs*

Entrepreneurs are well organized groups which try to employ every possibility to maximize their income and minimize their risks. They are active part of informal market and mainly their leaders introduce and regulate standards in fish and caviar prices as well as modes of rules and morals of fishing business. Entrepreneurs trace fish migration and will follow fish in different parts of the island. They, typically, do not stay at one place if the amount of fish diminishes. Entrepreneurs can be migrants from another parts of the Island, Siberia, and even western parts of Russia and abroad. For instance, one brigade was from the South Korea. They constitute the core of poaching norms and affect local trends.

### *Small undertakers*

Almost entire male (could be female also) population belongs to this social niche. They earn around 5000 rubles that are equal to 110 US dollars a day and their income for a fishing season typically does not exceed the amount of 100 thousands rubles or 2200 US dollars. Small undertakers are not allowed to earn more per season that is pre-conditioned by informal and strict consensus. As we were explained 'if someone earns more, that means he takes more fish and you see, the market is in danger of over saturation. Bigger entrepreneurs are very sensitive to this escalation. Of course, every man might fish more than he usually does; however, due to this rule, he is obliged to take as much as he can earn in order not to disturb the market and not to evoke suspicion of business people'. Earning less does not cause any problem. It is strictly prohibited for the poachers constituting this niche to sell fish less than 160 rubles or approximately 3 US dollars per kilogram. The price of the caviar in 2014 was 1500-2000 rubles that is around 35-40 US dollars in shops. The established price for local customers is little less 1300 rubles, around 30 US dollars and the price for buyer-ups engaged to a networking and consensus is 700 rubles that is little less than 15 US dollars. The general market price of the fish is 300 rubles which is about 6 US dollars per item. Thus if a poacher sells to his private clients pink salmon for a price which is established for local buyer-ups, he will most likely face a problem.

In a reverse flow, those who buy fish have to know the price very well and if a violation of the rule takes place a penalty will inescapably pass onto a violator's head. Thus typical punishment for this sort of informal regulations abuse is spoiling a boat motor by pouring sand directly into engine or deliberate arson a fishing house (Rus. *budka*).

Small entrepreneurs usually sell fish to their own networks (*svoi liudi*) and do not spend time and efforts to spread their network of clients since they are anyway limited by informal consensus of income appropriate for their social niche. Apart from informal fishing activity, small undertakers are employed as unskilled laborers (Rus. *shabashki*) during a fishing spawning season.

Small undertakers never persuade fish migration but stay with what emerges at their locality. For example, the year of 2014 was regarded to be far from being rich in fish. However, richness of the year appeared to be locally and contextually dependent. In Smyrnykh raion people complained about lack of fish and mentioned in particular that the year was the worst they ever encountered. However in Nogliki settlement people think that the year is not very poor but more or less ordinary due to fish migration went to the North and therefore local fishermen are quite happy with their catch. Small undertakers usually fish where they live and do not follow fish in different places of the island: "for our needs and income nature always have fish even though a year is counted as a bad one". Furthermore, they follow certain ethical principles of place use and will never, for example, take the fish out of nets belonging to other people.

### ***'Fish is our bread': Indigenous communities and individuals***

Indigenous groups of Sakhalin Island who are Nanai, Nivkhs (Giliaks), Uilta (Oroks), and Evenki enjoy having special quotas for fish (Fig. 9, 10). People belonging to these groups have to register annually in order to obtain or renew fishing licenses which starting from 2002 had allowed fishing salmon for an individual consumption of 100 kilograms per person (Missonova 2009: 78). All representatives of indigenous groups in Sakhalin perceive the official fishing norms understated (Ibid.: 79). In many cases indigenous fishermen do not

possess their own boats and nets as well as other fishing equipment and have to cooperate with newcomers who often take greater amounts of fish (Ibid.).

According to Wilson, who did her fieldwork in North-East Sakhalin in the 1990s, despite the increased influence and presence of law, ‘local people continue to be governed by their moral norms than by formal legislation’ and they ‘are not considered to be poaching if they catch one or two salmon for the dinner table’ (Wilson 2002: 149, 161) and we can employ this statement to describe the present situation as well. Similarly, the research of M. Nakhshina (2012a; 2012b) among the fishermen from the Kola Peninsula has demonstrated that informal moral economy of fishing exists parallel to state legislation.

At the same time members of local communities can consider fish as a valued species with its own world, behaviour, character and motivation (Muth & Bowe 1998). Therefore, fishery produces cultural value and embodies practices, and social relations that help to express and maintain community obligations and cultural identities (Gerkey 2011: 78).



**Figure 9. Nanai women in Orlovka. Pobedino, Sakhalin Island, September 2014 (photo made by V. Simonova).**





**Figure 10. Orochen fisherman, Val, Sakhalin Island, September 2014 (photo made by V. Simonova).**

During this expedition we found one more features of distinctiveness of this category of fishermen of Sakhalin Island. They are very sensitive to the quality of fish. Indigenous fishermen observe the way fish look and tastes and keep their observations in family memory. Thus in Venskoe village we were told that that year fish was unbelievably colorful. However, people was expected their habitual silver fish. *'This fish is alien, not ours, we are waiting for ours! This one is probably artificial or it rambled somewhere and reached us...chum salmon is black in the south. Colorful fish is bigger than silver one; it stayed somewhere for a time and not so many pink salmon'*.

They are sensitive to their elaborated mode of behavior in fishing and possess some 'secret' local knowledge about fish reactions to people. For example, they know that fish reacts on the flavor of a shaving cream and therefore they do not shave before fishing. Also fish does not like the smell of plastic which is typical for new nets and therefore, they keep nets in water before putting them into the business. Cleaning powders distract fish as well and indigenous fishermen are very careful about their mimetic tactics which similarly to sympathetic magic work for the prosperity of their survival: *'like begets like, and people are surprised why you caught a lot and they did not'*.

Moreover, they respect taimen (Nivkh. *khoi, goi, khoiso*) in a special way similarly to what we discussed in the paper draft. However, this year we gathered more narratives related to taimen. Thus, Nivkhs call taimen 'ghost fish' (*ryba prizrak*). Furthermore, they respect taimen in legends. Thus Lidia, an aged Nivkhi woman, told a story that happened in the past (late Soviet times). According to the story, a Nivkhi man, her father in law caught taimen and

did not kill the fish by the way as it is normally regulated by Nivkhi cultural norm: cutting head off. The man however, cut the fish in the middle. In three days he felt a pain in his back. His grandfather asked him how he dealt with taimen and once he knew about the violation of a traditional norm, he warned his grandson to be prepared to something bad and in several days the poor fisherman got a humpback. Thus people are very accurate with taimen and do not cut it more than one centimeter after its head.

Taimen is a water bear and must be treated and respected accordingly. Taken into consideration the traditional cult of bear worshiping relevant for Nivkhs' society, taimen is a very special fish for them if they do such a comparison. Earlier, their ancestors took its chew and kept it as they believed that the taimen jaw attracts others of the same kind. The average size of taimen is 3-4 kilograms.

Their relations with animals are also differentiating in comparison to other categories of fishermen. Hence they accept the rights of other animals for fish. For example, bears, foxes, sables, seagulls and some other birds. According to local fishermen, animals catch a lot and hence they also are very influential in fish population.

Some bears are regarded to be poachers. They trace human fishing nets and take fish out of it: *'They behave like poachers. They sneezes the fish in our nets and they pull it out and eat fish heads and leave the rest to rot like poachers do. Once I saw a bear, dogs felt it. The bear was near my nets sneezing. It sneezed no fish and moved forward to another net and it did it next day too. When pink salmon goes, bears are always around our nets, they do not like another type of fish'*. Bears thus violate human poaching ethics since poachers never take the nets of the others.

### Conclusion

Indigenous fishermen and small undertakers might intersect and both are foremost interested in fish as a resource of household supply (some of our indigenous informants rejected selling fish). They earn a limited income that is dependent on highly elaborated standards and morals introduced by more powerful and organized groups and networks.

Entrepreneurs constitute an active part of market regulations and poaching. They are responsible for the biggest part of illegally taken fish. They are dependent on fish migration and are very mobile. Rich-poor-year rhetoric is the space of their discourse.

Small undertakers as well as indigenous undertakers are conservative and stable in fishing and modes of their relations with the latter. They do not follow fish and stay at one location that is namely the location where they live regularly. They have delicate and sensitive relationships with the environment, for example, an informant stated: *'We fish by hooks and therefore see what we get; we get only females, so it is less damaging for entire population'*. The rhetoric of 'household fish basket' is foremost for them.

The last 'group of poachers' is symbolic but should be also considered: animals. The amount of total fish taken out of waters is also dependent on the data on animals' consumption and behaviour toward humans.

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