

## News

# FishFORCE

## Targeting Organised Crime in our Oceans



FishFORCE is Africa's first Fisheries Law Enforcement Academy. Its director is Professor Hennie van As, an admitted advocate, public law professor, director of the Centre for Law in Action (CLA) and the director of FishFORCE at Nelson Mandela University.

**South Africa's mud crabs are now being heavily targeted for the illegal fisheries trade.**

FishFORCE has been strongly advocating that fisheries crimes be addressed as a priority transnational crime and prosecuted as organised crime and racketeering under the Prevention of Organised Crime Act, with severe penalties of 25 years to life. It is encouraging that some of our courts are responding to the seriousness of these crimes.

Three major abalone (perlemoen) racketeering cases in South Africa – State v Blynnaut; State v Miller and State v Brown – have been prosecuted as organised crime, with sentences of 18 to 20 years delivered in March 2018 and March 2019.

### World Leader In Fisheries Law Enforcement

In March 2020, *FishFORCE – A World Leader in Fisheries Law Enforcement Training* was published by Nelson Mandela University. It provides an overview of the fisheries crime context and of FishFORCE's work and can be downloaded from the FishFORCE website: [fishforce.mandela.ac.za](http://fishforce.mandela.ac.za)



Norwegian Ministry  
of Foreign Affairs

# South Africa – losing billions, marine resources decimated

By Professor Hennie van As

(As published in the four page spread on FishFORCE in the World Food Day 'How food secure are we?' supplement in Business Day on 16 October 2020)

The multi crimes affecting the global fisheries sector range from illegal fishing and extraction of marine resources to human trafficking and forced labour, fraud, forgery, corruption, money laundering and tax and customs evasion.

This is organised crime and South African fisheries are a prime target. Our country is losing billions of rand in revenue and our national marine resources are being decimated. Treasury and SARS must become more involved and our law enforcement has to respond to this as organised crime with the associated severe penalties.

Much of the illegal global multi-crime activity linked with fishing is happening off the coast of South Africa, Namibia, and the east coast of Africa. The fishing vessels don't need to go into our harbours, they make their transshipments offshore. It's all happening in front of us. We can actually see these vessels poaching in our Exclusive Economic Zone (EEZ) but we don't have the capacity to deal with it.

Why are our marine resources not being protected in the same way that we protect our gold or work to protect our rhinos? While marine living resources are strictly regulated by law, the implementation, administration and enforcement, falls woefully short. There are far too few patrol vessels and there are approximately 230 fisheries control officers for South Africa's entire 2800km coastline.

The frustration is that government is slow to respond and the general feeling is that there is a lack of political will at the highest levels of government to implement the strategies required. Government should acknowledge the value of our marine living resources to the economy, to communities and as sources of food, and allocate the commensurate protection. More fisheries control officers should be appointed and properly trained; the number of fisheries patrol boats should be substantially increased; the navy should be more active in our Exclusive Economic Zone (EEZ) with fisheries officers on board; and successful convictions should be significantly increased.

To date, many fisheries crimes - officially referred to as Illegal, Unreported and Unregulated (IUU) fishing - have been dealt with as a fisheries management issue, resulting in less severe penalties that are not having a deterrent effect. Up until recently



**Abalone/Perlemoen**

the understaffed South African Police Service (SAPS) also did not treat fisheries crimes as a priority crime. This is slowly changing and there are indications that the change was influenced

to a degree by research that FishFORCE has published in journals and popular publications, and shared at conferences.



**Professor Hennie van As**

Overall, a considerable upscaling of governance and management of our marine living resources is required as corruption is everywhere. Through Operation Phakisa, we are collaborating with the Department of Environment, Forestry and Fisheries, SAPS, the Defence Force, South African Revenue Services, National Prosecuting Authority and Home Affairs to deal with fisheries crime as organised crime and to deal harshly with corrupt officials.

Time is not on our side and far more stringent laws, combined with specialised policing and intelligence gathering for fisheries organised crime and harsh sentences, need to be prioritised at a national and international level.

# New legal developments in combating fisheries crime

Several new developments in the combating of perlemoen/abalone poaching evolved from research FishFORCE conducted. People can now be charged with attempted poaching and conspiracy to commit a crime if they are caught with the implements used to remove abalone as there is a 'no take' policy in place for this species. FishFORCE has drawn up the relevant charge sheets and statements for fisheries control officers and the police.

FishFORCE is assisting the police in non-coastal areas with drawing up charge sheets when they apprehend people with lobster or perlemoen or who are breaking any of the fisheries laws. Police in non-coastal areas generally have little or no experience in this.

FishFORCE has sent a policy proposal to DEFF to change the policy regulation for

fishing licences and bag limits to include an age specification as people find all sorts of loopholes, such as bringing young children on fishing trips to increase their per person quota.

FishFORCE is appealing to the South Africa government to put pressure on landlocked countries such as Lesotho and Zimbabwe to adopt laws against the export of poached marine produce. The FishFORCE team says boxes of abalone are exported from countries like Lesotho and Zimbabwe, stating 'Product of Lesotho' and 'Product of Zimbabwe'. This is confirmed by research conducted by Traffic.

## Fisheries Observer Agency in Namibia

The Fisheries Observer Agency, which falls under the Food and Agriculture Organisation (FAO) of the UN, makes provision for fisheries observers on vessels to ensure they don't

breach their licence conditions. FishFORCE will be collaborating with this agency in the training of fisheries observers. It's a global initiative where the fishing vessel pays the observer and our law makes provision for private companies to do this, such as CapMarine in Cape Town.

The observer profession needs to be closely regulated as several observers worldwide have died in the last few years worldwide. They see things that people don't want them to see. In a recent article in The Guardian it says, "people who monitor ships for illegal fishing and labour practices have been vanishing under suspicious circumstances." Liz Mitchell, president of the Association of Professional Observers (APO), based in Oregon, US says they recorded nine deaths of fishery observers since 2015, all with the same outcome: no information. These are only the deaths they know about.

## FishFORCE Training, Research, Collaboration

"Fisheries law enforcement is transdisciplinary by nature, requiring expertise in law, criminology, police science, fisheries science, fisheries management and marine living resources conservation," says FishFORCE's Chief Operating Officer, Michael de Lange. "We are a member of initiative five of Operation Phakisa, where we help to identify training needs for all government agencies.

"To date, FishFORCE has successfully trained 892 law enforcement officers from multiple agencies, including the Department of the Environment, Forestry and Fisheries (DEFF), SANParks and SAPS. FishFORCE offers several short courses, some of which are credit bearing towards formal qualifications such as the new Diploma in Law Enforcement at Nelson Mandela University."

The 2020 modules include:

- Law for Fisheries Control Officials, Inspectors and other Enforcement Official
- Identification of Marine Species and Vessels and Gear used in Illegal Fishing
- Enforcement for Marine and Coastal Legislation

# 1 JUNE 2019 → 31 MAY 2020

## Short Learning Programmes:

### Identification of Marine Species and Vessels and Gear used in Illegal Fishing

**AGENCIES TRAINED:**

- Department of Environment, Forestry & Fisheries' Officials
- South Africa National Parks' Officials
- City of Cape Town Officials
- South African Police Services Officials

33
93

TOTAL DELEGATES

# 126

### Law for Fisheries Control Officials, Inspectors and other Enforcement Officials

**AGENCIES TRAINED:**

- Department of Environment, Forestry & Fisheries' Officials
- South African Police Services Officials

# 50

DELEGATES

11  
93



1 JUNE 2019 —→ 31 MAY 2020

## Specialised Training Workshop in Mombasa, Kenya:

### Trade, Monitoring & Compliance Training

#### Country representatives:

- South Africa
- Kenya
- Tanzania
- Seychelles
- Ghana
- Nigeria

8 10

DELEGATES  
TOTAL 18



# The Commonwealth Blue Charter

## Webinar 4: The Blue View – Opportunities and Challenges for the Blue Economy

To facilitate knowledge exchange between Commonwealth governments, the Commonwealth Secretariat is convening a series of online 1-hour webinars over the coming months on topics directly relevant to the Commonwealth Blue Charter Action Groups.

#### Background and objectives

Developing a sustainable Blue Economy has considerable potential to improve the quality of life and reduce environmental degradation. However, achieving this also presents multiple challenges, such as establishing suitable policy frameworks and spatial planning, fostering investment, managing environmental impacts, protecting cultural heritage, and encouraging cross-border collaboration and benefit sharing.

#### Webinar 4:

- Provided an overview of the Blue Economy concept, including key opportunities and challenges for Commonwealth countries
- Presented successes and lessons learned from two Blue Charter case studies:
  - Seychelles innovative financing initiatives including the debt-for-conservation swap, SeyCCAT and Blue Bonds plan
  - Shared the FishFORCE approach towards addressing fisheries crime and its link with Operation Phakisa in South Africa

The primary audience will be officials and civil servants from the various ministries responsible for ocean action across the Commonwealth. The Secretariat will also open specific webinars to the general public thereby allowing other Commonwealth partners such as private sector, non-governmental organisations and academia to join and benefit from the webinars.

#### The agenda includes the following speakers:

Dr Nicholas Hardman-Mountford, Head of Oceans & Natural Resources, Commonwealth Secretariat

Special Address from the Blue Charter Action Group Champion for Sustainable Blue Economy



The Commonwealth  
Blue Charter

### The Blue View: Opportunities and Challenges for the Blue Economy

Thursday 27 August, 1400 – 1500 BST (GMT+1)

Developing a sustainable Blue Economy has considerable potential to improve the quality of life and reduce environmental degradation. However, achieving this also presents multiple challenges, such as establishing suitable policy frameworks and spatial planning, fostering investment, managing environmental impacts, protecting cultural heritage, and encouraging cross-border collaboration and benefit sharing.

This webinar will

- Provide an overview of the Blue Economy concept, including key opportunities and challenges for Commonwealth countries
- Present successes and lessons learned from two Blue Charter case studies:
  - Seychelles innovative financing initiatives including the debt-for-conservation swap, SeyCCAT and Blue Bonds plan
  - The FishFORCE approach towards addressing fisheries crime and its link with Operation Phakisa in South Africa



**Prof Micheni Japhet Ntiba**  
Principal Secretary for the State  
Department for Fisheries, Aquaculture  
and the Blue Economy, Kenya



**Dr Bernadette Snow**  
Director of the Institute for Coastal  
and Marine Research, Nelson Mandela  
University, South Africa



**Ms Angélique Poupponeau**  
CEO, SeyCCAT  
The Republic of Seychelles



**Dr Rachel Boschen-Rose**  
Senior Project Officer,  
Seascope Consultants



**Prof Hennie Van As**  
Director of the Centre for Law in Action,  
Nelson Mandela University,  
South Africa



**Dr Nick Hardman-Mountford**  
Head of Oceans and Natural Resources,  
Commonwealth Secretariat

Shared Ocean, Shared Values

Register your interest at

<https://attendee.gotowebinar.com/register/4826224235641136908>

#BlueCharter

Prof. Micheni Japhet Ntiba, Principal Secretary for the State Department for Fisheries, Aquaculture and the Blue Economy, Kenya

Nelson Mandela University, South African Coordinator for One Ocean Hub, South Africa

Dr Rachel Boschen-Rose, Senior Project Officer, Seascope Consultants, UK

Prof Hennie Van As, Director of the Centre for Law in Action at Nelson Mandela University, Researcher for One Ocean Hub, South Africa

Ms Angeliq Poupponeau, CEO of SeyCCAT, The Republic of Seychelles

For official content go to the Commonwealth Secretariat channels; <https://bluecharter.thecommonwealth.org/>, Twitter, Facebook, and Instagram.

Dr Bernadette Snow, Director of the Institute for Coastal and Marine Research and Lecturer in Department for Development Studies at

For any questions, please email [bluecharter@commonwealth.int](mailto:bluecharter@commonwealth.int)

## Corruption and lawlessness

### Prof van As was a presenter and there were 154 people in attendance

(Excerpts from Prof van As' webinar presentation on *Addressing corruption to address fisheries crime*)

Corruption and lawlessness are biggest obstacle to the ongoing fight against fisheries crimes. With the incorrect belief that marine resources are unlimited, plunderers seem to be of the view that their corruption is victimless.

Corruption threatens effective regulation and crime prevention at every stage of the fisheries value chain, and has adverse bearing not only on marine resources, but also on those living off the oceans.

"The rule of law is essential for the promotion of peaceful and inclusive societies and to

build effective and accountable institutions. One of the biggest threats to the rule of law is corruption. In the fisheries sector it also threatens the achievement of some of the United Nation's Sustainable Development Goals," said Prof van As.

Academic institutions and governments having a critical role to play in this regard, and the FishFORCE Academy has teamed up with the Norwegian Ministry of Foreign Affairs, the One Ocean Hub and the UNODC's Education for Justice (E4J) to provide insight into what can be done to address corruption in the fisheries sector.

Corruption includes the bribery of law enforcement officials who then turn a blind eye to illegal activities, embezzlement, fraud, extortion, conflict of interest and abuse of power by senior officials.

In the webinar, Prof van As outlined a number of strategies aimed at combatting corruption, including criminalising it and all activities that undermine effort to root out fisheries crime. "There is a need to clarify law and ensure that fisheries and anti-corruption laws are practical and implementable, and also disseminate these laws broadly to judges, prosecutors, wildlife enforcement personnel and the general public," said Prof van As.

He added that with corruption being rife, anti-corruption strategies also need to focus on organisations, employees, external stakeholders and law enforcement bodies that are entrusted with enforcing fisheries laws.

Click on this link to access Prof van As' [presentation](#) and the link to the recording [here](#).

# NELSON MANDELA UNIVERSITY



The FishFORCE Academy in collaboration with the One Ocean Hub invites you to attend a webinar on **Addressing corruption to address fisheries crime**.

**Purpose:** Corruption strikes at the core of the fight against fisheries crime. It threatens effective regulation and crime prevention at every stage of the fisheries value chain. This webinar will provide insight into the processes required to fight corruption in the fisheries sector.

Prof Hennie van As - Director of the FishFORCE Academy will facilitate this 1.5 hour webinar.

<http://fishforce.mandela.ac.za/>



<https://oneoceanhub.org/>

Date : Wednesday, 4 November 2020

Time : 09:00 - 10:30

Click [here](#) to access the webinar

Please note that the webinar will be presented in English.

Change the World

The webinar is supported by:



# FishFORCE Training

## Law for Fisheries Control Officials, Inspectors and other Enforcement Officials

6–10 July 2020	Kleinmond	5 delegates attended
14–18 September 2020	Langebaan	17 delegates attended
5–9 October 2020	Cape Town	18 delegates attended
19–23 October 2020	East London	15 delegates attended
26–30 October 2020	East London	18 delegates attended
2–6 November 2020	Cape Town	20 delegates attended
9–13 November 2020	Langebaan	18 delegates attended

## Online Fisheries Trade Monitoring and Compliance

A specialised online training session on Fisheries Trade Monitoring & Compliance was delivered to eighteen (18) delegates from the following countries:

- South Africa
- Tanzania
- Mozambique
- Kenya
- Namibia
- Comoros

Fisheries and Customs officials from six east- and southern African coastal States (Comoros, Kenya, Mozambique, Namibia, South Africa and Tanzania) are currently part of a dynamic training course in fisheries trade monitoring and compliance. The course has been made possible by FishFORCE.

The overall objective of the training was to facilitate the acquisition of knowledge, understanding and practical skills relating to the international trade in fisheries products, in order to reduce Illegal, Unreported and Unregulated (IUU) fishing and fisheries crimes, and to support fisheries management.

Due to the Covid-19 pandemic, the course was successfully transferred to an online training platform. Participants were exposed to information on national and international laws and policies associated with fisheries trade, as well as relevant institutions and private sector stakeholders.

Training was provided on how to source, extract and analyse fisheries trade and catch data and to conduct comparative analysis of this data towards enhancing knowledge of possible trade in products sourced from illegal fishing, and to inform fisheries management decision-making.

Participants attended the training for one day a week over five weeks and at the end of the course completed an assessment that evaluated their knowledge and skills on fisheries trade. The course was presented by Markus Burgener, Senior Programme Coordinator with TRAFFIC.

Due to the success of this particular course, a second online training session on Fisheries Trade Monitoring & Compliance is taking place from 28 October to 27 November 2020 with delegates from as far afield as Saint Lucia, St. Vincent, the Grenadines, Antigua and Barbuda in the Caribbean.

- **Online Train the Trainer Workshop** – Eduardo Mondlane University in Mozambique took place in September 2020 with 4 delegates.
- **Online Soft Skills training on Conflict Resolution Skills & Strategies** was attended by 46 delegates from the Department of Environment, Forestry & Fisheries (DEFF) and took place from 2 – 6 and 9 – 13 November 2020.
- **Upcoming:** FishFORCE is currently in discussion with Operation Phakisa to host a training workshop on the implementation and enforcement of the Port State Measures Agreement (PSMA) to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing. It will be a collaborative approach between FishFORCE and Operation Phakisa, leveraging Phakisa's integrated approach to identifying a strong representative range of attendees. FishFORCE, CapFish and Stop Illegal Fishing will deliver the training that is provisionally set to take place at the end of January 2021.
- **FishFORCE Scholarship:** FishFORCE is currently funding the studies of three postgraduate students: two doctoral candidates and one Master's student, all of whom are conducting research in the field of fisheries-related crime.

# Port States Measures Agreement (PSMA)

The UN-driven PSMA became enforceable in June 2016 as the first binding international agreement which specifically targets Illegal, Unreported and Unregulated (IUU) fishing. The majority of coastal states globally have adopted it but the next step is to ensure they are equipped to implement it on the ground; otherwise it is just a paper exercise.

FishFORCE is assisting South Africa and other coastal states in understanding and practically applying this international law, which gives any coastal country the right to report any vessel involved in IUU

fishing, to prevent it from entering the port and landing their catches; and to detain it if it enters their port irrespective of whether the vessel was fishing illegally in that country's waters. The PSMA also applies to transshipment of catches in areas within and beyond national jurisdiction, which is a major activity in fisheries crime.

Training is essential and FishFORCE will be training the harbour masters, chief customs officials and fisheries inspectors in Durban and Cape Town, which are South Africa's designated harbours for the PSMA.

## New grant supported by the United Nations Office on Drugs and Crime (UNODC)

### Education for Justice (E4J)

The Education for Justice (E4J) Grants Programme for Higher Education Institutions of the United Nations Office for Drugs and Crime (UNODC) has selected the Centre for Law in Action in the Faculty of Law at Nelson Mandela University to be awarded a major United Nations grant.

Nelson Mandela University will partner with the Universities of Nairobi, Dar es Salaam and Mauritius.

This grant will be used for implementing activities to strengthen the role of higher education institutions in advancing the Sustainable Development Goals, in particular SDG 16.

The E4J initiative seeks to prevent crime and promote a culture of lawfulness through education activities that help educators to teach and empower the next generation to better understand and address problems that can undermine the rule of law and encourage students to actively engage in their communities and future professions in this regard.

SDG 16: Peace, Justice and Strong Institutions. SDG 16 promotes peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

According to the UNODC, a total, 227 applications from universities and other higher education institutions from 69 countries from all regions of the world were received, and 54 universities from 29 countries were invited for Round Two. Eight universities were originally selected, but only four of these universities are able to implement activities in a sustainable and convincing way in the context of the COVID-19 pandemic.

A virtual launch event of the E4J Grants Programme is being held on 12 November 2020 where the four universities will be able to present their programmes and get to know the other awarded institutions.

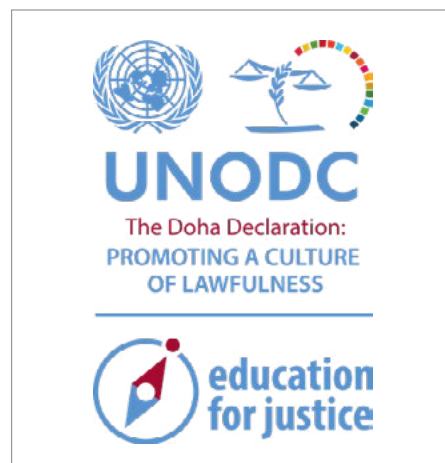
The presenters from the winning institutions are:

Prof. Hennie Van As, Department of Public Law, Director of the Centre for Law in Action and FishFORCE Fisheries Law Enforcement Academy, Nelson Mandela University, South Africa

Dr. Habil. Ágoston Mohay, Associate Professor, Vice-dean, Faculty of Law, University of Pécs, Hungary

Prof. Carolina Christoph Grillo, Fluminense University, Brazil

### Supported by

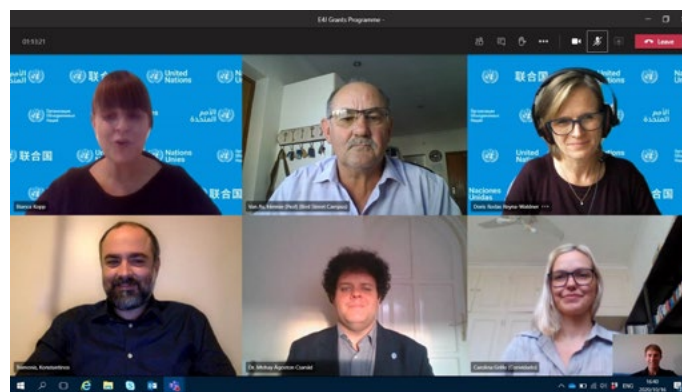


Dr. Konstantinos Tsimonis, Lecturer in Chinese Society, MSc China and Globalisation Convenor, Lau China Institute, School of Global Affairs, King's College London, United Kingdom

The event is scheduled for 12 November from 16:00 – 18:00 GMT+2 (South African time).

[See more](#)

Education for Justice (E4J): [click more](#)



In Partnership with:



Norwegian Ministry  
of Foreign Affairs



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