

NELSON MANDELA
UNIVERSITY



“Tightening the Net 2.0”

The second instalment of the
FishFORCE Dialogue

9 & 10 March 2020

Nelson Mandela University, North Campus, Conference Centre

FishFORCE



Norwegian Ministry
of Foreign Affairs

PORT NOLWOTH.

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SAMPLES.



Aim of “Tightening the Net 2.0” – FishFORCE Dialogue

This instalment of the FishFORCE Dialogue aims to increase awareness and to engage a variety of international and local agencies and organisations. It also intends to foster strategic discussions on topical issues around fisheries crime with the aim of providing solutions towards addressing this massive problem. The scourge needs to be recognised and treated as a priority crime. The dialogue will further strive to advance economic development by increasing the capacity of selected developing countries to enforce its legislation and to investigate and prosecute fisheries crime. This is achieved by building expertise amongst law enforcement officials to fight fisheries crime and by promoting a multi-agency and cross-border collaboration.

The dialogue includes a range of relevant topics and discussions which the academy believes will assist by feeding into the bigger efforts around fighting fisheries crimes, which occur at high rates and have huge economic impact. The discussions and information produced from the dialogue will be fed into the training and research conducted by FishFORCE.

Dialogue attendees include operational officials from the Indian Ocean Tuna Commission, Benguela Current Commission, the South African Police Service, the National Prosecuting Authority, the Department of Environment, Forestry & Fisheries and Operation Phakisa. Senior representatives from Tanzania, Mozambique, Namibia and Kenya are also in attendance as well as academics from Nelson Mandela University, Rhodes University and the Free University of Brussels.

DAY ONE

9 March 2020, Monday

TIME	ACTIVITY / TOPIC	SPEAKER
11:00 - 12:30	Registration	
12:30 – 13:30	LUNCH	
13:30 – 13:40	Welcoming	Prof Avinash Govindjee (Acting Deputy Vice-Chancellor: Nelson Mandela University)
13:40 – 14:00	Opening	Prof Sibongile Muthwa (Vice-Chancellor: Nelson Mandela University)
14:00 – 14:20	Fisheries crime: Setting the scene	Prof Hennie van As (Nelson Mandela University)
SESSION ONE		
<i>Moderator: Adv P Snijman (Consultant and Nelson Mandela University)</i>		
14:20 – 14:45	The role of Operation Phakisa in the battle against illegal marine activities	Ms Frances Craigie (DEFF)
14:45 - 15:10	How does SAPS determine whether a crime is a priority crime or not?	Brigadier (Dr) GJ Schwartz (SAPS)
15:10 -15:35	Impact of poaching on small fishing communities	Mrs Beverley Schäfer (Deputy Speaker: Western Cape Legislature)
15:35 – 16:00	Abalone poaching in the Overstrand: Key findings and recommendations of the 2018 investigation conducted by the Western Cape Police Ombudsman	Mr Johan Brand (Western Cape Police Ombudsman)
15:50 – 16:30	Questions and discussions	
END OF DAY 1		

DAY TWO

10 March 2020, Tuesday

TIME

ACTIVITY / TOPIC

SPEAKER

SESSION TWO

Moderator: Prof Hennie van As (Nelson Mandela University)

09:00 – 09:25	A customary right to fish as a legitimate defence to criminal liability	Ms Anthea Christoffels - du Plessis (NelsonMandela University)
09:25 – 09:50	Fighting fisheries crime to pave the way for the blue economy	- Mr Per Erik Bergh (Stop Illegal Fishing)
09:50 – 10:15	Disposal of seized marine living resources	Adv. Phil Snijman (Consultant and Nelson Mandela University)
10:15 – 11:00	Questions and discussions	

11:00 – 11:45 **TEA/COFFEE AND REFRESHMENTS**

SESSION THREE

Moderator: Adv Nkosinathi Dana (DEFF)

11:45 – 12:10	Strengthening cooperation and capacity to stop illegal fishing and build sustainable blue growth in the SADC region	Dr Motseki Hlatswayo (SADC)
12:10 – 12:35	The European Union and IUU Fishing: The Case of Vietnam	– Prof Erik Franckx (Vrije Universiteit Brussel)
12:35 – 13:00	Changing attitudes – Whodunnit v POCA	Adv. Martin le Roux (NPA)
13:00 – 13:30	Questions and discussions	

13:00 – 14:00 **LUNCH**

SESSION FOUR

Moderator - Ms Anthea Christoffels-du Plessis (Nelson Mandela University)

14:00 – 14:25	The role of the Indian Ocean Tuna Commission in combatting IUU fishing	Mr Florian Giroux (IOTC and FAO)
14:25 – 14:50	Abalone ranching - a model for resource rebuilding and eliminating poaching through a community-public-private partnership	Prof Peter Britz (Rhodes University)
14:50 – 15:15	Ranching of abalone – ecological impacts, recruitment trends and emergent stock status	Mr Andrew Witte (Rhodes University)
15:15 – 15:40	Questions and discussions	
15:40 – 16:00	App demonstration	Mr Michael de Lange (Nelson Mandela University)
15:40 – 16:20	Closure	Prof Hennie van As (Nelson Mandela University)

END OF DAY 2



Speakers:



Professor Sibongile Muthwa

Biography

Professor Muthwa is the Vice-Chancellor of Nelson Mandela University, South Africa. She holds a PhD from the School of Oriental and African Studies, University of London, and an MSc in Development Policy and Planning from London School of Economics and Political Science. She has a distinguished career both in South Africa, and internationally, working in both development and public sector institutions, as well as in academia. Between 2010 and 2017 she was the Deputy Vice-Chancellor for Institutional Support, at Nelson Mandela University. Professor Muthwa currently serves as the Chairperson of Universities South Africa [USAf] a membership organisation representing all South Africa's universities, that promotes and facilitates optimum conditions for universities to operate effectively and contribute to social, cultural and economic development. She further serves on the Presidential Human Resource Development Council. Prior to joining the university, she served as Director General of the Eastern Cape Provincial Government [2004 and 2010]. Upon her return to South Africa, before joining

government, she was Director of the Fort Hare Institute of Government.

She is deeply committed to gender justice, social inclusion and active democratic participation, and accordingly serves on a number of Boards and advisory structures, including from 2014 as a Commissioner of the Financial and Fiscal Commission, and serving as its Deputy Chairperson from 2017-2019.



Frances Craigie

Biography

Frances Craigie currently holds the position of Chief Director: Enforcement at the South African Department of Environment, Forestry and Fisheries, where she is responsible for the national environmental enforcement programme which encompasses environmental quality and protection, waste, biodiversity, wildlife and oceans and coasts. She is also responsible for the overall co-ordination and management of the Environmental Management Inspectorate (EMI), ("Green Scorpions"). She chairs the intergovernmental Working Committee for Initiative 5 of Operation Phakisa, focused on enhancing and co-ordinating compliance and enforcement in the oceans environment; she is a member of

the Priority Committee of the South African National Joint Operational and Intelligence Structure which focuses on Wildlife Trafficking and was part of the drafting team that developed South Africa's National Integrated Strategy to Combat Wildlife Trafficking.



Brigadier (Dr) Kobus Schwartz

Biography

Brigadier (Dr) Kobus Schwartz is a researcher in the South African Police Service (SAPS). As a police officer with thirty years' experience in various policing environments, he now heads a research section that focusses on specialised and tactical policing environments. Brigadier Schwartz has participated in developing the executive leadership of the SAPS for over ten years, and gained six years' experience in the private sector, particularly in the retail environment. He is a keen academic who holds post graduate qualifications in leadership in performance and change (PhD), Business Administration, and Adult education (D.Ed.; M.Ed.). As researcher, although not required by SAPS to publish, he contributed a chapter to the Wiley Global Handbook for Workplace Learning and articles in journals. Brigadier Schwartz focusses on building the research capacity of the SAPS Research Component to establish a professional and competent

advisory service to the operational policing environment.



Honourable Beverley Schäfer

Biography

Honourable Beverley Schäfer is a former ward councillor for the City of Cape Town, and a former member of the city's Tourism, Events, Arts, and Marketing portfolio from 2011 – 2014. In 2014 Beverley was elected to Provincial Parliament and served as Chair of the Standing Committee for Economic Opportunities, Tourism, and Agriculture for four and a half years. In November 2018, Beverley was appointed as the Western Cape's Minister for Economic Opportunities. This role encompassed both political and policy leadership for two government departments: agriculture and economic development and tourism. Her focus for the remainder of her term was to create pathways for youth to access job opportunities as well as developing small businesses and entrepreneurs in order to grow the economy. Beverley has continued to fight many issues that have been some of South Africa's toughest. In particular abalone poaching and laid the first charge against the DDG for a string of alleged crimes committed. She was also instrumental in producing the first parliamentary report on the onerous visa

regulations that led her to subpoena the former Minister of Home Affairs, Mulusi Gigaba. Post the recent National elections in May, Beverley has been appointed as Deputy Speaker including heading up International Relations and Protocol for the Western Cape Provincial Parliament. Beverley holds a four year diploma in Education and a bachelor's degree from Wits University.



Johan Brand

Biography

Mr. Johan Brand was appointed as the Western Cape Police Ombudsman from the 1st of September 2018. Mr Brand served the South African Police Service for more than 32 years. Prior to leaving the SAPS, he held the position of Station Commander in Mitchells Plain until 2014, after which he held the post of Cluster Commander for the Khayelitsha Cluster, at the rank of a Major General, until August 2018. Before that, he served as an investigator and Detective Commander in Soweto, Gugulethu, Athlone, the Child Protection Unit and as the Provincial Commander for General Detectives in the Western Cape. During his tenure at SAPS, he received the award for the Senior Operational Manager of the year in the Western Cape in 2013, and held third position for the National Senior Operational Manager of the year in 2014. He also received the awards

for the Cluster Commander of the year, as well as the Senior Operational Manager of the year in 2018, in the Western Cape prior to his appointment as the Ombudsman. Mr Brand is an experienced manager, with legal qualifications, and investigation skills and is in possession of a Master's degree in Public Administration amongst others. The office of Western Cape Police Ombudsman investigates service delivery complaints against the South African Police Service (SAPS) and the Cape Town Metro Police Department (CTMPD) as well as a breakdown in relations between the SAPS/CTMPD.



Prof Hennie van As

Biography

Prof Hennie van As is an admitted advocate, Public Law Professor, the Director of the Centre for Law in Action (CLA) at Nelson Mandela University, and head of FishFORCE, situated in the CLA. FishFORCE is Africa's first Fisheries Law Enforcement Academy, established in 2016 at Nelson Mandela University. He is an Honorary Senior Fellow of the Australian National Centre for Ocean Resources and Security (ANCORS) at the Faculty of Law, Humanities and the Arts, University of Wollongong, Australia, and the African coordinator for the Global Access to Justice project. He is a member of the International Legal Aid Group, the One

Ocean Hub, and the Western Indian Ocean Community of Projects. He has been an expert member on IUU fishing for the UNODC and the government of Indonesia, and a member of the team that developed the Indonesian IUU policy.



Prof. Dr. Erik Franckx

Biography

Prof. Dr. Erik Franckx is a full-time research professor, Vrije Universiteit Brussel (V.U.B.) and acting President of the Belgian Society of International Law (2017 -).

He holds moreover teaching assignments at the Université Libre de Bruxelles; Brussels School of International Studies (University of Kent); Institute of European Studies (V.U.B.); Sorbonne Université Abu Dhabi, United Arab Emirates; and the University of Akureyri, Iceland.

He is appointed by Belgium as: expert in marine scientific research for use in special arbitration under the 1982 United Nations Convention on the Law of the Sea (1982 Convention) (2004 -); expert in maritime boundary delimitation to the International Hydrographic Organization (2005 -); member of the Permanent Court of Arbitration (2006 -); arbitrator under the 1982 Convention (2014 -).

He served as a consultant to governments, international, supra national and non-governmental organizations. He was legal counsel on behalf of the Netherlands in the

Arctic Sunrise Arbitration against the Russian Federation (2013 - 2017).



Andrew D. Witte

Biography

Andrew Witte is a PhD student at Rhodes University under the Supervision of Professor Peter Britz and Co-Supervised by Dr. Paul-Pierre Steyn. Andrew's research interests include benthic community ecology, habitat change and community structure changes, habitat modelling, GIS and spatial mapping, fisheries management and stock assessments. His current research is focus in the field of abalone ranching and stock enhancement, particularly on the development of a stock assessment for ranching and stock enhancement program. Andrew has worked on understanding the role that recruitment, habitat variability, anti-poaching and ranching procedures have on stock recovery. Some additional material on the ranching and stock enhancement can be found at:

- https://www.brandsouthafrica.com/investments-immigration/business/economy/abalone-aquaculture-could-end-poaching?fbclid=IwAR3X9DeOA5rWaWCq89oly5_4Qni3ZIp3ZztH9Y7PdwvM07G2l0Vi8GzWog
- https://issuu.com/topcomedia/docs/psm_august_2017_issuu?e=2548535/52600690

- <https://www.businessinsider.co.za/massive-abalone-harvest-expected-from-pe-2018-5?fbclid=IwAR2VwAUwFcmBro1HZB0ub7TuuDxnaeLtpz5Tz3cEV3xgyVjrn9ZH6w9HYGA>



Phil Snijman

Biography

Phil Snijman has 28 years of experience as a legal practitioner. After nine years as a state prosecutor and advocate for the prosecution service in South Africa, he established a career as a consultant in environmental and fisheries law in Africa. Phil obtained the degrees BA LLB MPhil (Environmental Management) and LLM (Environmental Law) and has contributed to various academic publications. He holds appointments as Extraordinary Lecturer to the Centre for Environmental Studies at the University of Pretoria, Research Associate to the Faculty of Law at the Nelson Mandela University and as Honorary Senior Fellow at the Faculty of Law, Humanities and the Arts at the University of Wollongong, Australia. He is



Per Erik Bergh

Biography

Per Erik Bergh has for over 30 years been working globally in the maritime and fisheries fields. His main passion is fighting illegal fishing and assisting operational MCS staff to bring perpetrators to justice. He achieves this through his extensive network that has been built from his initial years in the Norwegian coastguard, global travel and engagement in international fishery and maritime affairs and from over two decades living and working in Africa. Per Erik has worked in over 40 countries around the world in Africa, Asia, Europe and America where he's been involved in the development of the MCS element of fishery management plans, working in aspects ranging from training inspectors to supporting regional and international negotiations of fisheries instruments. In 2016 Per Erik was awarded The Royal Norwegian Order of Merit (Knight First Class) in recognition of his outstanding service in the interests of Norway underlining Per Erik's key role in the field of IUU fishing and fisheries crime, in particular through the establishment of the not for profit organisation Stop Illegal Fishing and the FISH-i Africa Task Force.



Anthea Christoffels – Du Plessis

Biography

Anthea Christoffels – Du Plessis is a former law clerk of the retired Deputy Chief Justice Dikgang Moseneke and an experienced indirect tax consultant. In 2019, she joined academia at her alma mater, Nelson Mandela University as a lecturer in the Department of Criminal and Procedural Law. Her research focus is on the customary fishing rights of communities and its relationship with existing fisheries law. Her promoters are professor Patrick Vrancken and Hennie van As, both from the Nelson Mandela University.



Dr. Motseki Hlatshwayo

Biography

Dr. Motseki Hlatshwayo, Technical Advisor-

Fisheries at SADC Secretariat, holds a PhD (Zoology) from University of the Free State (UFS). He previously served as Chief Director-Aquaculture (DAFF, now DEFF); Subject Head and Senior Lecturer of Zoology (UFS); and Research Associate at the State University of São Paulo (Jaboticabal) and University of São Paulo (Ribeirão Preto) in Brazil; Visiting Researcher at the University College Dublin (UCD) in Ireland and Louisiana State University (LSU) in the United States.

He is a member of the Aquaculture Association of Southern Africa (AASA) and World Aquaculture Society (WAS). He is the Chair of the Board of the AquaFish Centre of Excellence at Lilongwe University of Agriculture and Natural Resources (LUANAR); Chair of the Programme Steering Committee of the EU funded E€OFISH Programme; Chair of the AU-BAR Working Group on Fisheries MCS; and Member of the ACP Regional Fisheries and Aquaculture Expert Committee.



Adv. Martin le Roux

Biography

Martin le Roux is a member of the National Prosecuting Authority attached to the Office of the Director of Public Prosecutions in Port Elizabeth. Part of his mandate in the Office of the Director is oversee investigations in and to prosecute organised crime. He has a keen

interest in environmental organised crime and led the prosecution in various racketeering cases where the predicate offences were fisheries crimes. For those of you who might remember the criminal cases where the ringleaders of at least three abalone poaching syndicates were sent to prison, he was the prosecutor.



Peter Britz

Biography

Peter Britz (MSc and PhD degrees in Fisheries Science) is a professor in the Department of Ichthyology and Fisheries Science at Rhodes University and Chair of the Aquaculture Association of Southern Africa. His research focus is the biology, aquaculture, and fisheries of the South Africa abalone. He was Chairman of the World Abalone Society from 2009-2014. His research team has played a key role in the development the commercial abalone farming technology in South Africa. He leads research on the abalone poaching problem, which has included surveys of the Eastern Cape abalone population, quantifying fishing effort and poacher behavior, the economics of the fishery, abalone reseeding studies, and the development fishery management options. He has a special interest in the incorporation of the 'human dimension' into fishery governance and policy and the balancing the social, economic

and ecological aspects.



Florian Giroux

Biography

Florian Giroux is Compliance Officer at the IOTC secretariat. He joined the IOTC Secretariat in April 2012 as new professional staff of the Compliance Section. Florian earned his Master in Exploitation of Coastal Living Resources and Aquaculture in France. Before joining the IOTC Secretariat, Florian started his overseas experience in 1998 in Southern Africa and the Indian Ocean where he serves the Fisheries Administration of several countries in the field of fisheries management and monitoring, control and surveillance (MCS) of fishing activities. Within the Compliance section, he is tasked with working closely with the Members and Co-operating non-Contracting Parties of the Commission, to ensure the highest possible level of compliance with conservation and management measures adopted by the Commission.





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