

News

FishFORCE

A World Leader in Fisheries Law Enforcement Training

In March this year, a publication titled *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. It can be downloaded [here](#).

An excerpt by Prof Hennie van As in the publication reads as follows:

Large-Scale Poaching in our Oceans is Organised Crime

With fisheries crime we are dealing with organised crime. We need to respond at this level. Treating fisheries crime as an Illegal, Unreported and Unregulated (IUU) offence attracts low penalties. This does nothing to eliminate organised crime, which includes a wide range of related criminal offences including fraud, corruption, money laundering, human trafficking and drug trafficking, and carries severe penalties.

By and large the penalties for fisheries crimes – including the illegal catching and possession of fish and seafood species, and the operating of illegal storage and fish processing facilities – are not having a deterrent effect. South African fisheries are a target for organised crime and the country is losing a lot of revenue. Treasury and SARS must become more involved. Billions of rand and national marine resources are being lost.

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.

There are too few fisheries control officers and patrol vessels and the understaffed South African Police Service (SAPS) does not see this as a priority crime. To date, many fisheries crimes, or what is officially referred to as Illegal, Unreported and Unregulated (IUU) fishing have been dealt with as an exclusive fisheries management issue, resulting in less severe penalties – regarded by transgressors as little more than a rap on the knuckles

The general feeling amongst the public is that there is a lack of political will at the highest levels of government to implement the strategies required to protect our natural resources. Government should acknowledge the value of marine resources to the economy, to communities and

as sources of food and allocate the commensurate resources. More fishery control officers should be appointed and properly trained, the number of fisheries patrol boats should be increased significantly, the navy should be more active in our Exclusive Economic Zone (EEZ), and successful convictions should be strived towards.

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. Interpol is advocating the same, given that large-scale fisheries crimes have a well-established connection to a gamut of other illegal activities:

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Norwegian Ministry
of Foreign Affairs



FishFORCE team from left: Michael de Lange (FishFORCE Chief Operating Officer), Tamrin January (FishFORCE project coordinator), Megan Appolis (FishFORCE project coordinator), Professor Hennie van As (Director) and Niven Kops (FishFORCE financial administrator).

drugs, arms, rhino horn, counterfeit goods, smuggling, human trafficking and forced labour, fraud, forgery, corruption, money laundering, and tax and customs evasion.

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 Blignaut; 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.

Overall, a considerable upscaling of governance and management of our living marine resources is required and we are seeking to collaborate with the Department of Environment, Forestry and Fisheries, SAPS, the Defence Force, South African Revenue Services, National Prosecuting Authority and Home Affairs to develop a combined offensive. Fisheries law enforcement is transdisciplinary by nature, requiring expertise in law, criminology, police science, fisheries science, fisheries management and marine living resources conservation.

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

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Tightening the Net 2.0

FishFORCE Dialogue 9 & 10 March 2020

This installment of the second FishFORCE Dialogue focused on increasing awareness and engaging with a variety of international and local agencies and organisations. It fostered strategic discussions on topical issues around fisheries crime with the aim of providing solutions towards addressing this massive problem.

This instalment of the FishFORCE Dialogue focused on increasing awareness and engaging with a variety of international and local agencies and organisations.

The dialogue further aimed at advancing 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 included a range of relevant topics and discussions, and these, together with information produced from the dialogue will be fed into the training and research conducted by FishFORCE.

Dialogue attendees included members of 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 also attended as well as academics from Nelson Mandela University, Rhodes University and the Free University of Brussels. Operational officials from the Indian Ocean Tuna Commission and Benguela Current Commission were unable to make it as a result of the early COVID-19 related travel prohibitions.

Topics and discussions at the Tightening the Net 2.0 Dialogue included:

- The role of Operation Phakisa in the battle against illegal marine activities
- How does SAPS determine whether a crime is a priority crime or not?
- Impact of poaching on small fishing communities
- Abalone poaching in the Overstrand: Key findings and recommendations of the 2018 investigation conducted by the Western Cape Police Ombudsman
- A customary right to fish as a legitimate defence to criminal liability
- Fighting fisheries crime to pave the way for the blue economy
- Disposal of seized marine living resources
- Strengthening cooperation and capacity to stop illegal fishing and build sustainable blue growth in the SADC region
- The European Union and IUU Fishing: The Case of Vietnam
- Changing attitudes – Whodunnit v POCA
- Abalone ranching – a model for resource rebuilding and eliminating poaching through a community-public-private partnership
- Ranching of abalone – ecological impacts, recruitment trends and emergent stock status

To view presentations from the dialogue see the links on the home page: fishforce.mandela.ac.za

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Participants attending the second instalment of the FishFORCE Dialogue titled: "Tightening the Net 2.0" on 9 & 10 March

FishFORCE Training

To date FishFORCE has successfully trained over 600 law enforcement officers from multiple agencies spanning numerous short courses, some of which are credit bearing towards formal qualifications such as the new Diploma in Law Enforcement.

The first training session for 2020 was delivered in Port Elizabeth from 17 – 21 February at the Department of Environment, Forestry and Fisheries (DEFF). The module delivered was Law for Fisheries Control Officials, Inspectors and other Enforcement Officials and was attended by 25 delegates from both DEFF and the South African Police Service (SAPS).

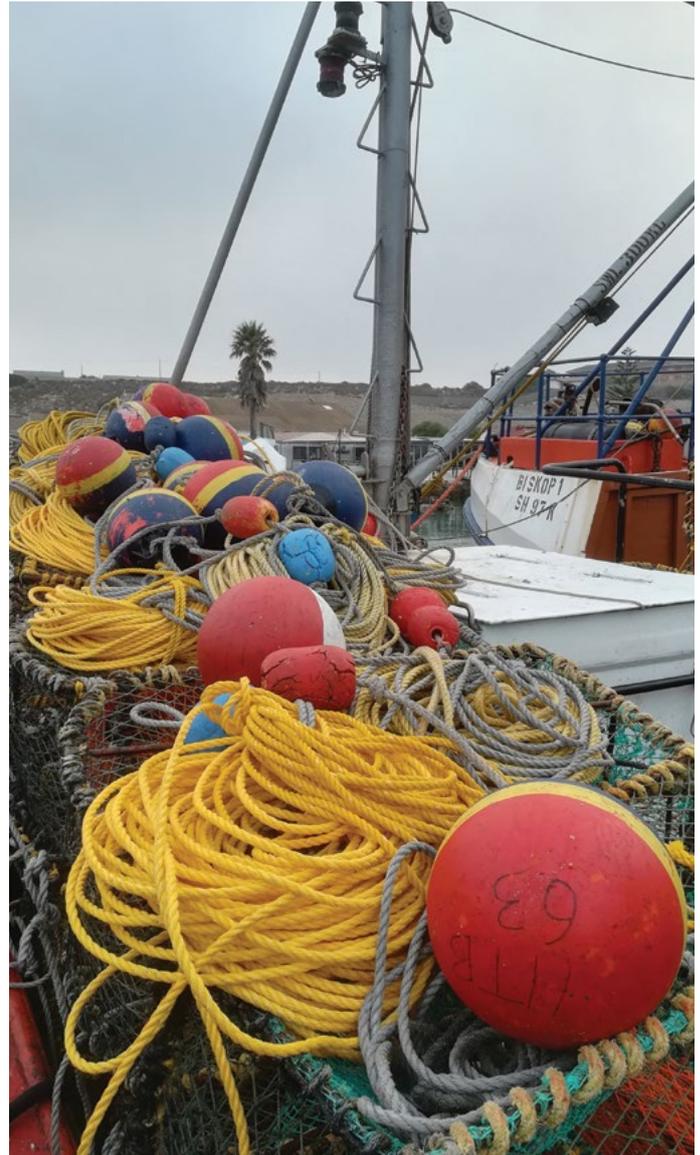
To date, the FishFORCE project has achieved a success rate of 86% for all modules delivered.

A further fourteen (14) training sessions will be conducted during 2020 covering the following modules:

- 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

FishFORCE Model is Transdisciplinary in Nature

Fisheries crime law enforcement requires traditional policing methods and tools, but these must be adapted to the specific circumstances affecting the fisheries sector. It is a transdisciplinary field, and includes aspects related to law, criminology, police science, fisheries management and conservation. The aim is to achieve knowledge- and intelligence-led investigations and the prosecution of criminals engaged in fisheries crime. FishFORCE is working to achieve this.



NEWS

FishFORCE Dialogue: "Tightening the net 2.0"

The second instalment of the FishFORCE Dialogue was a great success. Influential role players and organisations from across the globe, and in particular from Africa, gathered at Nelson Mandela University on the 9th and 10th of March 2020 to share knowledge, ideas and advances made in combatting fisheries and other marine-related crimes.

5th meeting of the sadc Regional Technical Team for the sadc Fisheries Monitoring Control and Surveillance Coordination Centre (mcscc)

FishFORCE hosted the 5th meeting on 11 and 12 March 2020 where it was identified as a centre of excellence within the SADC region by the SADC regional technical team for MCS coordination. This is a great milestone for the FishFORCE Academy.

Criminal Law Enforcement Programme (CLEP)

The first quarter of 2020 also sparked the start of the first ever Criminal Law Enforcement Programme (CLEP). This is an industry focused programme for employees in the law enforcement environment. It equips them with the basic knowledge, tools and practical techniques to enable them to perform their functions in terms of the Criminal Procedures Act and other specific legislation that may be enforced by officials in certain job categories such as:

- Fisheries Control Officers
- SA Police Services
- Border Management Officers
- Law Enforcement Officers at SANParks, DEFF, CapeNature
- Metro Police and Traffic Police
- Municipal Law Enforcement Officers
- Environmental Health Inspectors
- Health Standards Compliance Inspectors

The programme runs over 23 days and allows delegates to articulate onto the Higher Certificate in Criminal Justice.



Above: Delegates attending the first module linked to the CLEP in Hermanus. The CLEP is being delivered in conjunction with the Hermanus Varsity Trust to a group of 35 unemployed youth.

In light of COVID-19, training sessions scheduled for March, April & May 2020 have been postponed.

Articulation Possibilities



*Access to the formal qualifications is subject to the candidate meeting the minimum entry requirements of the University.

FishFORCE Post-training Support

FishFORCE Operational Helpdesk

The aim of the helpdesk is to provide advice to people who participated in FishFORCE training and who require further assistance while at a crime scene or while doing an investigation. It provides advice on how to improve prosecutions. The helpdesk therefore provides an opportunity to obtain expert guidance and advice in real-time. Examples of some of the calls logged on the helpdesk are:

- Assistance to Operation Phakisa – TAC (Total Allowable Catch) and Priority Problems
- Port Alfred CAS 20/12/2017 - Charges relate to export of live ragged tooth sharks (*Carcharias taurus*) to the Netherlands for aquarium trade - S v Fourie and Others
- Can FCOs apply for search warrants?
- Development of a new Honorary Rangers / Marine Conservation Inspector Policy and standard operating procedure
- Investigate possible avenues for mobilising public vessels and their masters to assist against poaching procedure (SOP) / Policy
- Impact of bail conditions. Illustrative narrative S v Mario Nel
- Impact of Concourt ruling in Kunjana on search and seizure of marine living resources

For post-training support, FishFORCE has established an electronic helpdesk through which support is given to SAPS, fisheries control officers (FCOs) and the National Prosecuting Authority. The helpdesk provides expert guidance and advice in real-time

Research, Advocacy and International Collaboration

The following research projects are planned for 2020:

- The theory of profit maximisation and crime as opposed to detection prior to poaching.

“FishFORCE conducts multidisciplinary research projects that include law enforcement gap analysis and evaluation, and focus on the development of national and international law and policies.”

- An evaluation of SA fisheries legislation.
- The movement of IUU fishing from west to east Africa.
- The tension between recreational and subsistence fisheries regimes.
- The possible impact of the EU IUU regulations as opposed to the obligations and performance of the South African government.
- Frequently Asked Questions (FAQs) are considered and the responses will be posted on the website

Furthermore, country specific training needs analysis for Kenya, Tanzania and Mozambique will be conducted during 2020.

To date Memorandum of Understanding's (MoUs) have been signed between Nelson Mandela University and Eduardo Mondlane University in Mozambique, the University of Dar es Salaam in Tanzania, the University of Nairobi and the Seychelles Fishing Authority. Further MOUs will be signed with the Indian Ocean Tuna Commission (IOTC), the University of Seychelles and the Fisheries Observer Agency (FOA) in Namibia in 2020.

FishFORCE has working relations with various other international stakeholders such as LETrainNET of UNODC, INTERPOL, Fish-i-Africa, SADC and the University of Wollongong in Australia.

UPCOMING EVENTS

- Law training for fisheries control officials, inspectors and other enforcement officials
- Saps training: identification of marine species and vessels and gear used in illegal fishing
- Fishforce south african chapter meeting 7 May 2020
- Fishforce advisory board meeting 1 July 2020

FISHFORCE & THE FIGHT AGAINST COVID-19:

In response to the Covid-19 pandemic, FishFORCE is in the process of implementing their online training programmes with a platform and app to go live in the coming months.

In Partnership with:



Norwegian Ministry
of Foreign Affairs



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