

Establishment of a Fisheries Law Enforcement Academy

1. The third presenter in the session was Hendrik van As, Professor of Law and Director of the Centre for Law in Action (CLA) at the Nelson Mandela Metropolitan University (NMMU), located in Port Elizabeth, South Africa. He delivered a presentation focused on the establishment of a Fisheries Law Enforcement Academy including its goals and development of a training programme under which students will be able to obtain higher-level qualifications.
2. The Department of Fisheries approached NMMU to establish the academy about 18 months ago based on the previous involvement of the law faculty through CLA which trained officials to crackdown on municipal health offenses in South Africa.
3. Before elaborating on the academy itself, Mr van As imparted an example of using by-laws to address certain fisheries issues. About two years ago, he was approached by a conservation agency regarding a fishing issue in Breede River, which forms the border between two municipalities and falls under the jurisdiction of the Western Cape Province. South Africa carp come into the river to spawn in December, and each citizen is entitled to a permit to catch one fish. Whereas the local population is normally about 5 000, there are closer to 50 000 people in town during the holiday season, and breeding carp by the dozens were being caught. The municipality used its local authorities' powers to regulate the local amenities by establishing a by-law. Citizens from Cape Town who owned holiday homes challenged the constitutionality of the by-laws but lost their case in December 2015.
4. Further to NMMU, the university has been identified by the national government as the key point for the development of the national Blue Economy. It has also established the South African International Maritime Institute, which will help give effect to Operation Phakisa, the national development initiative of the South African government. This means that all the faculties are geared toward the Blue Economy.
5. As part of this, the Fisheries Law Enforcement Academy, also called FishFORCE, will train fisheries control officers: (1) to handle increasingly complex investigations and prosecutions of fisheries-related crime and (2) integrate existing expertise and innovative research to create a permanent education, resource and support center for fisheries law enforcement officers.
6. With the goal of increasing successful prosecutions, the faculty will endeavor to establish the weak points in the process—whether at the fisheries-control level or at the prosecuting authority, or both—and target the training to address those. For instance, prosecutors may be dismissing illegal fishing cases because they do not see them as priorities or because of poor investigative work. Under that scenario, the training would address these issues, and the academy would also work with the national Department of Justice.
7. Their aim is to establish fisheries crime law enforcement as a new and emerging fisheries compliance model. Other key components of the programme are to build capacity while also enabling fisheries law enforcement officers to obtain formal qualifications in their field of expertise. In South Africa and neighboring countries, they see officers getting ad hoc training without any link to formal training or

qualification. As part of the programme, post-training investigative support will also be provided. In this regard, one senior prosecutor and an experienced investigator are already on board.

8. In preparation for the academy, the faculty has joined a law enforcement training network called LETrainNet started by the UNODC last year in Azerbaijan. They have already registered some qualifications in criminal justice and are registering others. This will enable students to obtain higher certificates, diplomas and post-graduate diplomas that eventually can lead to masters or doctoral degrees. In the interim, they have already registered 10 short-learning programmes. They are liaising with INTERPOL, and Mr van As is also a Steering Committee member of PescaDOLUS, which has the aim of supporting, promoting and building capacity in law enforcement agencies to address transnational organized fisheries crimes.

9. To be successful, the academy will have to harness the technical experience and expertise of others. The NMMU does not have all of that expertise, but it exists out in the world, including at the 5th GFETW. In particular, fisheries law enforcement officers will need education on some core issues, including (1) the different national and international legal frameworks, (2) policing tools, (3) investigative techniques, (4) evidence gathering and (5) crime analysis.

10. The model is dependent on cooperation and coordination. One preliminary example is that the NMMU is running its first joint course with the Naval Criminal Investigative Service of the United States in early April 2016. It is also foreseen that it will be a regional exercise, and they are in discussion with the African Union in this regard.

11. The NMMU intends for the training programme to lead to a career path in a sought-after profession. In the past, there was a similar successful initiative for municipal law enforcement officers. This will provide long-term, properly-accredited training with both theoretical and practical content. The academy is also envisioned to have different entrance and exit levels, and will hopefully eventually conduct basic training for newly-appointed fisheries law enforcement officers. The increasing number of difficult and complex cases requires better-trained officials. As new international tools and instruments are developed, fisheries control officers should have the abilities to use and harness these tools.

12. The NMMU has received some funding for the establishment of the Fisheries Law Enforcement Academy and has submitted applications for additional funding. However, whether or not these resources materialize, the university will proceed with establishment of the academy.