

# APPLICATION FORM: NMMU ENGAGEMENT EXCELLENCE AWARDS

(CONSULT THE NMMU ENGAGEMENT EXCELLENCE AWARDS POLICY AND READ THE APPLICATION FORM BEFORE COMPLETING THE TEMPLATE IN ORDER AVOID A DUPLICATION OF INFORMATION.)  
COMPLETE THIS FORM IN TYPESCRIPT. PROVIDE ONLY THE INFORMATION REQUESTED.

SECTION A: Application category		
<ul style="list-style-type: none"> <li>Indicate with an <b>X</b> in the appropriate box the award you are applying for.</li> <li>Your application will only be considered for the award you have applied for</li> </ul>	<input type="checkbox"/> Engagement Excellence Award – Science, Technology and Engineering <input checked="" type="checkbox"/> Engagement Excellence Award – Social Sciences and Humanities <input type="checkbox"/> Engagement Excellence Team Award <input type="checkbox"/> Engagement Excellence Project Award – Science, Technology and Engineering <input type="checkbox"/> Engagement Excellence Project Award – Social Sciences and Humanities <input type="checkbox"/> Emerging Engagement Excellence Awards <i>(note that Professors and Associate Professors are not eligible for this category)</i>	
<b>Surname of Applicant/Team Leader</b>	van As	
<b>First Name</b>	Hennie	
<b>Initials</b>	HJ	
<b>Title</b>	Professor	
<b>Telephone numbers</b>	041 504 1200	
<b>E-mail address</b>	<a href="mailto:Hennie.vanas@nmu.ac.za">Hennie.vanas@nmu.ac.za</a>	
<b>Employment position held at NMMU</b>	Professor	
<b>Faculty</b>	Law	
<b>Department</b>	Public Law and Centre for Law in Action	
<b>Division</b>		
<b>Immediate line-manager</b>	Prof A Govindjee	
<b>Eligibility: Are you permanently employed and/or on a long term (3 years or more) fixed contract?</b> <i>(indicate with an X)</i>	<b>Permanent</b> <b>X</b>	<b>Fixed term contract</b>
<b>If this is an application for one of the <u>Engagement Excellence Project Awards</u>, provide a brief title and description of the project</b> (250 words maximum)	<p><b>Title:</b> Establishment of the FishFORCE fisheries law enforcement academy</p> <p><b>Description:</b> Researchers estimate that Southern and Eastern Africa lose as much as R12 billion worth of fish to illegal and unreported fishing every year.<sup>1</sup> Fish stocks</p>	

<sup>1</sup> Agnew *et al.* 'Estimating the Worldwide extent of illegal fishing'. (2009) *PLoS ONE* 4(2): e4570 in University of Cape Town (UCT) (2013) Symposium entitled 'Illegal fishing in South African Waters and beyond: Prevention and law enforcement' 1.

worldwide are subject to severe overfishing. According to the Food and Agriculture Organization of the United Nations (FAO) 29 per cent of fish stocks are currently overexploited, depleted or in recovery, and nearly all commercially exploited species are either over- or fully exploited.<sup>2</sup> Illegal fishing is one of the main contributors to overfishing, particularly in developing states, which makes efforts to tackle illegal fishing an increasingly important policy objective of African coastal states.<sup>3</sup> Fisheries crime, or multi-crimes affecting the fisheries sector ranging from illegal capture of fish to human trafficking and forced labour, fraud, forgery, corruption, money laundering and tax and customs evasion, pose a real challenge to fisheries law enforcement agencies in developing countries across the world. The result is fish stocks in sharp decline, instability, food insecurity, and the loss of livelihoods and state revenue. In an effort to address this problem, the applicant was instrumental in establishing a fisheries law enforcement academy at the NMU. The academy approached fisheries crime law enforcement as a new and emerging fisheries compliance model and endeavours to achieve knowledge and intelligence led investigations and increase successful prosecutions of criminals engaged in fisheries crime. Whilst building capacity, the project will also enable fisheries law enforcement officers and other law enforcement agencies to obtain formal qualifications in their chosen field of expertise. These qualifications will include higher certificates, diplomas and a post-graduate diploma, which will also provide access to further academic qualifications.

The project will be approached in three phases namely:

Phase I: Baseline establishment and pilot training

Phase II: Facilitation of a pilot training course, establishment of regional training centre in Sub-Saharan Africa and coordination with strategic partners to facilitate cross-border and inter-agency law enforcement of fisheries crime

Phase III: Establishment of a Fisheries Law Enforcement Academy and adjustment and improvement of the geographical spread to countries in

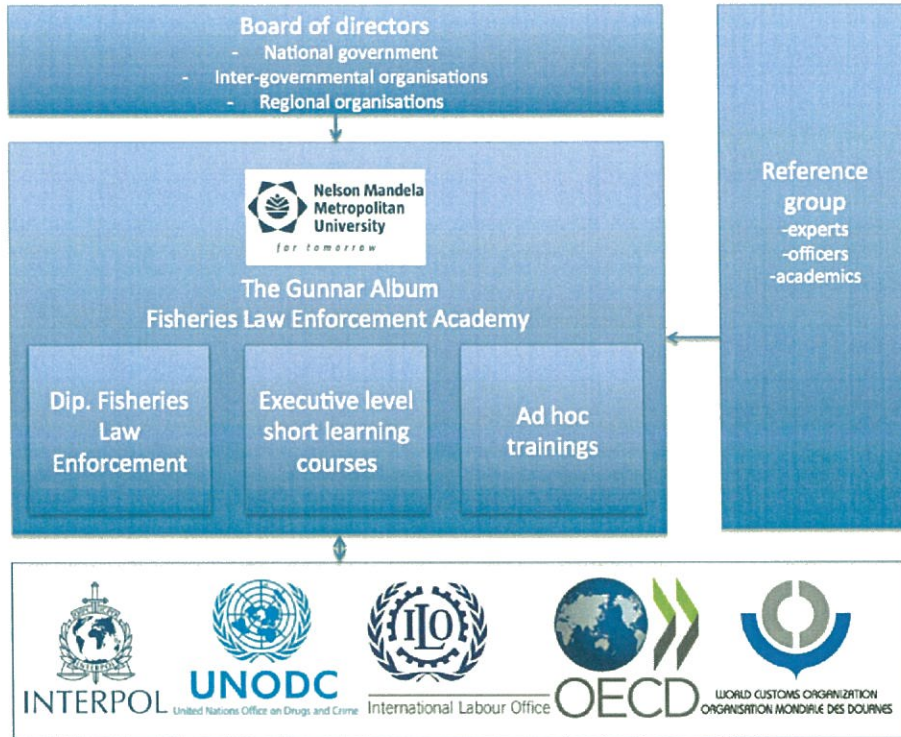
<sup>2</sup> Food and Agriculture Organization of the United Nations (FAO). *State of the Worlds Fisheries and Aquaculture 2012*. (2012), FAO. Pg. 56 in UCT 1.

<sup>3</sup> See e.g., African Union's 2050 Integrated Maritime Strategy; NEPAD Partnership for African Fisheries; and the Somali Maritime Resource and Security Strategy.

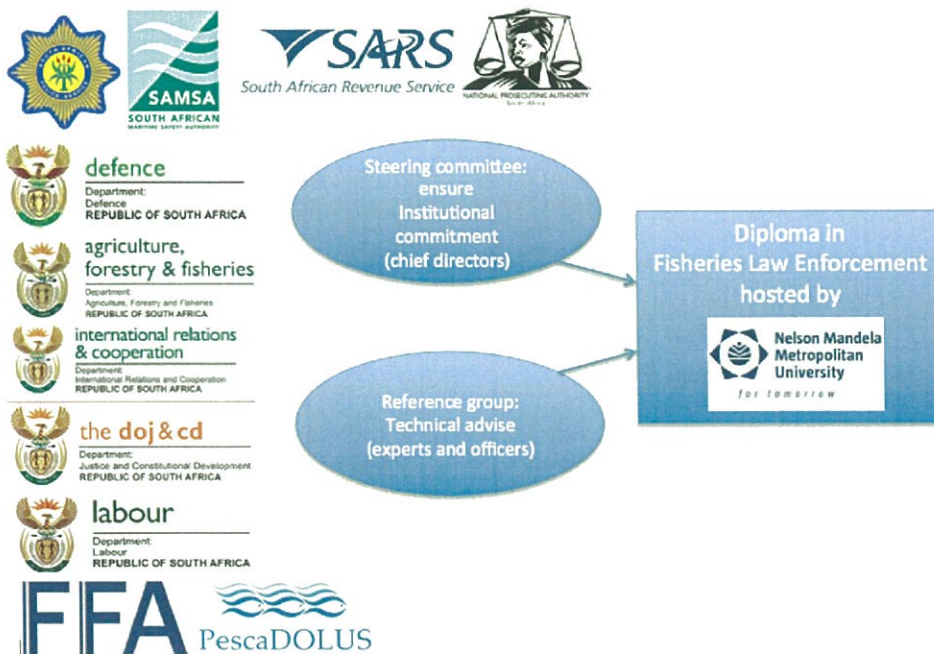
	<p>South-East Asia with the aim to establish a regional Fisheries Law Enforcement Academy (Phase 2).</p> <p>The Government of Norway approved an application and agreed to an initial funding of NOK 23.9 million.</p>
<p>If this is an application for either the <b>Excellence Awards</b> or the <b>Emerging Award</b>, provide a brief description of your engagement activities and initiatives (250 words maximum)</p>	<p><b>Description:</b></p>
<p>If this is an application for the <b>Engagement Excellence Team Award</b>, provide</p> <ul style="list-style-type: none"> <li>• the names of all staff members and students participating</li> <li>• the nature of their involvement</li> <li>• a brief description of the team's engagement initiatives and activities (250 words maximum)</li> </ul>	<p><b>Staff:</b></p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol> <p><b>Students:</b></p> <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol> <p><b>Description:</b></p>
<p><b>Are your Engagement activities/projects/initiatives registered on the Engagement Management Information System (E-MIS) on SharePoint?</b>  If not, please ensure that they are before you submit this application.  Applications that are not registered and updated on the E-MIS will not be considered for Awards.  The most recent date on E-MIS for each project update (achieved when 'submit' is clicked) must be in 2016.  Provide the exact titles (as featured on the E-MIS) for all of the Engagement activities/ projects/ initiatives with which you are involved.  Visit <a href="http://caec.nmmu.ac.za/Engagement-Information-and-Development/Engagement-Management-Information-System">http://caec.nmmu.ac.za/Engagement-Information-and-Development/Engagement-Management-Information-System</a></p>	<p><b>Titles:</b></p> <ol style="list-style-type: none"> <li>1. Establishment of a Fisheries Law Enforcement Academy</li> <li>2. Law enforcement by peace officers</li> </ol>
<p><b>SECTION B: Engagement categories</b></p>	
<ul style="list-style-type: none"> <li>• You are required to describe and report in detail on a minimum of <u>two engagement categories (these are 1, 2, 3 and 4 below) in order to be considered for an award.</u></li> <li>• If you or your team are involved in three or four of the engagement categories, report in detail on all of these categories.</li> <li>• Applications that describe and can provide evidence of <u>engagement activities across all four categories are encouraged.</u></li> <li>• Refer to section 5 of the attached <u>Engagement Excellence Awards policy</u> which provides a guideline on the specific activities you should report on under each of the categories you have chosen.</li> </ul>	
<p><b>Report on your:</b></p> <p><b>1. Engagement through Community Interaction, Service and Outreach:</b></p> <p>The ultimate goal of the project is to reduce poverty in the Indian Ocean Rim. This is strong evidence of the improvement of quality of life which benefits all sectors of society.</p> <p>40 Umkontho we Sizwe veterans were trained for appointment as honorary marine conservation officers as part of the project.</p>	

The applicant is collaborating with a number of NGO's, CB's etc. These include Tryg Matt Tracking, Fish-i-Africa. The extent of its outreach is illustrated by the following extract from its application for funding:

"The training to be on offer and the proposed governance structure is illustrated as follows:



Its outreach can further be illustrated as follows:



It is also worth mentioning that the applicant is collaborating closely with the Science Faculty. He is currently advising on the Constitutional validity of granting public powers, such as the power of law enforcement, to private bodies in order to protect a mixture of public (wild abalone) and private resources (re-seeded abalone) in a public places.

The applicant has granted radio interviews and was also interviewed for a Singaporean television station. Here were numerous newspaper reports (some examples will be attached)

There are various other processes and initiatives that this project will contribute towards. This includes the following:

- INTERPOL Project FishINTEL
- The proposed ILO Global Action Programme against Forced Labour and Human Trafficking
- UNODC-WCO Container Control Programme
- Operation Phakisa ('hurry up') – The applicant serves as a member of Initiative 5 (improvement of law enforcement)
- SADC MCS Centre in Maputo
- The Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO)
- The AU's Maritime Security Strategy
- The Nouakchott Declaration on Transparency and Sustainable Development in Africa.

#### **Report on your:**

#### **2. Engagement through Teaching and Learning:**

The applicant was instrumental in establishing the FishFORCE Academy in the Law faculty as a flagship project of the NMU. The project aims to establish fisheries crime law enforcement as a new and emerging fisheries compliance model (and open a whole new world to students) and will endeavour to achieve knowledge and intelligence led investigations and increase successful prosecutions of criminals engaged in fisheries crime. Whilst building capacity, the project will also enable fisheries law enforcement officers to obtain formal qualifications in their chosen field of expertise. These qualifications will include higher certificates, diplomas and a post-graduate diploma, which will also provide access to further academic qualifications. The FishFORCE initiative was conceived to meet the identified need for training and further (higher) education in fisheries law enforcement in developing countries. It aims to supplement and strengthen an innovative, integrated and multidisciplinary fisheries law enforcement model in developing countries. 2016 saw the start of the implementation of the project and it has already led to the registration of 7 SLP's that focus specifically on addressing the depletion of natural resources, with a further 4 already identified. These activities are directly aligned to the NMMU vision, mission and values.

Based on his activities in the sector, the applicant developed a Diploma in Law Enforcement, which focuses on the fisheries environment. It is the only in its kind in Africa. Further curriculum development will take place in collaboration with the University of Nairobi, the Norwegian Police University, industry, the UNODC and INTERPOL. An LLM in Ocean Governance was also developed in collaboration with the Chair in Law of the Sea and Development in Africa.

The short learning programmes and qualifications all aim to serve, in addition to "traditional" students, non-traditional students in South Africa as well as countries such as Tanzania, Kenya, Somalia, Indonesia and Mauritius. This is done by offering credit bearing SLP's to employed officials and then allowing access to formal qualifications through RPL. MOU's are being entered into with universities in the Indian Ocean Rim who will offer NMU developed SLP's subject to NMU quality control. Trainers are also trained.

The applicant was invited and funded by the US Embassy to visit the US Coast Guard Academy in South Carolina and he wrote an evaluation report. He has also started implementing best-practices he observed whilst there.

Part of the project involves post-training support. Trainees receive guidance of the correct application of learning while carrying out actual operations.

The Academy's support services span investigative, legal, prosecution and forensic assistance:

- Securing evidence
- Vessel tracking
- Various forms of legal assistance (identification of offences, legal procedure, mutual legal assistance etc)
- Crime analysis
- Contacts and networks.

**Report on your:**

### **3. Engagement through Profession/Discipline-Based Service Provision:**

- Steering Committee Member: PescaDOLUS which is an international independent research and capacity building network which focuses on innovative inter-disciplinary solutions addressing transnational organised fisheries crime
- Member of the Faculty Management Committee, Faculty Board and Senate
- Honorary Life Member of the Institute for Municipal and Public Safety of South Africa
- Served on panel of experts at the invitation of the Republic of Indonesia at its 2<sup>nd</sup> Regional Conference on the establishment of a regional convention against illegal, unreported and unregulated fishing (IUUF) and its related crimes in Yogyakarta, Indonesia (2016)
- Served on a panel of experts for WWF and the UNODC (addressing international organised crime) in Vienna, Austria (2016)
- The applicant is founding member of the UNODC's LETrainNET (a network of academic and law enforcement training institutions from more than 80 countries).
- Currently assisting the NMU in becoming a member of the Indian Ocean Rim Academic group.
- Co-hosted the second International FishCRIME conference (with PescaDOLUS and UNODC) in Jakarta, Indonesia (2016) which was attended by more than 60 countries
- Hosted a High Level Stakeholders Conference on international organized crime in the fisheries environment in Mombasa, Kenya (2016)

The programmes developed as part of the FishFORCE activities are seen as ground breaking by a number of countries and international bodies and it was already duplicated in Indonesia. Kenya has formally announced its intention to implement the programme.

His involvement in the practice of Constitutional Law has enabled him to impart cutting-edge knowledge. One such example is where he used his knowledge to draft a by-law for two municipalities on a matter that was considered a "grey" area in Constitutional Law. His work was challenged as "unconstitutional" and the result was that an application for leave to appeal was dismissed in the SCA with costs.

**Report on your:**

**4. Engagement through Research and Scholarship:**

The FishFORCE project has a research and evaluation component. FishFORCE will be regional and worldwide and not limited to the Indian Ocean Commission region. Second, as opposed to ad hoc training, FishFORCE is envisaged to become a university accredited, research-led programme enjoying international recognition. The ambition is to create a career path and access to higher education (up to the highest level) for fisheries law enforcement officers and to support their activities through professional networks and support structures. FishFORCE aims to integrate existing expertise and innovative research to create a permanent education, resource and support centre for fisheries law enforcement officers.

Collaborative research projects will be entered into with PescaDOLUS and institutions such as INTERPOL and UNODC. One of the outputs of the project will be an evaluation of the impact of focused training on the improvement of prosecutions and the reduction of poaching. In addition, the project will draw upon local and international multidisciplinary researchers and students to stimulate a centre of research excellence. Research will focus on developing the fisheries crime law enforcement field, including:

- Development of training material and policy briefs
- Identification of gaps and improvement in national legislation and international agreements
- Facilitation of legislative reviews
- Conducting studies into the fisheries crime market, networks and activities
- Identification of law enforcement gaps
- Evaluation of interventions
- Hosting expert meetings and symposiums and presenting and disseminating fisheries crime research findings.

Comparative analyses of different fisheries legislative and policy regimes in 5 countries have already started and the results will be published.

Reduction in poaching and an increase in the number of successful prosecutions will contribute towards socio-economic development.

**An overview of the FishFORCE project** is provided here and it should be considered to establish the extent and impact of the engagement.

THE FishFORCE MODEL was developed in collaboration with the Norwegian Department of Fisheries and it is implemented at the NMU.

Fisheries crime law enforcement (as organized crime) is a new and emerging fisheries compliance model. At its core the model promotes the use of traditional policing methods and tools, but adapted to the specific circumstances affecting the fisheries sector. It is a cross-disciplinary field, which spans, *inter alia*, law, criminology, police science, and fisheries management and conservation. The model's aim is to achieve knowledge- and intelligence-led investigations and prosecutions of criminals engaged in fisheries crime.

The success of the new fisheries crime law enforcement model hinges on a number of critical factors:

First, the fisheries law enforcement model requires **technical expertise**. Fisheries law enforcement officers need a firm understanding of core issues such as applicable national and international legal frameworks, policing tools, investigative techniques, evidence gathering, and crime analysis. An added benefit is that professional pride and networks is also likely to improve institutional commitment and suppress apathy and corruption.

Second, the fisheries law enforcement model is dependent on a high degree of **coordination and cooperation**. Officers are required to build information sharing networks through inter-agency coordination and cross-border cooperation. As fisheries crime is by nature transnational, fisheries law enforcement officers are required to participate in international operations and will need to know the code of conduct for information sharing and mutual legal assistance both between countries and between agencies within a country.

Third, the fisheries law enforcement model must be resilient to the adaptive nature of fisheries crime and criminals. There is a need to **harness and develop expertise** by continuously evaluating existing knowledge and developing new and better techniques, tools, laws and policies to meet new law enforcement challenges. In addition, the new fisheries crime law enforcement model also needs to be aligned with new and existing fisheries compliance measures.

The FishFORCE initiative will contribute to meeting these needs by delivering three outcomes:

***OUTCOME 1: Technical expertise is built***

Fisheries crime is both complex and transnational and requires a high degree of law enforcement expertise. Successful fisheries crime investigations and prosecutions are resource-intensive and frequently stymied by bribery and corruption. However, we believe that by making use of existing policing tools and services and drawing upon expertise in different agencies, fisheries law enforcement can become more intelligence-led and resource efficient. We also believe that officers with an adequate level of law enforcement skill and a support networks that reinforce the value and importance of the work they are doing, are less vulnerable to apathy and accepting bribes and otherwise condoning corrupt practices.

The FishFORCE initiative is based on the belief that the best way to achieve resource efficient and effective fisheries law enforcement is to create a training programme that leads to a career path and that provides officers with a broad knowledge base and support structure to carry out their tasks. A fisheries law enforcement officer should be a profession that is highly sought after: a career path within which officers can excel and continuously evolve throughout their working life. What is required is an intensive, long-term properly accredited training that will equip fisheries law enforcement officers and other role players in the criminal justice system in southern and eastern Africa with the necessary theoretical knowledge and practical skills and the ability to apply the theory in practice, thereby increasing the possibility of successful investigation and prosecution of offenders. What is needed is a 'FishFORCE' that takes pride in its work and that achieves tangible results.

Our experience from other criminal justice sector programmes has shown that if a long term established course is envisaged, making it university accredited is both useful and important for those taking the course and worth their extra effort. As already noted, FishFORCE is a unique initiative in that, at present, nobody is providing comprehensive, university accredited capacity building programmes for fisheries law enforcement officers in developing countries. Fisheries law enforcement officers require firm knowledge of key policing methods and investigative skills, spanning from the detection of suspicious activities, to inspection, investigation, evidence gathering, prosecution and sentencing. They also require a solid understanding of the fisheries value chain, applicable national and international legal frameworks and the role of various agencies nationally, regionally and internationally.



## **OUTCOME 2: Coordination and cooperation mechanisms are strengthened**

Coordination and cooperation is essential to successful cross-border investigation of multicroimes in the fisheries sector. Coordination and cooperation is required on many different levels: within agencies, between national agencies, between agencies in different countries and regional and international organisations, and between regional and international organisations. Each of these require different strategies to succeed; we believe that FishFORCE will be an important facilitator:

Within agencies: One of the largest challenges experienced by fisheries law enforcement officers is internal institutional acceptance and prioritisation of their work. Accredited training should help elevate fisheries law enforcement within agencies and give officers a chance to develop and hone their skills. The proposed Executive-level Short Learning Programmes will furthermore help department leaders, policy makers and senior justice sector officers (judges and state prosecutors) understand the importance and value of the work carried out by fisheries law enforcement officers.

Between agencies: The multi-crime dimension of fisheries crime investigations require a high level of inter-agency coordination between, among others, fisheries, labour, tax, customs, harbour, police and coast guard authorities. This is, however, difficult to achieve in practice. Representatives from these agencies with expert knowledge in fisheries need to develop both personal trust and a good understanding of their agencies' respective legal mandates, priorities, and legal and resource limitations. The FishFORCE training programme aims to bring officers from all of these agencies together in the same classroom and will assist candidates in approaching fisheries crime investigations from multiple disciplinary perspectives. An important added benefit is the establishment of networks among the candidates as well as within the proposed Academy, which we believe will help facilitate inter-agency coordination and cooperation in the field.

Cross-border: Fisheries crime is by nature transnational. Fisheries law enforcement officers are therefore dependent upon a good understanding of the fisheries value chain and the legal regulation and potential fisheries offences applicable in other jurisdictions to effectively detect and investigate fisheries offences. The FishFORCE training programme will give fisheries law enforcement officers knowledge about relevant national, regional and international legal frameworks and agencies, and will train candidates in information exchange, international law enforcement operations using INTERPOL's tools and services and tools for mutual legal assistance in investigations and prosecutions. In addition the Academy will function as a hub, where alumni and staff will provide networks and meeting points to further enhance cross-border activities.

Inter-organisational: A number of regional and international organisations have important roles in the new fisheries law enforcement model. These include Regional Fisheries Management Organisations, regional economic and development communities, FAO, UNODC, INTERPOL, ILO, the World Customs Organization (WCO) and the Organization for Economic Co-operation and Development (OECD). Many of these organisations carry out capacity building activities within their respective mandates, and it can often be challenging to ensure that candidates (particularly in developing countries) do not suffer from training fatigue due to uncoordinated *ad hoc* training in similar fields. The FishFORCE initiative has already entered into dialogue with a number of these organisations with the aim of creating a common platform to coordinate training between them and to lessen the burden of identifying suitable candidates for training with the requisite knowledge base. The organisations have overwhelmingly responded positively to this. The FishFORCE initiative will moreover aim to consider alliances with strategic partners and parallel initiatives, such as the proposed Monitoring, Control and Surveillance Centre in Maputo, Mozambique. Furthermore, the FishFORCE initiative aims to draw extensively on the expertise within these organisations and will be a platform for these organisations to deliver training to a receptive audience with baseline knowledge. The Centre for Law in Action (CLA) at NMMU is already performing this kind a international

coordination function through UNODC LETrainNet – a newly formed body dedicated to the exchange of best practices in law enforcement training.

### **OUTCOME 3: Expertise is harnessed, research is stimulated and the fisheries crime field is promoted**

The FishFORCE initiative is envisaged to become a key training, support, knowledge and coordination hub for developing countries and is intended to develop and drive the fisheries crime field forward both in theory and practice.

A cornerstone of the proposed FishFORCE initiative is to facilitate research and innovation in the field of fisheries crime law enforcement. Importantly, the CLA at NMMU became the coordinating partner of the PescaDOLUS expert network on fisheries crime in April 2015 and already provides a platform and a hub for leading international experts in the field. It is an ambition of the initiative that the training is cutting edge and evidence based, giving fisheries law enforcement officers the advantage of the most updated information, techniques and tools available. To facilitate this, CLA will, in cooperation with PescaDOLUS, employ a number of research associates and students at Masters and PhD level to carry out research projects in the fisheries crime and fisheries law enforcement field. It is envisaged that these research projects will be multi-disciplinary and include law enforcement gap analysis and evaluation, as well as focus on the development of national and international law and policies.

We believe research is essential in the emerging field of fisheries law enforcement and will help strengthen the overall quality and output of training, as well as feed into processes taking place internationally lifting fisheries crime onto the international agenda. PescaDOLUS is, amongst others, the co-organiser, together with Stop Illegal Fishing, of the International Symposium on Fisheries Crime in Cape Town, South Africa, in October 2015, aimed at bringing together political leaders, international organisations, fisheries law enforcement officers, academics and civil society to exchange knowledge, identify gaps and develop the international agenda to move the field forward. In the future it is envisaged that this conference will be organised within the structure of the FishFORCE initiative.

The final component of the FishFORCE initiative is post training investigative support. This will be carried out by experts, professionals and researchers, predominantly employed by CLA at NMMU, to build and harness institutional in-house expertise. Importantly, we believe successful outcomes from training will only be achieved once the theoretical knowledge is translated into practice. In-house trainers and researchers will therefore offer post training investigative and analytical support. As such the FishFORCE initiative is envisaged as an expert hub and support facility to which law enforcement officers can turn to share experiences and receive assistance.

**FishFORCE will be a platform to build a network of highly trained fisheries law enforcement officers across developing countries in Africa and elsewhere.**

The FishFORCE initiative has three main outputs: training, research and investigative support. These are mutually reinforcing activities whereby research will help provide quality training and investigative support; experiences from training will help set research objectives and identify research candidates, as well as provide a platform for investigative support; and practical experiences from investigative support will inform on-going research and training.

### **SECTION C: Descriptions**

- 1. Describe the impact your Engagement activities have made on stakeholders/beneficiaries/communities and provide details on how these activities are acknowledged/recognized by:**

<p><b>1.1. External communities/stakeholders/beneficiaries:</b> (not staff and students of NMMU)</p>	<ul style="list-style-type: none"> <li>○ INTERPOL (France)</li> <li>○ The Department of Trade, Industry and Fisheries (Norway)</li> <li>○ PescaDOLUS (SA, Norway)</li> <li>○ International Labour Organisation</li> <li>○ Hanns Seidel Foundation (Germany)</li> <li>○ Local Government Sector Education &amp; Training Authority</li> <li>○ SAPS National Training Directorate</li> <li>○ The Institute of Municipal and Public Safety of SA</li> <li>○ Department of Agriculture, Forestry and Fisheries in South Africa (DAFF)</li> <li>○ INTERPOL Environmental Security Sub-Directorate (ENS)</li> <li>○ Stop Illegal Fishing (SIF)</li> <li>○ Trygg Mat Tracking (TMT)</li> <li>○ International Labour Organization (ILO)</li> <li>○ United Nations Office on Drugs and Crime (UNODC)</li> <li>○ African Union (AU)</li> <li>○ Indonesian Special Task Force on Fisheries Crime</li> <li>○ University of Nairobi</li> <li>○ US Homeland Security through its Defense Threat Reduction Agency</li> </ul>
<p><b>1.2. Internal communities/stakeholders/beneficiaries:</b> (staff and students of NMMU)</p>	<ul style="list-style-type: none"> <li>● Faculty of Law</li> <li>● Chair in law of the Sea and Development in Africa</li> <li>● Science Faculty</li> <li>● The to be established new Oceans Economy Faculty</li> </ul>
<p><b>2. Describe how your Engagement activities contribute towards faculty/department/entity engagement goals and objectives. (Refer to your Department/Faculty/Entity's strategic plan here)</b></p>	
<p>It increases the PQM of the faculty. Funds have been set aside for past-graduate research scholarships. The director is promoter for an LLD and an LM candidate conducting research directly related to the project</p> <p>The project funded 9 post-graduate students to attend an international conference in Indonesia.</p>	
<p><b>3. Describe how your Engagement activities contribute towards the achievement of the NMMU Vision 2020 Engagement Strategic Goals and Objectives. (Refer to the attached NMMU Engagement Strategic Goals and Objectives)</b></p>	
<p>The Project contribute to the vision to be a dynamic African university, recognised for its leadership in generating cutting-edge knowledge for a sustainable future. The model that was developed is considered to be cutting-edge</p>	

(as evidence by reaction to it in places such as Kenya, Austria, the USA, New Zealand, Singapore, Indonesia, Norway and its ultimate purpose (to reduce hunger and provide for sustainable fisheries) speaks for itself.

The NMU mission, to offer a diverse range of quality educational opportunities that will make a critical and constructive contribution to regional, national and global sustainability is addressed by the different SLP's and new academic programmes that have been or will be developed.

**4. Describe how your Engagement activities contribute towards:** *(Refer to any relevant media coverage, representation on boards or committees, scholarly publications, conference presentations etc.)*

**4.1. Addressing the needs of society and various external communities served by NMMU:**

This is covered extensively by the information supplied above.

**4.2. Profiling and promoting the NMMU as an engaged university:** Additional information will be attached

**5. Describe how you have successfully integrated engagement into the Teaching and Learning and Research functions of the university.** *(Refer to sections 5.1, 5.2 and 5.3 of the Engagement Excellence Awards Policy as a guideline)*

This is covered extensively by the information supplied above.


**6. Provide details of scholarly outputs/contributions made to a body of knowledge as a result of your engagement activities.** *(Refer to publications, new teaching programmes, technical reports, conference proceedings, etc.)*

- 2 New qualifications are developed
- 7 New high level credit bearing SLP's have been developed (another 4 in process)
- 2 International conferences were hosted
- Papers were read at 3 international conferences
- The applicant served on 2 international expert panels

**7. Describe the important role performed by you or the team in:**

**7.1. The leadership and management of the engagement activities and initiatives:**

Serves as director of the Academy and project manager  
Also serves as member of the board  
Member of the Core Reference Group (made up of international organisations)  
Member of Operation Phakisa (primary national policy initiative)  
Member of the South African Chapter (oversight)

<b>7.2. The level and extent of partnerships/collaborations/networks/linkages formed internally and externally:</b>	
<b>a. Internally</b> ( <i>inter-departmental, inter-faculty and interdisciplinary</i> ):	See Section C Par 1.1
<b>b. Externally</b> ( <i>at local, national and international level</i> ):	See Section C Par 1.2
<b>SECTION D: Signature</b>	
Applicant Signature	
Date	7 June 2017
<b>SECTION E: FOR OFFICE USE</b> <i>(Administered by the Centre for Academic Engagement and Collaboration and the NMMU Engagement Committee)</i>	
Resolution regarding application from Awards Committee:	
Feedback to applicant:	

#### SECTION F: Portfolio of Evidence

Attach any relevant documents as a portfolio of evidence to support your application. **Limit this portfolio of evidence to a maximum of 20 pages.** This can include photographs, promotional material, commendations from stakeholders/beneficiaries etc., publication references, (extracts from) annual or project reports to funders/sponsors etc., or any other relevant materials that may serve as evidence.

**List of supporting documents submitted along with this application as addendums:**

Please ensure that the documentary evidence below is clearly cross-referenced with the relevant section and number in the application template, for example Section B1 or Section C4.

1. Concept note: Indian Oceans Rim (Annexure A)
2. Access the projects website at <http://fishforce.nmmu.ac.za/>
3. Tackling Crime on the High Seas. Article in The Star.
4. FishCRIME 2 e-mail flyer
5. Some information materials
6. An article that was published in The Voice

Unfortunately time and the fact that some documents are in PdF dn't allow me to cross-reference as required. A number of photographs follow:



Visit to the US Coast Guard Academy



Prof van As at the US Coast Guard Academy



LETrainNET conference with INERPOL in Singapore

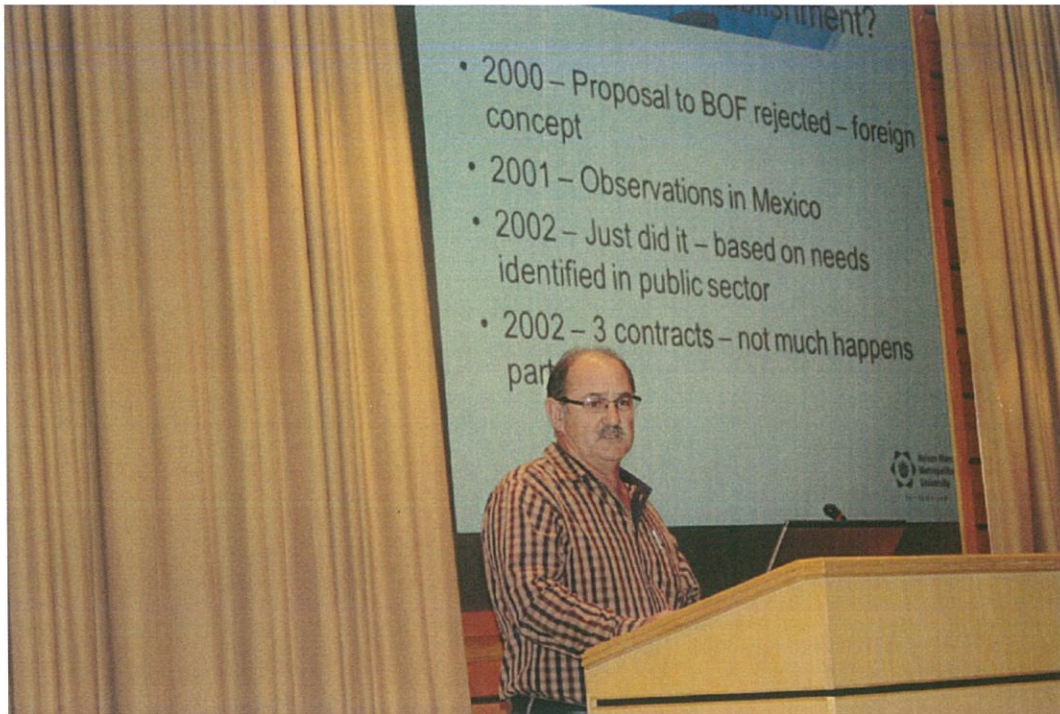


Dr Mthwa and the Norwegian Ambassador at the signing of the funding agreement



Member of the UNODC expert advisory group





Addressing the 5<sup>th</sup> IUU Fishing Crime Conference in Auckland, New Zealand

Following the success of FishCRIME 2015  
in Cape Town, South Africa, we are proud to present

# THE 2ND INTERNATIONAL SYMPOSIUM ON FISHERIES CRIME

co-organised by the Government of Indonesia, the Norwegian Ministry of Trade, Industry, and Fisheries, the United Nations Office on Drugs and Crime (UNODC), and the PescaDOLUS Network at Nelson Mandela Metropolitan University

**10 - 11 October 2016 in Yogyakarta, Indonesia**



 **FishCRIME2016**

# BACKGROUND

Evidence shows that fisheries crime occurs along the entire global value chain of the fisheries sector. It extends from the planning of fishing activities to a range of criminal offences including document fraud, tax evasion, money laundering, and trafficking in persons. Cases highlight that fisheries crime is usually organised and transnational, spanning multiple jurisdictions.

## THE SYMPOSIUM AIMS TO

- advance the discussion on how best the international community should cooperatively respond to transnational organised fisheries crime along the value chain
- encourage high level representatives from national authorities and leading international experts to commit to a firm cooperative response to transnational organised fisheries crime
- strengthen the global dialogue on fisheries crime initiated at FishCRIME 2015 to promote partnerships and cooperation in fighting fisheries crime

## SYMPOSIUM THEMES

### 1. CRIME THROUGHOUT THE VALUE CHAIN

Examples of fisheries crime types along the value chain using illustrative international cases.

### 2. SECRECY IN FISHERIES

Evidence highlighting the lack of transparency in corporate structures and flag registries facilitating fisheries crime and frustrating criminal prosecution.

### 3. FRAUD AND FORGERY IN FISHERIES

Presenting evidence of document, identity and fish fraud along the fisheries value chain and challenges in addressing these crimes.

### 4. THE ROLE OF STAKEHOLDERS IN COMBATING FISHERIES CRIME

Awareness raising around fisheries crime and technical tools to address the problem.

### 5. CAPACITY BUILDING IN COMBATING FISHERIES CRIME

Discussing collective global responses and instruments to improve law enforcement in addressing fisheries crime.

The Symposium will bring together high-level representatives from national authorities and leading international experts to discuss the means to strengthen cooperation, law enforcement and criminal justice responses to transnational organised fisheries crime along the entire value chain.

««« [CLICK HERE TO REGISTER](#) »»»

The Government of Indonesia will host a tour to Yogyakarta's art and cultural sites on 9th October. All participants are invited to join.

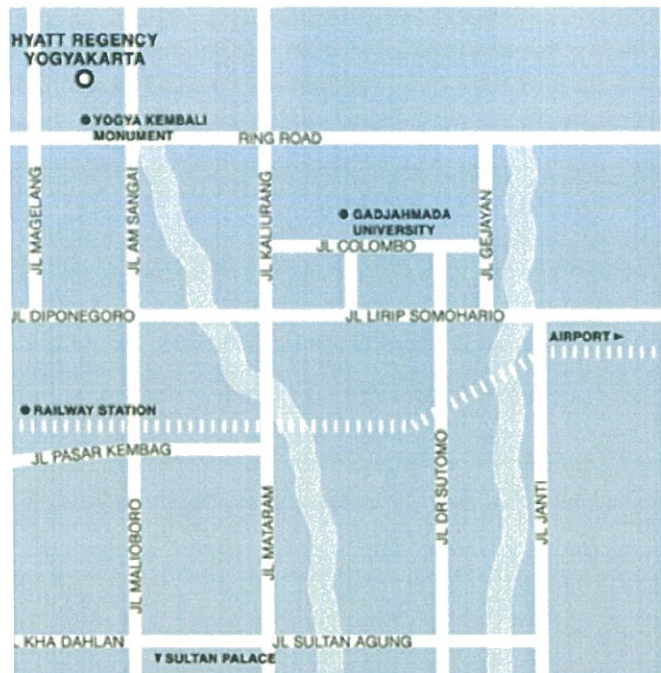
FishCRIME 2016 is a joint initiative of the Government of Indonesia, the Norwegian Ministry of Trade, Industry, and Fisheries, the United Nations Office on Drugs and Crime (UNODC), and the PescaDOLUS Network at Nelson Mandela Metropolitan University.



## VENUE

Hyatt Regency Yogyakarta  
Jalan Palagan Tentara Pelajar  
Yogyakarta, Indonesia, 55581  
P: +62 274 86 9123  
E: [yogyakarta.regency@hyatt.com](mailto:yogyakarta.regency@hyatt.com)  
25 mins from Adisutjipto airport (by car)

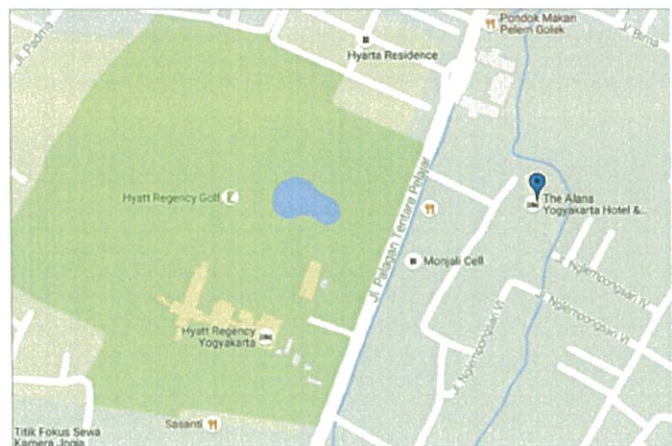
For more info:  
[www.yogyakarta.regency.hyatt.com](http://www.yogyakarta.regency.hyatt.com)



## ALTERNATIVE NEARBY HOTEL

The Alana Yogyakarta Hotel and  
Convention Center  
Jalan Palagan Tentara Pelajar KM 7  
Sleman Yogyakarta 55581 - Indonesia  
P: (+62274) 888 800  
F: (+62274) 8722 499  
E: [yogyakartainfo@alanahotels.com](mailto:yogyakartainfo@alanahotels.com)  
30 mins from Adisutjipto airport (by car)

For more info: [www.alanahotels.com](http://www.alanahotels.com)



## Tackling crime on the seas

(Note to Editor: We have changed 'high seas' to 'seas' because high seas refers to the zone outside of our territorial waters)

Sea fisheries crime is a major, international, moving crime. It involves vast amounts of illegal fish and seafood, including high profile, white-collar crime syndicates, and a lot of other issues like human and drug trafficking. In June 2016 South Africa fined three Chinese fishing boats that were apprehended inside our territorial waters a total of R1.3million for possessing fishing gear without a permit, non-compliance with the lawful instruction of a fishery control officer and various contraventions of SAMSA (SA Maritime Safety Authority) legislation.

[http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=44095:chinese-fishing-trawlers-fined-r13-million-for-maritime-and-environmental-offences&catid=108:Maritime%20Security&Itemid=233](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=44095:chinese-fishing-trawlers-fined-r13-million-for-maritime-and-environmental-offences&catid=108:Maritime%20Security&Itemid=233)

South Africa was justifiably up in arms over these vessels but what people have to realise is that highly organised, well-financed transnational criminal activities are taking place in national and international waters, all the time.

It is so extensive that it is in effect a parallel economic system that is undermining sustainable economic growth. Countries are being deprived of taxes, citizens of jobs, food and income, and fisheries and environments are being destroyed. To address this global problem South Africa is collaborating with several governments, INTERPOL and the United Nations Office on Drugs and Crime (UNODC).

## 85% fully exploited

Research <http://www.pescadolus.org/> by the UN Food and Agricultural Organisation estimates that between USD11 and 30 billion is lost annually to illegal fishing. The highest rates are in West African waters. Southern and east Africa loses in the region of R12.2 billion to illegal and unreported fishing every year. It further estimates that 85% of fish stocks worldwide are now fully exploited, and illegal fishing is one of the main contributors.

The extent of fisheries crimes and the depth of people's cruelty in this business is incalculable. So many people are getting away with major crimes. South Africa urgently needs to address this problem together with its National Prosecuting Authority. The country must establish why prosecutions for

fisheries-related crimes often fail or why they are ineffective. Is it the prosecution, lack of proper evidence collected or inadequate legislation? The penalties for illegal possession of fish and seafood species and the operating of storing facilities and fish processing facilities, are hopelessly inadequate. If we want to discourage criminals from participating in such activities, we have to significantly increase the sentences.

During this year, two Taiwanese men were kept in custody after a long and exhausting bail application where they were arrested for 9 million rand's worth of abalone on a farm and 120 000 thousand rand's worth of cannabis. The possession of the cannabis carried the day because despite the relative low value, it was a schedule 5 offence. The abalone was only schedule 1. The determination of crimes into schedules is done in terms of the Criminal Procedures Act, 1977 and if it is a schedule 1 offence, it makes it very easy to get bail after arrest; bail often means end of case as arrested foreign nationals simply leave the country. The value of the abalone should play a role in determining the schedule of bail as it does regarding drugs. Drugs to the value of more than R50,000 equals schedule 5.

Another recent racketeering matter involves approximately 70 counts of possession of abalone and operating fish processing facilities - the value of the abalone involved is estimated at approximately R2,07 billion - yet they are schedule 1 offences.

Nelson Mandela Metropolitan University's Centre for Law in Action, together with the Norwegian Department of Trade and Industry and Fisheries and South Africa's Department of Agriculture, Forestry and Fisheries are partnering up to address this problem.

## South Africa and Norway join forces

Through the collaboration, Norway has agreed to fund an academy at the university called FishFORCE. An amount of approximately R50million over five years is to be allocated to the academy. The main purpose is to combat sea fisheries crime and related criminal activities.

The initiative will train fisheries control officers, police officers and prosecutors along the South African and east African coastlines as well as Namibia. There is

a plan to extend the training all around the Indian Ocean Rim, including countries like Indonesia.

The agreement falls under the broader partnership between South Africa and Norway that is being developed through Operation Phakisa and the Oceans Economy whereby South Africa plans to more effectively and sustainably utilise the ocean economy.

<https://www.environment.gov.za/projectsprogrammes/operationphakisa/oceanconomy>

Norway's economy is based on the ocean, and South Africa is the perfect partner with whom to collaborate and expand the international marine and maritime cluster.

FishFORCE will work to achieve knowledge and intelligence led investigations. The aim is to increase successful prosecutions of criminals engaged in fisheries crime. It will also enable fisheries law enforcement officers to obtain formal qualifications, including higher certificates, diplomas and postgraduate diplomas, with access to further academic qualifications.

This is critical for South Africa where the training of fisheries law enforcement officers, police officers and prosecutors involved in fisheries law enforcement is conducted on an *ad hoc* basis. In South Africa the regulating, policing and law enforcement of fisheries vessels is also too compartmentalised and full of loopholes because of the large number of different players involved.

## South Africa's high profile case

In 2013 three prominent members of fishing industries in South Africa and America were charged in the international case, US versus Arnold Bengis et al.

<http://imcsnet.org/wp-content/uploads/2012/08/Bengis-AJP-report-and-recommendation.pdf>

From 1987 to 2001 they engaged in an elaborate scheme to, amongst other things, harvest illegally large quantities of South African south and west coast rock lobster. This was far in excess of applicable quotas. They exported the illegally harvested lobster from South Africa to the United States.

<http://imcsnet.org/wp-content/uploads/2012/08/Bengis-AJP-report-and-recommendation.pdf>



The defendants underreported the fish harvested to South African authorities and bribed South African fisheries inspectors to help them carry out their scheme. They also submitted false export documents to South African authorities to conceal their overharvesting.

As part of the scheme, they arranged for previously disadvantaged South African citizens who did not have valid US working permits to work for low wages at their fish processing facility in Portland, Maine. The employees were required to process illegally harvested South African rock lobster.

The defendants were fined nearly \$29.5 million in favour of South Africa. This is the largest known restitution order in a Lacey Act case in history. The Lacey Act <http://www.forestlegality.org/policy/us-lacey-act> is a United States law that bans trafficking in illegal wildlife, plants and plant products, such as timber and paper and makes it possible for the US to prosecute crimes in the US that were committed elsewhere.

## The problem is not just illegal fishing

On the 31 March 2016 the Sri Lanka Navy seized 101kgs of heroin on an Iranian fishing dhow just off their coast. The Combined Maritime Forces of the United Nations Office on Drugs and Crime (UNODC) responded immediately, facilitating support as requested by the Sri Lankan authorities to assist with the police investigation. The drug stamps found matched with records of the Compendium of Drug Seizures at Sea. It clearly established that the same drug trafficking networks operating from the Makran Coast (between the Persian Gulf to the Gulf of Oman) to east Africa, are now operating to south Asia.

In her feature, *Slaves at Sea*, <http://reference.sabinet.co.za/document/EJC183989> (please note, this is an abstract of the feature which has to be purchased) Kotie Geldenhuys discusses the problem:

> Imagine a situation where you are working on a fishing vessel but when the captain gets tired of you, he simply sells you to another captain for profit. This scenario, and much worse, are the living realities of thousands of people working on remote fishing vessels as victims of human trafficking.

It goes on to explain that illegal, unregulated and unreported fishing has been linked to numerous crimes, which violate the rights of vulnerable people.

Migrant labourers and fishers fall victim to human traffickers for the purpose of forced labour on board fishing vessels, rafts or fishing platforms, in ports or in fish processing plants. Women and children in fishing ports are vulnerable to organised sexual exploitation in the form of prostitution by fishers. There are also reports of women and children being kidnapped and kept on vessels for the purpose of sex, and violence appears to be a common method of controlling labour.

A Norwegian publication describes how Cambodian boys were bussed from small, impoverished villages and towns after being promised decent wages. [https://www.regjeringen.no/globalassets/upload/fkd/vedlegg/diverse/2010/ffa/casesandmaterials\\_ffapubl.pdf](https://www.regjeringen.no/globalassets/upload/fkd/vedlegg/diverse/2010/ffa/casesandmaterials_ffapubl.pdf)

The reality is that they were taken to sea as prisoners and forced to fish for as many as 20 hours a day. Their captains forced them to take amphetamines in order to keep them awake. After the gruelling fishing season, many were worn out, at which point they were shot and thrown into the sea.

A United States report <http://www.state.gov/j/tip/rls/fs/2014/227667.htm> states that along the coastline of sub-Saharan Africa, the use of forced labour has become more evident on Asian and European-flagged fishing vessels that are seeking to catch fish in poorly regulated waters. Traffickers have exploited victims in the territorial waters of Mauritius, South Africa and Senegal.

Traditional legal approaches to combatting illegal fishing and the associated illegal activities have been met with limited success. An alternative approach that is gaining momentum, is to approach illegal fishing as a transnational organised crime, and to investigate the policing, legal and policy implications of using transnational criminal law and procedure to strengthen fisheries law enforcement. The PescaDOLUS group is working on this.

ends

**FishFORCE**  
 Fisheries Law  
 Enforcement Academy



**Nelson Mandela  
 Metropolitan  
 University**

*for tomorrow*

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## **STAKEHOLDERS' MEETING: MOMBASA: KENYA: 23-24 NOVEMBER 2016**

### **Background to FishFORCE and fisheries crime**

FishFORCE, the Fisheries Crime Law Enforcement Academy, housed at Nelson Mandela Metropolitan University (NMMU), Port Elizabeth, South Africa, was established in 2016 with funding from the Norwegian Department of Foreign Affairs. It aims to build enforcement expertise and strengthen cooperation between agencies, domestically and cross-border, in order to address fisheries crime. This will be achieved via a combination of –

- hands-on expert training of fisheries control law enforcement officers from multiple relevant agencies;
- the provision of post-training support;
- and focused research.

FishFORCE aims to translate into practice the fisheries crime law enforcement model which promotes use of all relevant laws, administrative and criminal, as entry points for initial detection of fisheries crime and subsequent investigation and prosecution such crime, particularly that which is transnational and organised (the 'full force of the law' or 'multi-door' compliance approach). Fisheries crime refers to the full range of serious offences occurring throughout the fisheries value chain both at-sea and on land including document fraud, illegal fishing, human trafficking and corruption to name a few.

The FishFORCE project, initiated in close collaboration with the South African Fisheries Department (DAFF) in 2016, will use South Africa as the pilot, but will subsequently be rolled out and adapted to all interested partners from 2017 onwards via Country Chapters.

On 23 and 24 November 2017 a workshop was held in Mombasa where the FishFORCE concept was introduced to representatives from Indonesia, Kenya, South Africa, Mozambique, Somalia and Tanzania. The following organisations were also represented: The Global Programme for Combating Wildlife and Forest Crime, INTERPOL and Stop Illegal Fishing.

On completion of the Mombasa meeting the interested partners should indicate their interest and provide the name and contact particulars of a focal point with whom the South African FishFORCE Academy can liaise to drive the project. Interested partners would go back to their own countries and form a Country Chapter to ensure that a training programme is organically developed in each country and that same address the need in the country. The Country specific Chapter will, with assistance of NMMU's FishFORCE Academy develop curriculum and harness existing local expertise to this end, to ensure that the Academy is technically relevant in the particular partner country.

At the workshop, the Government of the Republic of Kenya, towards achievement of the goal of maximising the Blue Economy, via the State Department for Fisheries and the Blue Economy, under the Ministry of Agriculture, Livestock and Fisheries, expressed its committed to collaborative action with key stakeholders to build strong law enforcement capacity in addressing fisheries crime.

The Kenyan political and government representatives were:

Surname	Name	Title	Agency
WAWERU	Phillip Kamweru	Director General	National Intelligence Service
MAHONGAH	Wala Joseph	Directorate of Policy Research & Regulations	State Department of Fisheries & the Blue Economy
BOINNET	Joseph K.	Inspector General of Police	National Police Service Commission
MUTUKU	Nicholas	Deputy Director of Prosecutions	Office of the Director of Public Prosecutions
MONDA	Vincent	Senior Assistant Director of Public Prosecutions	Office of the Director of Public Prosecutions
ALUDA	Jemimah	Senior Principal Prosecution Counsel	Office of the Director of Public Prosecutions

The University of Nairobi was represented by:

- Lucy Irungu on behalf of the Vice Chancellor
- Prof Paul Wambua, School of Law
- Prof Francis Mulaa, Department of Biochemistry
- Mr Johnson Kinyua , Advancement Office
- Ms. Njoki Mboce, School of Law
- Mr John Orindi, Corporate Affairs

The NMMU was represented by:

- The VC, Professor Derrick Swartz.
- Professor Hennie van As, Director of the FishFORCE Academy.
- Ms Megan Skei, Centre for Law in Action.
- The heads of training, research and post-training support of the FishFORCE Academy (Dr Emma Witbooi, Mr JD Kotze and Adv Phil Snijman).

The meeting deliberated on the suitability of the FishFORCE model as a model to address organised fisheries crime in the Indian Ocean Rim. It noted that this model is based on a move away from lack of training, or *ad hoc* training for others, to the offering of formal, university accredited training programmes that address the needs of its stakeholders, including the role players in the criminal justice system and other relevant agencies. The model is premised on the principle that knowledge and expertise should be shared and that, as far as possible, academic institutions be obliged to collaborate with one another as well as with government agencies.

In view of the previous paragraph and as a result of the deliberations in Mombasa, the University of Nairobi and the NMMU wish to enter into a Memorandum of Understanding and Collaboration with regard to the establishment of a FishFORCE Academy in Kenya. It was agreed that a deputation of the University of Nairobi will visit the NMMU early in 2017, followed by a reciprocal meeting to the University of Nairobi. The main objectives of the first meeting will be:

- The signing of the FishFORCE MOU; and
- The exploration of additional areas of collaboration.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wan As', enclosed within a circular scribble.

Director: Centre for Law in Action  
Faculty of Law and the FishFORCE Academy

# Tackling crime on high seas



**COMBINED FORCE:** The trilateral naval exercise Ibsamar III ended on a dramatic note last week, with a disaster exercise simulating a military incursion into a small coastal community that required the involvement of security personnel, firefighters and medical teams from Brazil, India and South Africa.

PICTURE: HENK KRUGER / CAPE ARGUS

## Norwegian funds establish Fisheries Law Enforcement Academy at Nelson Mandela Metropolitan University

HEATHER DUGMORE

**'SEA FISHERIES** crime is a major, international, moving crime that involves vast amounts of illegal fish and seafood, including high-profile, white-collar crime syndicates and a lot of other issues, as well as human and drug trafficking," says South Africa's Henrie van As, a global specialist on sea fisheries and related organised crime.

He is collaborating with governments, Interpol and the UN Office on Drugs and Crime (UNODC) to address this global problem.

An admitted advocate, Van As is a professor in public law and director of the Centre for Law in Action (CLA) in the Faculty of Law at Nelson Mandela Metropolitan University (NMMU) in Port Elizabeth.

"As we all know, South Africa is currently investigating several Chinese fishing boats in our waters, but what people have to realise is that highly organised, well-financed transnational criminal activities are taking place in our waters and within international waters all the time," he explains.

"The illegal harvesting, processing and trading of any kind of fish or seafood globally is so huge, it's in effect a parallel economic system that's undermining sustainable economic growth. Countries are being deprived of taxes, citizens of jobs, food and income; and fisheries and environments are being destroyed."

Research by the UN Food and Agricultural Organisation (FAO) estimates that between \$11 billion (R170bn) and \$30bn

is lost annually to illegal fishing, with the highest rates in West African waters.

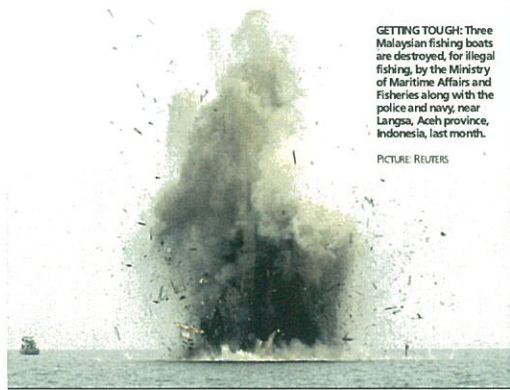
Southern and East Africa lose in the region of R12.2bn to illegal and unreported fishing every year. The FAO further estimates that 85 percent of fish stocks worldwide are now fully exploited, and illegal fishing is one of the main contributors.

"The extent of sea crimes we are facing and the depth of people's cruelty in this business is incalculable. So many people are getting away with major crimes.

"In South Africa we urgently need to address this problem together with the National Prosecuting Authority, and to establish why prosecutions for fisheries-related crimes often fail. Is it the prosecution or the lack of proper evidence collected?" asks Van As, who is part of an international research and capacity-building partnership on sea fisheries crime between South Africa and Norway called PescaDOLUS.

Earlier this month, he received confirmation from the Norwegian Embassy that funding has been approved by Norway towards the establishment of a Fisheries Law Enforcement Academy at NMMU in Port Elizabeth.

"The main purpose of the academy is to address international sea fisheries crime. We aim to train fisheries inspectors and other role-players in the criminal justice system along the South African and East African coastlines, as well as Namibia, with a plan to extend this throughout the Indian Ocean Rim, including countries like Indonesia," he



**GETTING TOUGH:** Three Malaysian fishing boats are destroyed, for illegal fishing, by the Ministry of Maritime Affairs and Fisheries along with the police and navy, near Langsa, Aceh province, Indonesia, last month.

PICTURE: REUTERS

explains. "It has the buy-in from the world's largest international police organisation, Interpol, the AU and the UNODC because the oceans link us all, and porous harbours or borders are a danger to all."

The work of the UNODC's global maritime crime programme and Combined Maritime Forces (CMF) illustrates this. On March 31, the Sri Lankan navy seized 10kg of heroin on an Iranian fishing dhow off the coast of Sri Lanka.

The CMF responded immediately, facilitating support as requested by the Sri Lankan authorities to assist with the police investigation. In the past, the Combined Maritime Forces

consignment matched with records of the Compendium of Drug Seizures at Sea, clearly establishing that the same drug trafficking networks operating from the Makran Coast to East Africa are now operating to South Asia.

Van As is in no doubt that there's a strong link between drug smuggling and illegal fishing in South Africa.

The Fisheries Law Enforcement Academy will therefore ensure that fisheries control officers are comprehensively trained to deal with a wide set of scenarios and crimes.

The training covers basic and specialised training, including how to board a ship, crime scene management, the

difference between inspection and investigation, and what happens when an inspection becomes an investigation.

It also includes species identification, the use of technology in monitoring and surveillance, and technical issues such as permits and quotas, and where rights may not be overstepped (or the courts will throw out the case on a legal technicality), as well as the legal aspects of international smuggling and human trafficking.

To more effectively combat illegal fishing in its waters, Van As proposes that South Africa amends its laws so that fisheries control officers have extended powers.

## Abuse of labour and slave labour is common

ONE OF the most recent high-profile, international, white-collar fisheries crimes involving South Africa and the US is as follows: Businesspersons Arnold Bengis, his son David Bengis and their partner Jeffrey Noll, who were charged in 2013 in the international case, US versus Arnold Bengis et al," he explains.

Arnold Bengis was the Managing Director and Chairman of Hout Bay Fishing Industries (Pty) Ltd in Cape Town, South Africa, and he also exercised control over Icebrand Seafoods, Inc and Associated Sea Fisheries Inc in Manhattan. Noll was the chairman and president of both Associated and Icebrand in New York. David Bengis was the President of Icebrand Seafoods Maine Inc in Portland, Maine.

From 1987 to August 1, 2001, the accused and their co-conspirators, engaged in an elaborate scheme to, among other things, harvest illegally large quantities of South and West Coast rock lobster, far in excess of applicable quotas, and then to export the illegally harvested lobster from South Africa to the US.

Bringing them to book took time, but the US Department of Justice, US Attorney's Office, issued the following statement on June 14, 2013:

*Mr. Preet Bharara, the US Attorney for the Southern District of New York, announced today that the US obtained a restitution order against ARNOLD MAURICE*

*BENGIS, DAVID BENGIS, and JEFFREY NOLL in the amount of nearly \$29.5 million in favour of the Republic of South Africa. This is the largest known restitution order in a Lacey Act case in history.*

*The Lacey Act is a federal statute that makes it a crime, among other things, import into the US any fish, wildlife, or plants taken in violation of state or foreign law.*

### Violence is a common method being used to control labour

*The defendants under-reported the fish harvested to South African authorities and bribed South African fisheries inspectors to help them carry out their illegal harvesting scheme.*

*They also submitted false export documents to South African authorities to conceal their over-harvesting.*

*As part of the scheme, the defendants arranged for previously disadvantaged South African citizens who did not have valid US working permits to work for low wages at their fish processing facility in Portland, Maine, where the employees were required to process, among other things, illegally harvested South African rock lobster.*

*Abuse of labour and slave labour is a common feature in international sea fisheries*

crime, as discussed in a feature titled "Slaves at Sea" by Katie Goldenhuys in the February issue of Servamus, a South African community-based safety and security magazine.

"The introduction reads: 'Imagine a situation where you are working on a fishing vessel but when the captain gets tired of you, he simply sells you to another captain for profit. Such scenarios, and much worse, are the living realities of thousands of people working on remote fishing vessels as victims of human trafficking.'

It goes on to explain that illegal, unregulated and unreported (IUU) fishing has been linked to numerous crimes, which violate the rights of vulnerable people: 'Migrant labourers and fishermen fall victim to human traffickers for the purpose of forced labour on board fishing vessels, rafts or fishing platforms, in ports or in fish processing plants. Women and children in fishing ports are vulnerable to organised sexual exploitation in the form of prostitution by fishermen. There are also reports of women and children being kidnapped and kept on vessels for the purpose of sex violence is a common way to control labour.'

"What we need to face is that this level of cruelty and criminality is increasing, and that traditional legal approaches to combating illegal fishing and the associated illegal activities have met with limited success," says Van As.

**IN ACTION:** Members of the Maritime Reaction Squadron illustrate how suspects at sea are apprehended during Simonstown Navy Festival.



PICTURE: MATTHEW JORDAN

### UN report confirms rapid expansion

UN Office on Drugs and Crime (UNODC) Global Maritime Crime Programme, fortnightly update on April 19:

Maritime Crime Programme - Indian Ocean,

The Sri Lanka Navy seized 10 kg of heroin on an Iranian dhow off the coast of Sri Lanka on March 31. UNODC responded immediately, facilitating support as requested by the Sri Lankan authorities to assist with the police investigation. In the past, the Combined Maritime Forces

have detected large volumes of heroin trafficked from the Makran coast to the East African coast, primarily in the western Indian Ocean region. However, this was the largest heroin seizure in the eastern Indian Ocean region. The drug stamps found on the consignment matched with records of the Compendium of Drug Seizures at Sea, showing the same drug trafficking networks operating from the Makran coast to East Africa are now operating to South Asia.



**UNDER WATCH:** The Chinese fishing vessel, Lu Huang Yuan Yu 185, was chased and yesterday escorted into Cape Town Harbour, where it was searched. The vessel, and at least nine others, were detected around Port Edward and while being monitored, tried to evade authorities.

PICTURE: MICHAEL WALKER

# SERIOUS OFFENCES IN THE FISHERIES VALUE CHAIN

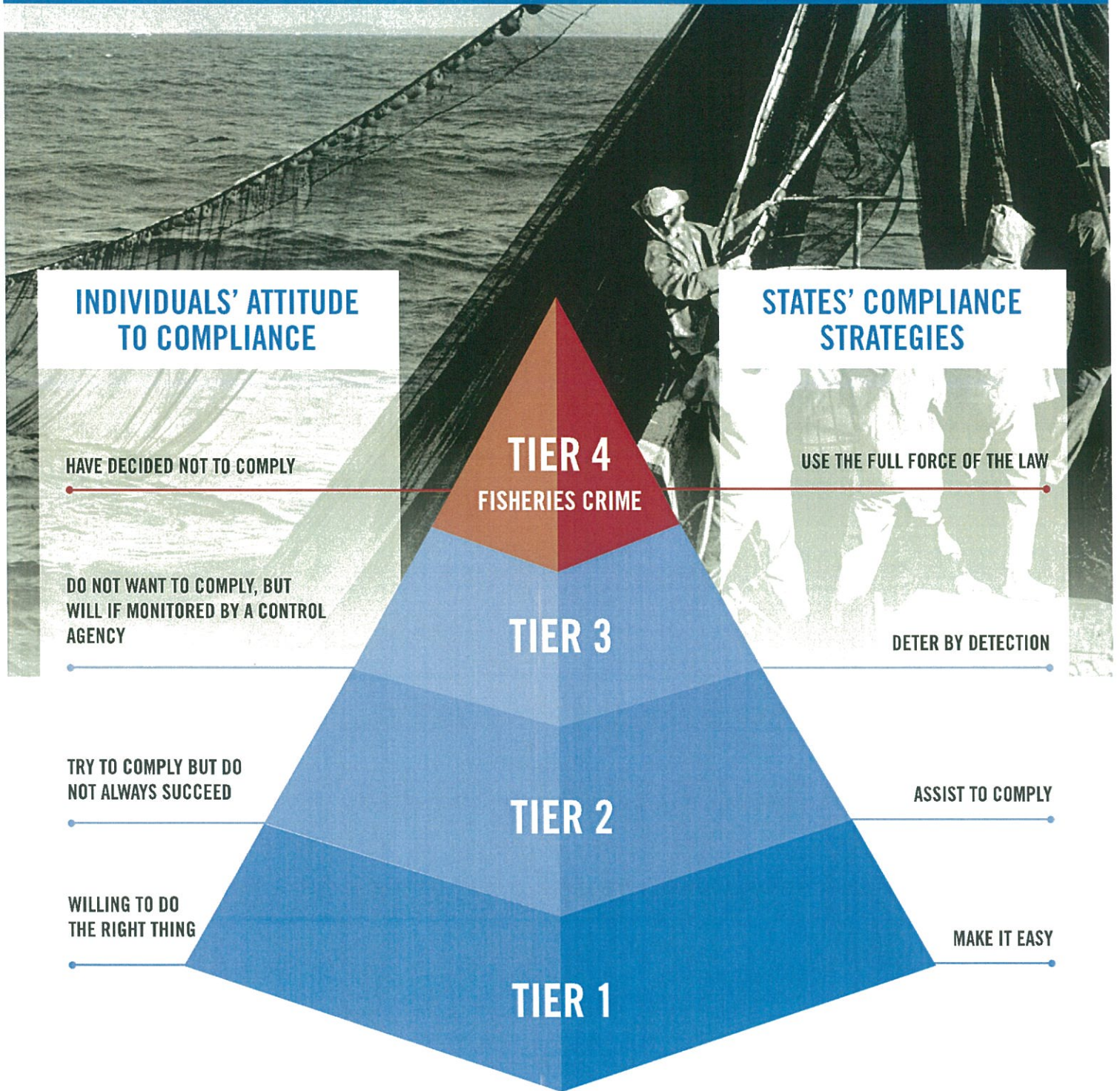
FRAUD | ECONOMIC CRIMES | TRAFFICKING | SMUGGLING | ILLEGAL FISHING



Law enforcement agencies use the full range of the law in response to organised and isolated criminal offences, but it is a challenge to bring further information on the illegal offences that have been incorporated in national legislation.



# FISHERIES COMPLIANCE STRATEGY\*



\*This graphic presentation is based on the compliance framework developed by the Commission for Environmental Cooperation and the Department of Fisheries and Aquaculture Sciences for the Eastern U.S. Fisheries Council on Board, a world fisheries treaty body (2016). Handbook of Transnational Environmental Crime (Hedberg, Eger, Paulding, London, LPI) p.15.

