

News

FishFORCE

FishFORCE expands on national and international fronts

Welcome to the 5th edition of the bi-annual FishFORCE Newsletter.

This edition reports on a number of national and international training initiatives that have taken place since the 4th edition, which was released at the end of 2021. It includes the roll-out of the illegal, unreported and unregulated (IUU) fishing, national inter-agency workshops on the implementation of the FAO Port State Measures Agreement (PSMA) in Kenya, Tanzania and Mozambique. The PSMA is an important international instrument of which South Africa is a signatory, and training

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is compulsory for all partner countries. FishFORCE is assisting the partner countries to become compliant in terms of their international obligations.

In addition, the newsletter reports on the expansion of FishFORCE's presence in Mauritius and the Indian Ocean Island States through the signing of a MoU with the Open University of Mauritius, as well as the development of a curriculum for the South African judiciary on illegal wildlife trade including fisheries crime.

Coming up soon are some exciting developments in the use of technology in the fight against IUU fishing. FishFORCE hopes to address IUU fishing not only through traditional training and capacity development, but also through innovative, engaging approaches such as gamification and big data.

In addition, through the use of statistical modelling and big data, FishFORCE hopes to collaborate with leading organisations such as the Commonwealth Scientific and Industrial Research Organisation (CSIRO) in Australia, which uses a number of statistical tools and forecasting models such as fisheries data and satellite data to address IUU fishing.

Watch this space!

Professor Hennie van As, founder and Director of FishFORCE



Norwegian Ministry
of Foreign Affairs





FishFORCE Academy to be established in Mauritius

“Open University of Mauritius and Nelson Mandela University of South Africa collaborate on FishFORCE project”. This was headline news published on 25 May this year in *Le Matinal*, a digital news channel in Mauritius. It was also featured in several other news media, including *The Herald* in South Africa and on Algoa FM radio station.

The announcement followed a high-level stakeholders’ meeting about the establishment of a Fisheries Law Enforcement (FishFORCE) Academy in Mauritius, which will duplicate the model at Nelson Mandela University, and serve large areas of the Western Indian Ocean.



On 24 May this year, a Memorandum of Understanding (MoU) between the Open University of Mauritius and Nelson Mandela University, South Africa, was signed by Professor Hennie van As, the founder and head of the FishFORCE Academy at Nelson Mandela University, and Dr Kaviraj Sharma Sukon, Director-General of the Open University of Mauritius.

This collaboration represents an important milestone in advancing fisheries law enforcement expertise, and reinforcing cooperation between fisheries law enforcement agencies, domestically and internationally, in the fight against fisheries crime.

Mauritius confirmed its commitment to the establishment of a FishFORCE Academy, and to sharing both countries’ experience in fisheries law enforcement in fisheries for greater collaboration. Following the signing of the MoU, the FishFORCE Academy’s training programme and fisheries crime law enforcement model will be formally presented to Mauritian and Indian Ocean stakeholders.

FishFORCE has a strong and growing presence

FishFORCE has a strong and growing presence in Africa; it established an academy in Kenya in 2018, in Tanzania in 2019 and in Mozambique in 2020.

An article on FishFORCE’s expansion, published by Nelson Mandela University on 3 May 2022, quotes Professor van As, who explains the background to the signing of the Mauritian MoU:

“In March 2020 we hosted the SADC Fisheries Task Team at Nelson Mandela University, where discussions with the Mauritius-based Indian Ocean Commission and senior Mauritian government officials took place. It was decided to link up with the Open University of Mauritius, which has a marine focus, and they work closely with their ministries and government departments.

Six years of FishFORCE

FishFORCE was established in 2016 by the Centre for Law in Action in the Faculty of Law at Nelson Mandela University in the Eastern Cape of South Africa, with support from the Norwegian Ministry of Foreign Affairs.

At its helm is Professor Hennie van As, 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. Over the past six years, Nelson Mandela University has established itself as a world leader in the training of fisheries law enforcement agencies and in research and advocacy aimed at combating organised crime in the fisheries environment.

FishFORCE's goals are:

- to facilitate research and innovation in the field of fisheries crime law enforcement;
- to promote the sustainable utilisation of marine living resources;
- to contribute to poverty reduction through the training of law enforcement officers; and
- to advance economic development by increasing the capacity of selected countries to investigate and prosecute fisheries crime. The selected countries are: South Africa, Kenya, Tanzania, Mozambique, Namibia and the Western Indian Ocean Island States of Mauritius, Seychelles, Comoros, Reunion and Madagascar.

To achieve these goals, FishFORCE contributes to increasing the skills of fisheries law enforcement officers (LEOs) in South Africa and a number of other African and developing countries so that they can effectively fulfil their legislative mandate and contribute to the successful prosecution of fisheries law offences.



"The Open University of Mauritius was immediately responsive, but the pandemic slowed us down. We were also in the process of establishing academies in Namibia and Tanzania at the time.

"Through this partnership, Nelson Mandela University now has access to the Open University of Mauritius' Department of the Blue Economy and a number of Mauritian agencies protecting marine life in their region.

"As a result, FishFORCE can now offer its training to these Mauritian agencies. The Open University of Mauritius will adapt the material for local conditions and ensure that it is in line with their legislation. The universities will also share research results and hope to increase the number of joint postgraduate students."

In addition, the Indian Ocean Commission needs training for its nine member countries. This will extend FishFORCE's reach from Namibia around southern Africa and right up to Somalia.

FishFORCE has been recognised by the SADC Regional Task Team for Fisheries as a Centre of Excellence and the primary training provider for the soon-to-be established Monitoring, Control and Surveillance Centre (MCSC) in Mozambique.

From May 2022, Madagascar became the 10th member state party to the MCSC charter, joining Angola, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia. Two thirds of the SADC Member States are required to sign the charter for it to enter into force.

The Indian Ocean Commission has also requested FishFORCE to develop a training programme for fisheries observers, which will be a first. Professor van As is collaborating with the CEO of the Namibian Observer Agency on this.





Lecture on organised crime in fisheries

Further enhancing the growing international footprint of the FishFORCE Academy, Professor Hennie van As was invited by the University of North Carolina (Wilmington) to do an hour-long lecture to their students on organised crime in fisheries. The lecture took place on 11 April 2022.

Online training about wildlife trafficking for SA judiciary

FishFORCE has noted the strategic importance of engaging with regional court magistrates and the National Prosecuting Authority (NPA) in South Africa. The Centre for Law in Action at Nelson Mandela University (in which FishFORCE is situated) is completing a pilot online training programme in collaboration with the World Wide Fund for Nature (WWF) and the South African Judicial Education Institute (SAJEI) for the South African judiciary on illegal wildlife trade, including fisheries crime. With funding from USAID, WWF appointed FishFORCE to develop the online curriculum, and the pilot training for magistrates took place on 2 June 2022.

The value of the engagement with the judiciary is two-fold:

1. the concepts of fisheries crime and the protection of marine living resources were introduced as part of the training curriculum, as it previously dealt only with terrestrial *fauna and flora*; and
2. increasing awareness amongst members of the judiciary with regards to the nature, extent, and impact of fisheries crime.

The SAJEI will provide magistrates with the online Moodle-based platform to increase their capacity and know-how on wildlife and environmental crimes, including fisheries crime.

The SAJEI promotes the independence, impartiality, dignity, accessibility and effectiveness of the courts in South Africa through continuing judicial education as provided for in the South African Judicial Education Institute Act 14 of 2008.

"FishFORCE has noted the strategic importance of engaging with regional court magistrates and the National Prosecuting Authority (NPA) in South Africa."

FishFORCE 2022 Training Sessions

In the first half of 2022, FishFORCE delivered the following training sessions:

1. Specialised gill-netting workshop comprising law enforcement by peace officers, and law for fisheries control officers (FCOs) in partnership with the South African WILDTRUST's* WILDOCEAN's programme.

		
07 – 09 February 2022	Richards Bay, South Africa	15 delegates attended from SAPS Search and Rescue in KZN.

28 February – 02 March 2022	Durban, South Africa	18 delegates attended from SAPS Search and Rescue in KZN.
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(*WILDTRUST wildtrust.co.za is a South African Non-Profit, Non-Government and Public Welfare Organisation, established in 2004. It pursues the realisation of its vision of "a thriving and resilient world" through two core programmes: WILDLANDS and WILDOCEANS. WILDOCEANS focuses on marine conservation, advocating for healthy oceans, marine protected areas and the conservation of marine species. It conducts extensive research and training for future marine experts and policy makers.)

2. Presenting evidence in court for FCOs workshop for the Department of Forestry, Fisheries and Environment (DFFE)

		
10 February 2022	Gqeberha, South Africa	7 delegates attended

3. Enforcement of Marine and Coastal Legislation for SANParks Knysna and Wilderness

		
14 – 18 March 2022	Knysna, South Africa	22 delegates attended

28 March – 01 April 2022	Knysna, South Africa	15 delegates attended
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4. Illegal, unreported and unregulated (IUU) Fishing: National inter-agency workshops on the implementation of the FAO Port State Measures Agreement (PSMA)

To continue building regional and international law enforcement expertise and strengthen cooperation between partner countries, domestically and cross border, FishFORCE together with Stop Illegal Fishing (SIF) hosted three training workshops on the implementation of the PSMA.

📅	📍	👥
14 – 18 March 2022	Dar es Salaam, Tanzania	24 delegates attended from multiple Tanzanian agencies such as the Deep Sea Fishing Authority, the Ministry of Fisheries, Dar es Salaam Maritime Institute (DMI), Tanzania Revenue Authority and the Navy, to mention a few.
25 – 29 April 2022	Maputo, Mozambique	24 delegates attended from the following agencies: Mozambique War Navy, Marine National Institute, National Institute of the Sea and Borders, Tax Authority – General Directorate of Customs, General Command of the Mozambican Police – Coastal, Lake and River Police Branch and Mozambican Presidency, to name a few.
09 – 13 May 2022	Mombasa, Kenya	25 delegates attended from the following agencies: Kenya Fisheries Service (KeFS), Kenya Coast Guard Service (KCGS), Kenya Revenue Authority (KRA), Kenyan Marine and Fisheries Research Institute, Kenyan Defence Force and Kenyan Port Authority (KPA).



5. Specialised UNODC online courses

The following online courses are currently being offered to various agencies that form part of Operation Phakisa Initiative 5, now referred to as the Marine and Ocean Crime Priority Committee:



Crime Prevention & Criminal Justice

14 – 18 March 2022

Online

24 attendees. Presented by Ms Adelaide Karomo, doctoral student in the SARChI research chair in the Law of the Sea and Ocean Governance of Development in Africa, Nelson Mandela University.

Anti-corruption

04 – 08 April 2022

Online

30 attendees Presented by Professor Deon Erasmus, head of the Department of Criminal and Procedural Law, Faculty of Law, Nelson Mandela University.

Organised Crime

09 – 13 May 2022

Online

33 attendees. Presented by Mr Alphonso Goliath, lecturer in the Department of Criminal and Procedural Law, Faculty of Law, Nelson Mandela University.

Wildlife & Fisheries Crime

16 – 20 May 2022

Online

24 attendees. Presented by Mr Phil Snijman, consultant in environmental law and management, and research associate in the Faculty of Law, Nelson Mandela University.

Integrity & Ethics

23 – 27 May 2022

Online

35 attendees. Presented by Ms Tanya Wagenaar, doctoral student and lecturer in environmental law in the Faculty of Law, Nelson Mandela University.

UN SDGs: Impact ranking accolade for Nelson Mandela University

Nelson Mandela University's growing reputation as a leading Ocean Sciences hub was recently recognised with the top place nationally in the Life Below Water category in the international 2022 Times Higher Education Impact Rankings.

Mandela University also fared well in four other categories in the rankings, which assesses the global performance of institutions in addressing the United Nations' Sustainable Development Goals (SDG).

These impact rankings measure universities' impact on society in terms of the SDGs.

Mandela University's winning score of 73.3 in the Life Below Water SDG nationally and its 69th placing out of 452 institutions globally is testimony to the type of research, learning and teaching, and engagement that is ongoing within the Ocean Sciences field.

The criteria for assessing the University's research on Life Below Water and its educational support for aquatic ecosystems included:

- consideration of academic papers published in accredited journals and publications
- The work undertaken by the University to educate local communities, support sustainable management of fishers, aquaculture and tourism for local and national communities, as well as implement ocean focused outreach activities such as raising awareness about marine pollution, overfishing, unregulated fishing and destructive fishing practices.

The University submitted supporting data in an extensive mapping exercise for five categories within the UN's Strategic Development Goals and achieved the following rankings:

- SDG 3: Good Health and Wellbeing, ranked 6th nationally
- SDG 13: Climate Action, ranked 2nd nationally
- SDG 14: Life Below Water, ranked 1st nationally and 69th globally
- SDG 15: Life on Land, ranked 2nd nationally
- SDG 17: Partnerships for the Goals: scored 79, ranked 4th nationally.

Mandela University's Deputy Vice-Chancellor: Research, Innovation and Internationalisation Dr Thandi Mgwebi said: "We are pleased with the growing recognition of the institution's strengths and contribution to more just, equitable and sustainable societies. These rankings seek to measure this impact in addressing local and global challenges."

Ocean Sciences at Mandela University

Mandela University has five South African Research Chairs linked to Ocean Sciences, as well as the transdisciplinary Institute for Coastal



and Marine Research and the FishFORCE Academy, each of which is highly respected for its research, learning and teaching and engagement efforts within South Africa and beyond.

The Chairs are:

- Law of The Sea and Ocean Governance of Development in Africa
- Marine Spatial Planning
- Shallow Water Ecosystems
- Ocean Cultures and Heritage
- Ocean and Marine Food Security.

FishFORCE and the SDGs

FishFORCE's work addresses several of the challenges described in the SDGs, notably:

Goal 1: No poverty

- The training and development of law enforcement officers contributes to the protection of marine living resources against illegal harvesting, which, in turn, makes more resources available to small-scale fisheries. Fishing community members also acquire new skills, enabling them to enter the formal sector and provide a more secure income for their families.

Goal 2: Zero hunger

- Fisheries crime threatens the sustainable use of marine living resources, particularly for those communities who rely on the ocean

SUSTAINABLE DEVELOPMENT GOALS



for sustenance. Reducing fisheries crime and strengthening fisheries regulation protects the resources which are essential to the survival of often vulnerable and marginalised coastal communities.



Goal 8: Decent work and economic growth

- Trained law enforcement officers help to prevent organised fisheries crime (where those at the pinnacle of criminal organisations benefit most) thus allowing for increased legal economic activity and productivity. This creates the space for people in coastal communities to find decent work and aids in the upliftment of the community.

Goal 14: Life below water

- Illegal, unreported and unregulated (IUU) fishing is one of the greatest threats to marine ecosystems, adding to the damage caused by pollution and climate change. By preventing overfishing, poaching and the use of illegal fishing methods such as dynamite/blast fishing, law enforcement officers help to maintain sustainable levels of fish stocks, preserve biodiversity, and secure marine protected areas.

FishFORCE scholarship recipients graduate with doctorates in April 2022

Dr Nonhlanhla Hlazo, a recipient of a FishFORCE scholarship, graduated with her LLD (Doctorate in Law) this year.

The title of her thesis is: 'The work in fishing convention as an instrument to combat forced labour on fishing vessels: a South African perspective'.

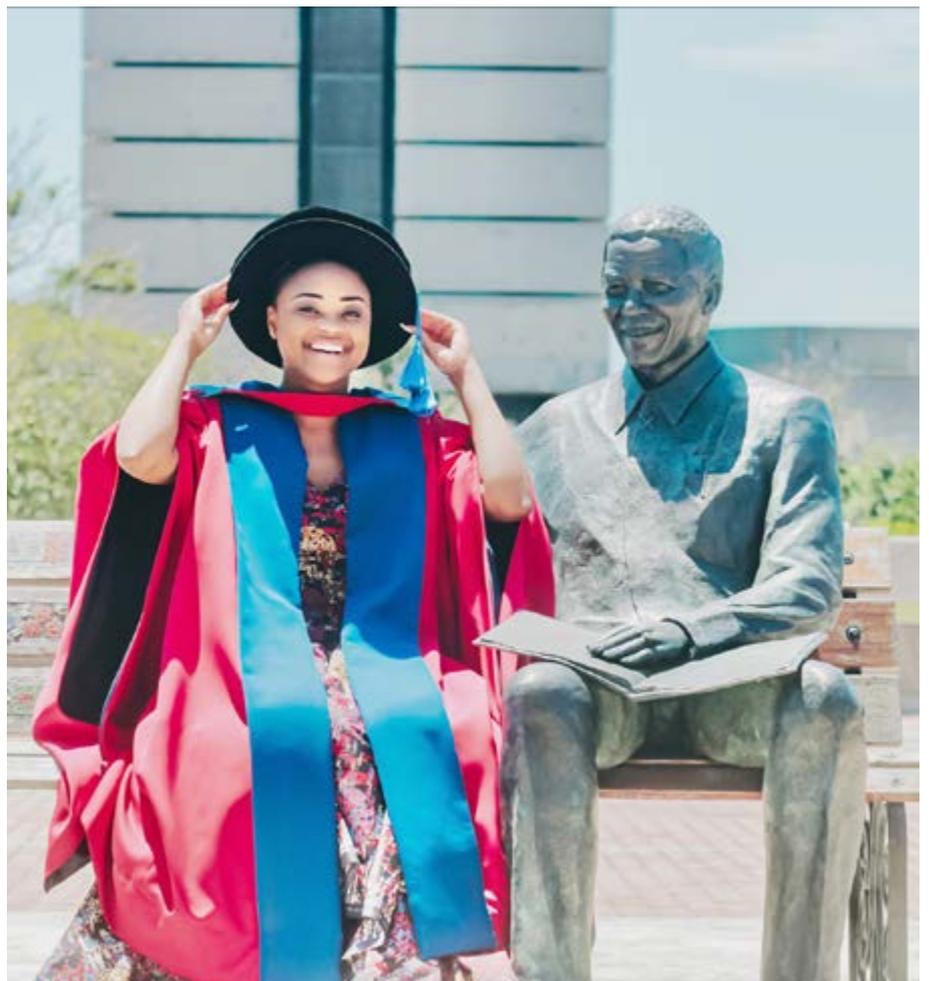
An excerpt from the summary of Dr Hlazo's thesis reads as follows:

'This thesis sets (out) to analyse the provisions of the Work in Fishing Convention (WFC), No. 188 of 2007 and the South African Merchant Shipping Act 57 of 1951 (MSA). This analysis focuses on the regulation of the legal aspects of common practices that result in forced labour and provisions which serve as a deterrence to potential "threats of punishment" used to perpetuate forced labour on fishing vessels. The aim of this analysis is to determine whether South Africa complies with its duties in terms of the WFC. In the process of this analysis, this thesis aims to identify gaps in the MSA that allow for this appalling practice to continue and provides recommendations for amendments to the Merchant Shipping Bill (MSB) based on the identified discrepancies between the MSA and the WFC.'

As part of the conclusion, she writes:

'...provided the provisions of the proposed MSB do not change, South Africa currently complies with its duties in accordance with the WFC and goes

beyond what is required in some respects. However, South Africa does not comply with its obligation to regulate the recruitment and placement agencies for fishers. This leaves fishers in South Africa vulnerable to coercion



by unscrupulous recruitment agencies. It is suggested that the provisions of the WFC relating to the recruitment and placement of fishers can be given effect in South Africa by either amending the current Seafarer Recruitment and Placement Regulations to

apply to fishers or by drafting new Merchant Shipping (Fisher Recruitment and Placement) Regulations, which give effect to the WFC in line with the existing Seafarer Recruitment and Placement Regulations and promulgating them in terms of the MSA or its successor.'

Dr Hashali Hamukuaya, an advocate of the High Court in South Africa, and a recipient of a FishFORCE scholarship, graduated with his LLD (Doctorate in Law) this year.

He was a doctoral student in Law under the SARChI Chair in the Law of the Sea and Development in Africa. His thesis is titled *Drug Trafficking as a Fisheries crime in Namibia*. The thesis analysis is of the Namibian legislative framework to determine if it is adequate enough to tackle drug trafficking in the fishing industry. It compared Namibia's legislation to that of South Africa to determine if there are lessons that can be learnt.

Hashali has co-authored a book chapter from his thesis titled *Selective Labour Rights of Fishers in Namibia*. The chapter determines whether Namibia conforms with international standards with respect to hours of work and wages for those that work onboard a commercial fishing vessel. The publication is forthcoming. His most recent forthcoming publication is a co-authored paper titled *The Role Of Customary Rights In Marine Spatial Planning*. The article considers the potential conflict that may arise between the cultural rights of members of coastal indigenous communities and the application of the marine spatial planning legislation in South Africa.

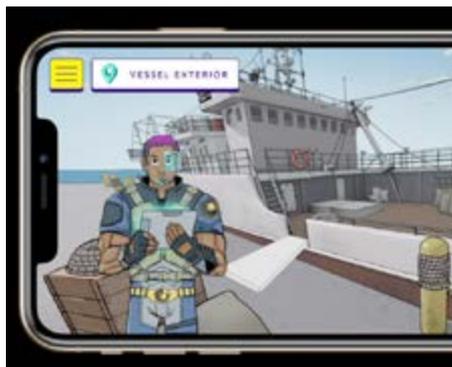


Virtual law enforcement game in development

FishFORCE is currently collaborating with a Cape Town based animation, gaming and immersive technologies company called SeaMonster to develop a virtual law enforcement game specifically designed for law enforcement officers (LEOs) in the fisheries crime environment. The prototype of the game will be available during the second quarter of 2022 and the game will be available on smartphones with a version that is compatible to work on all android based smart-phones and tablets, as well as on Apple iOS soon thereafter.

The game-based education termed "gamification" facilitates learning through the use of a virtual environment experience that leads them to solve problems through critical thinking. The virtual game will present scenarios, which the target group of LEOs must navigate through in an entertaining way, gaining awareness and practical knowledge. FishFORCE aims to make this virtual game available to all partners.

Here are some images that offer a preview into the "look and feel" of the game.



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