

# NELSON MANDELA UNIVERSITY

## Addressing crime in the fisheries sector



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Fisheries Law  
Enforcement Academy

Presented by: Prof Hennie van As



Norwegian Ministry  
of Foreign Affairs

# What is FishFORCE?

Establishment of academies at universities to assist with:

- Training;
  - Post-training support; and
  - Research for the purpose of protecting marine living resources
- 
- Where?



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# The Problem: Our high value vulnerable species



**Abalone (*Haliotis Midae*)**



**West Coast Rock Lobster (*Jasus lalandii*)**



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Threatened - \$3.1 million









Why bother?



# The threats :

- **A high number of IUU fishing instances are organised crime**
- Treating it as IUU fishing it attracts **low** and **usually administrative** penalties
- Does not eliminate organised crime which includes related criminal offences including racketeering, fraud, corruption, money laundering, human and drug trafficking and carry more severe penalties – *Bengis*-case (what type of money paid)
- **Proof of the above ...**



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# The reality

Involvement of **organised criminal syndicates** in the smuggling of poached abalone and rock lobster known for years.

Presence of a **large and highly efficient Chinese organised crime network** in the South African illicit trade in abalone.

*“The Taiwanese-linked **criminal group** active in **Cape Town** was referred to as the ‘Table Mountain Gang’. Police soon discovered that members of these triad societies were **also operating** in the **Johannesburg and Pretoria** area as well as in **every harbour city**. Investigations also revealed that illicit abalone constituted a major component of the Chinese **organised criminal groups**”*



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- Interception of a Chinese shipment of one million Mandrax tablets in a Durban warehouse lifted the veil on the involvement of the secretive and violent Chinese triads.



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“[I]t must be said that the alarming fact is that poaching of large quantities of undersized abalone continues unabated. The **sentences** handed down by the lower courts...seem to have been no more than an **occupational hazard** taken into account by the unlawful enterprises as part of their necessary running expenses.”

- *S v Miller* 2018 (2) SACR 75 (WCC) par [53] per Gamble J



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- 9 Persons arrested, including 2 Chinese citizens – observers?
- One testified to the involvement of syndicates from China and Hong Kong
- “The scale of the enterprise’s activities extended far beyond provincial boundaries and establishes the reach of its **organisational tentacles**”
- “The time had arrived for a complete reassessment of **sentencing options** ... The plunder continues unabated and the stage has been reached for appropriate sentences to stem the poaching tide” – **20 years**

- *S v Blignault High Court ECLD Case no: CC20/2018*



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Another problem: 9 FCO's (and  
eight others) arrested by Hawks  
for involvement in abalone  
poaching (corruption)  
March 2018









# What is involved?

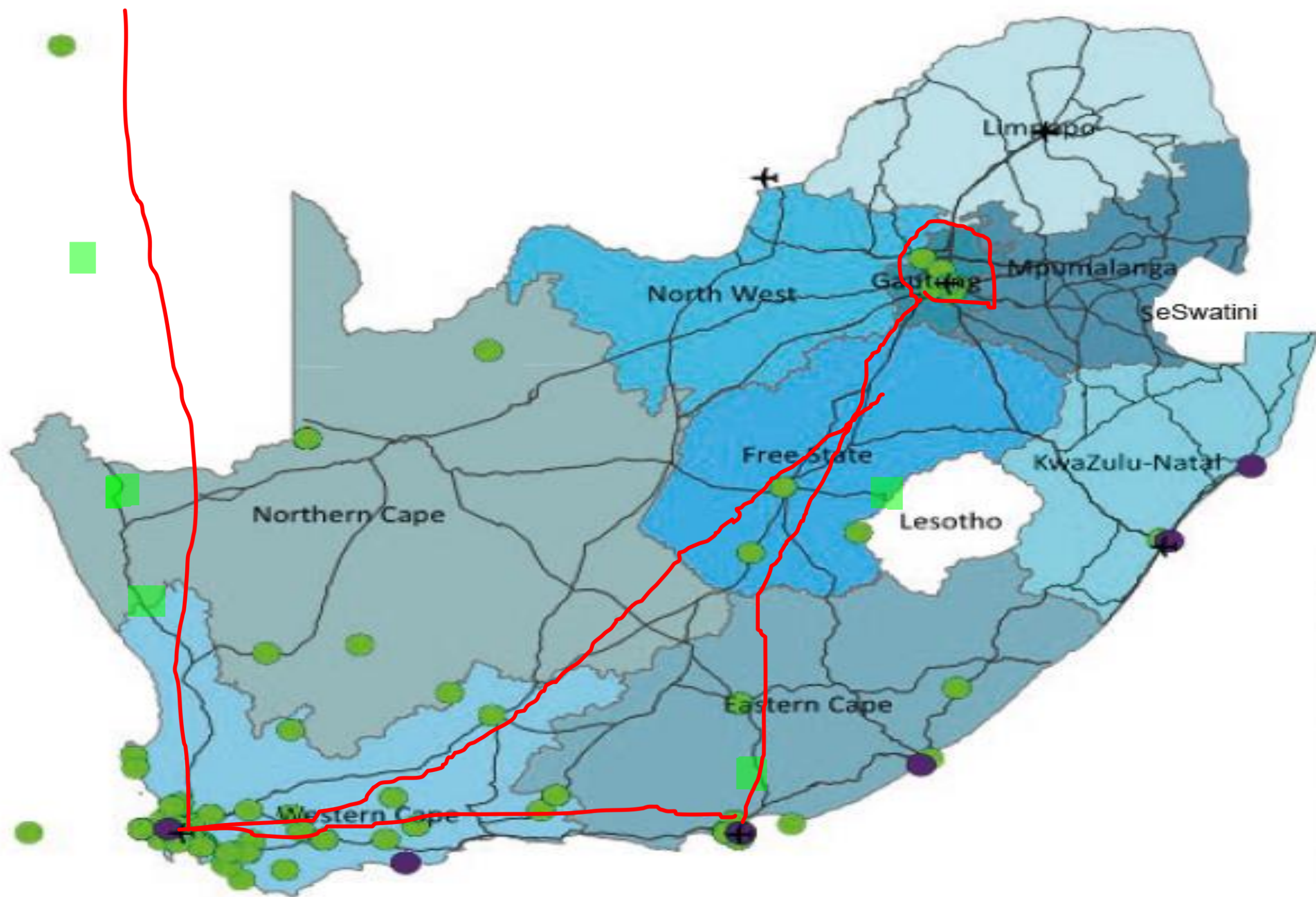


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**Figure 17**

Map of where seizures took place in South Africa (2014 - February 2018), highlighting major highways and ports within the country that are being used to transport or store abalone.



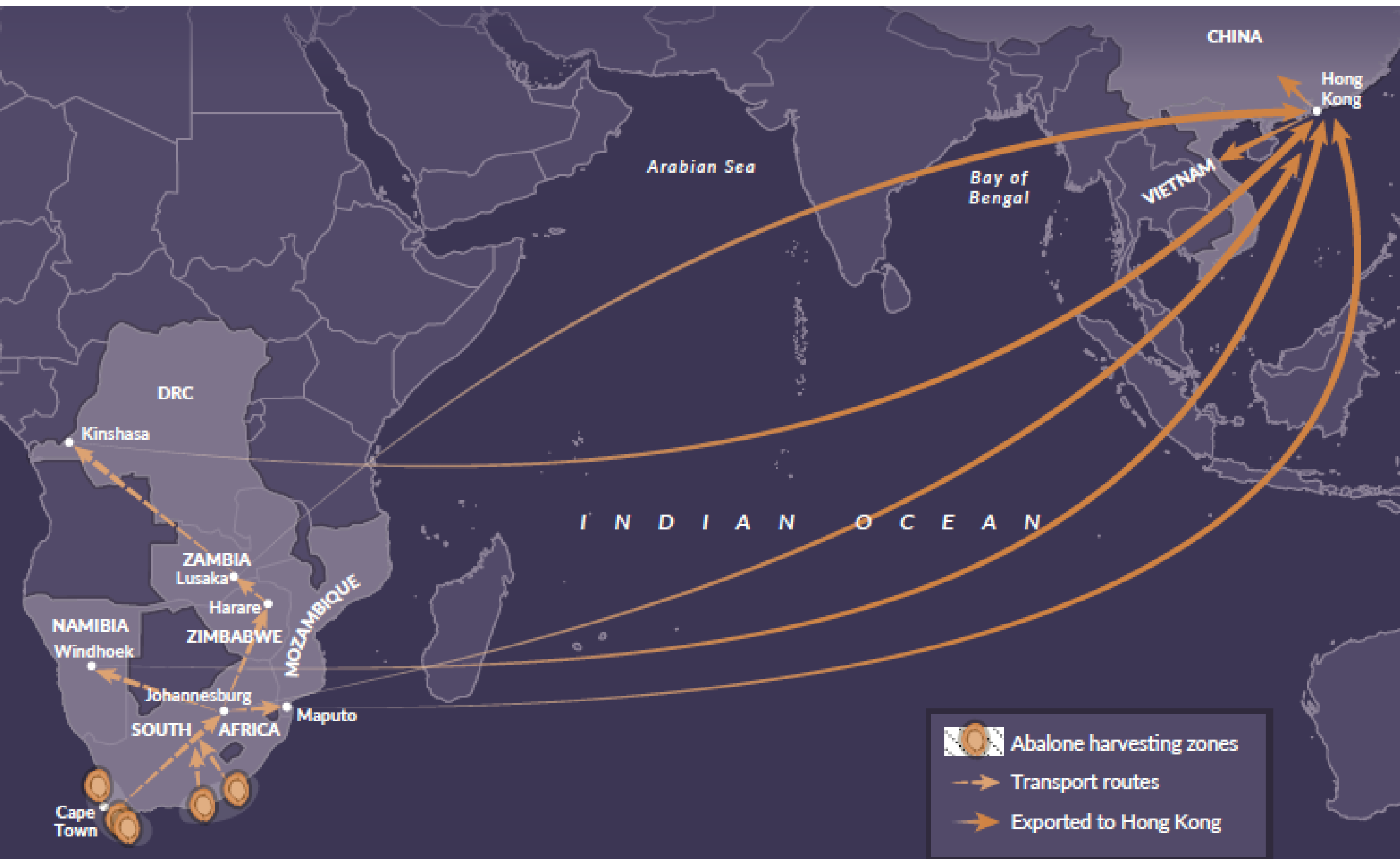


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Vivian Lopez  
Associate

Brandon Garcia

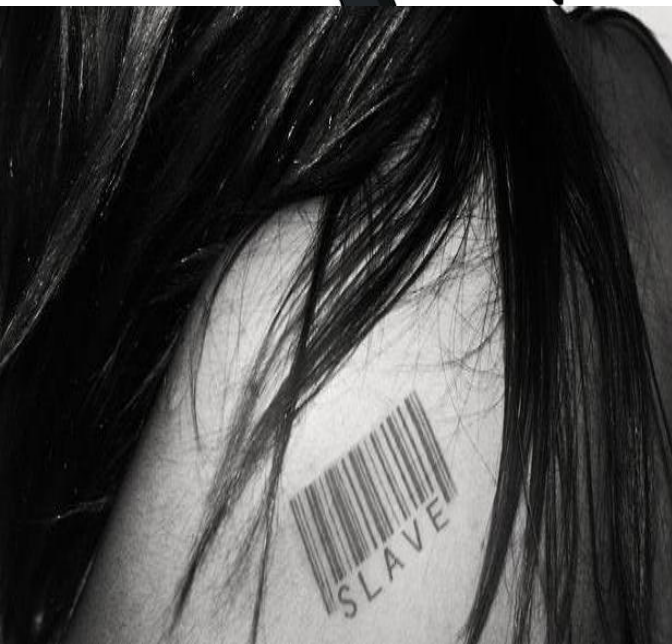




# HUMAN TRAFFICKING

"You may choose to look the other way, but you can never say again that you did not know."

- William Wilberforce



So ... how do the parties weigh up?





## Some examples:

8.1 kg of **Rohypnol** (date rape drug) in Nov 23 in a shipment of dried fish at ORT

UNODC **Global Report on Cocaine 2023** - drug traffickers smuggle cocaine into South Africa, targeting harbours. Use yachts (Knysna), speedboats, ferries and fishing boats (Saldanha – Bulgarians). Traffickers unload cocaine from the main vessel before reaching land (Chokka).

Prefer to use “clean” vessels and **barter** - abalone are frequently exchanged for drugs such as methamphetamine or its chemical precursors

Interception of 865 kg of skin lightning products and unregistered medicine from Nigeria in December 2023 at ORT. Prohibited in South Africa. Cause skin damage.

2020 - confiscated 41 rhino horns at ORT in shipment declared as "fine art" bound for Kuala Lumpur via Doha. Shipment also included abalone intended for Hong Kong and ephedrine hidden in two printer cartridges, destined for Madagascar.



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Organised crime

www.animal-photography.com  
stock images

LEO





- A feature of the nexus between IUU fishing and organised crime is the distinction in institutions under whose mandate they are and different legislative instruments governing them.



- Same holds true in SA context – fisheries management is under DAFF, while organised crime falls under SAPS with POCA as the primary legislative instrument.



# International systemic weaknesses

- Weak inter-agency and cross-state cooperation
- A proliferation of fisheries crime units – In CT alone
  - SAPS, DAFF, Cape Nature, SANParks
  - Overstrand Municipal Law Enforcement Unit
  - City of Cape Town marine units
  - Metro Police
- Chasing numbers – little collaboration




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**Africa needs collaboration and support to tackle crime at sea**



# THE ILLEGAL FISHING AND ORGANIZED CRIME NEXUS:

ILLEGAL FISHING AS TRANSNATIONAL ORGANIZED CRIME







Wholesale



**90.1% of the world's fish stocks are fully exploited or over-exploited.**

## **Threatens Food Security**

**These illicit and environmentally harmful activities represent a growing global criminal enterprise which is estimated annually at \$143 billion.**

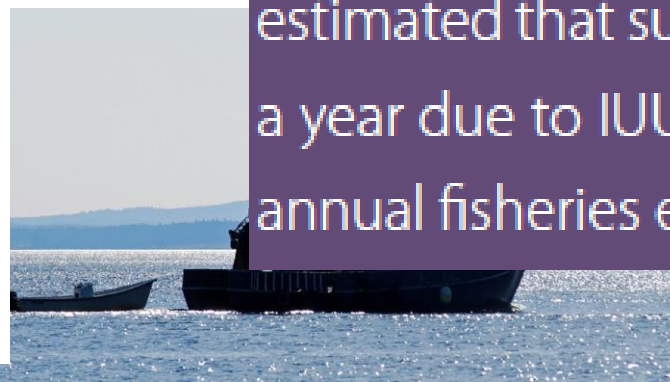
## **Harms Legitimate Fishers**

## **Destroys Marine Ecosystems**

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## **IUU Fishing Damages the Economy and States**

- In 2006, a high-level international High Seas Task Force estimated that sub-Saharan Africa lost an estimated \$1 billion a year due to IUU fishing, which was equal to a quarter of its annual fisheries export.<sup>53</sup>





# Violence and Drugs in the South African Abalone Fishery

In South Africa, poaching for abalone, also known as 'perlemoen,' accelerated dramatically in the early 1990s with the fall of the apartheid government and the transition to democracy. By the late 1990s, what had started off as mostly opportunistic poaching on the part of the poor, had turned into a highly organized and lucrative illicit industry, dominated by 'street gangs' and "highly organized criminal syndicates" on the ground and with transportation and export increasingly controlled by transnational criminal Chinese/Asian gangs which

populations.<sup>233</sup> In 2002 for example, more abalone was confiscated by the authorities than was harvested by legal fishers that year.<sup>234</sup> More than a million abalone

## **Policing initiatives and the establishment of Environmental Courts were unsuccessful at stopping poaching.**

were confiscated in 2006.<sup>235</sup> South Africa struggled to combat abalone poaching, reducing the TAC from 615 tonnes in 1995 to 125 tonnes in 2006/2007, and then again to 75 tonnes in 2007/2008. These efforts, combined with several policing initiatives, such as 'Operation Neptune' and 'Operation Trident', and the establishment of Environmental Courts, were unsuccessful at stopping poaching. The courts were shut down in 2005, and in 2008 the South African government was forced to ban all abalone harvesting.<sup>236</sup>



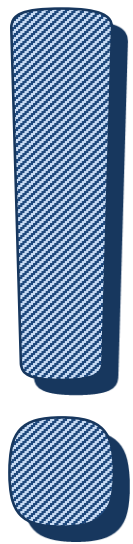


**Various seizures and investigations revealed an extensive cash-free barter economy where abalone was exchanged for methaqualone/ Mandrax, methamphetamines, or component ingredients for methamphetamine production.**

For example, in 2007, "Igshaan Davids, the reported leader at the time of the Americans gang on the Cape Flats, stated that he could trade \$43,000 worth of abalone for methamphetamine worth \$64,000."<sup>251</sup> Now not only was abalone poaching fueled by greed, but drug users became involved, engaging in poaching in order to secure their next fix.<sup>252</sup>







- **Corruption and bribery of officials:** Reports of bribery of enforcement officials suggest that this may have been one of the reasons for the ineffectiveness of enforcement measures.<sup>241</sup> There have also been reports in *Noseweek* magazine that the Marine and Coastal Management was selling confiscated abalone at cut rate prices (R18/kg compared to the market price of R350/kg), thereby resulting in a situation where the authorities were incentivized to confiscate abalone, but not too much so as to end poaching and thereby reduce revenues.<sup>242</sup> In this way, an Institute for Security Studies report described the Department of Agriculture, Forestry, and Fisheries (DAFF) as being a 'legitimate' racketeer competing with organized crime groups, further suggesting that "DAFF has a vested interest in confiscation over prevention."<sup>243</sup>



# Significantly strengthen capacity for monitoring and enforcement

**Many actors simply lack the capacity to carry out the types of patrols necessary to effectively combat IUU fishing.**

**Information sharing and cooperation between enforcement actors**

**Facilitate civil society involvement in enforcement**

the group Pescadores Vigilantes (Vigilant Fishermen) in Loreto Mexico, as a response to sporadic official enforcement of fishing regulations and permits which lead to fishing from mainland fleets threatening the Loreto fish stocks and the violation of permit schemes in



## Innovative Solutions – Technology and Strategy

**Innovative Monitoring Solutions:  
The Black Fish's Citizen Inspector  
Network**







INTERPOL

# International Law Enforcement Cooperation in the Fisheries Sector

A Guide for Law Enforcement Practitioners





*Capacity building and training for law enforcement.*

**Law enforcement cooperation**

**Mutual legal assistance**

*cooperation through INTERPOL*



# Declining stock - less crime?



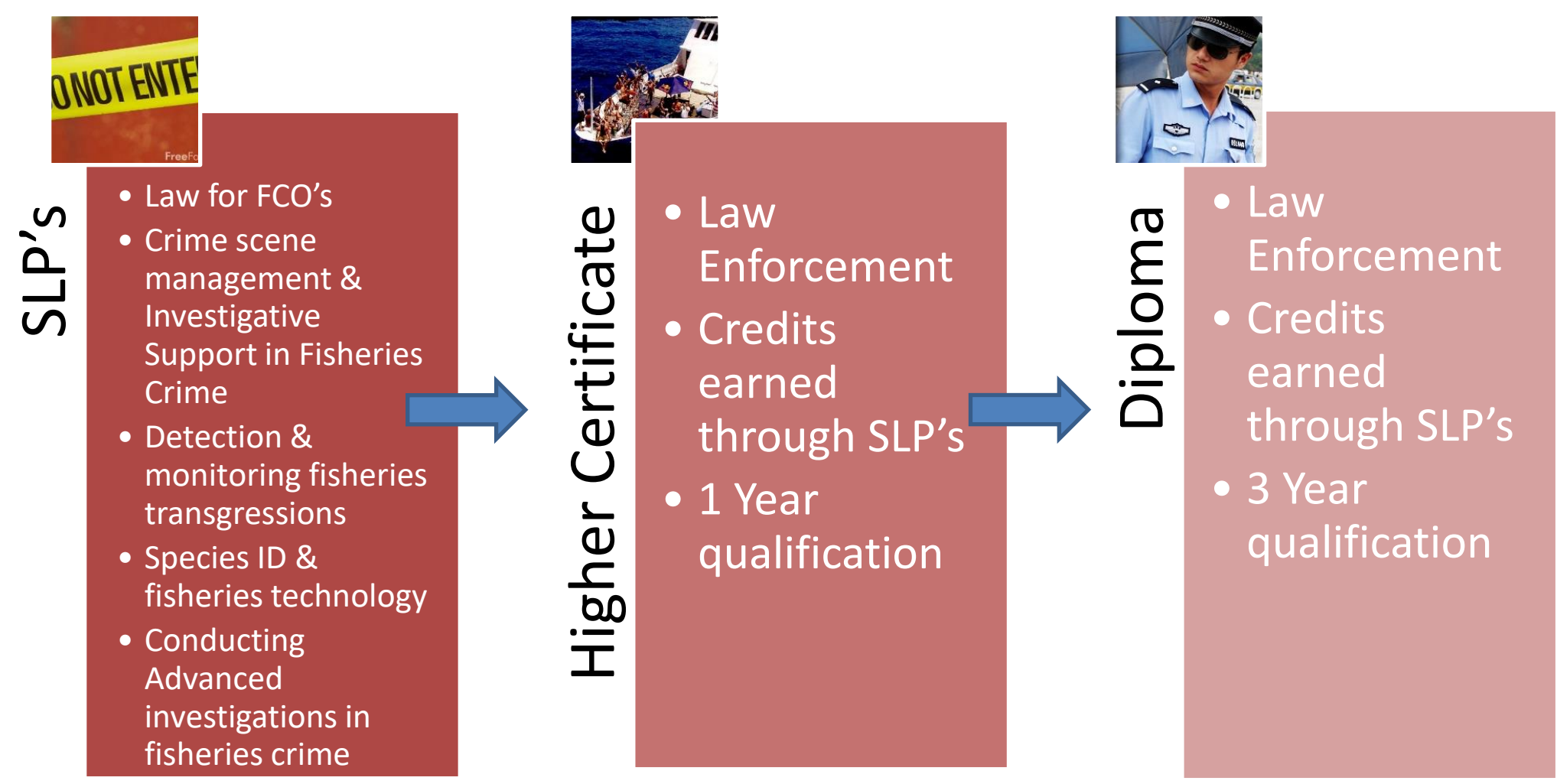
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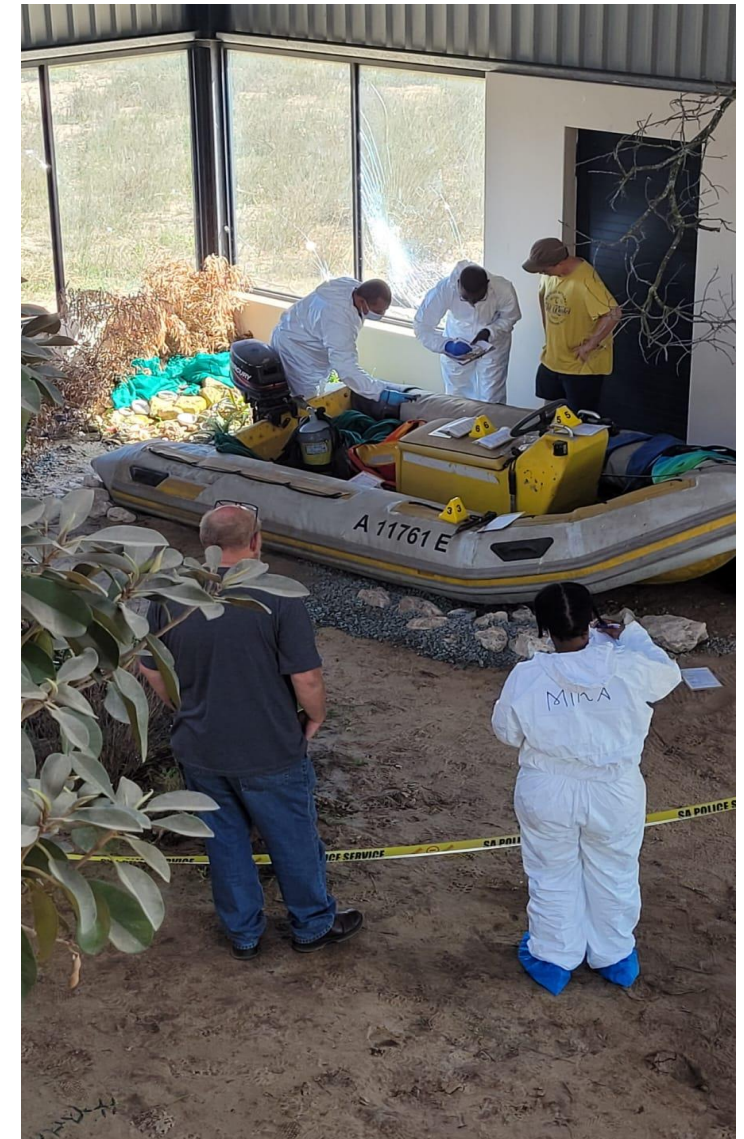
# Professionalisation Model





# NEW COURSES REGISTERED

- Detection of labour abuses and forced labour on board fishing vessels – *in partnership with ILO*
- Fisheries Crime scene protection and collection and presentation of evidence
- Drone photography & evidence gathering



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# UPPING THE “GAME” TO PROTECT OCEAN RESOURCES



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# Technical aspects of the game

Designed to focus mainly on vessel bridge inspections but includes a wider range of topics including:

- Bridge inspection to find & inspect key documents
- Crew Interviews (including simulation of various temperaments, moods and attitudes)
- Basic gear inspection (e.g. visual identification of hooks used in shark fishing)
- Basic hold inspection (checking the freezers and the catch)
- Blast or dynamite fishing (including identifying ingredients of homemade explosives)
- Shark fishing (shark fins hidden in hold)
- Evading of satellite tracking (missing data in VMS)



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- Human trafficking and forced labour (Confiscated passports, and general ill treatment of crew)
- Identification fraud (IMO number repainted on ship and falsified vessel registration documents)
- Eyeballing the catch (Player must cross reference a rough estimation of the catch quantity with the vessel hold's net capacity as per registration document and then check against catch log and freezer log)
- Drugs (multiple vessels are transporting drugs)
- Weapons (one vessel is transporting rifles and one has explosives)



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For each level, the player is scored on three (3) key skills:

1. Critical thinking
2. Diligence
3. Curiosity

From a neuroscience perspective, this approach deepens the learning outcomes and creates an environment where learners are interested in engaging with the content and remembering it.



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# SOME PROPOSALS

Compulsory to investigate and prosecute possession of more than prescribed quantities of POCA

Include more marine species in category of priority crimes

Increase effectiveness of inter-agency collaboration

Added other crimes on fishing vessels part of the checklist for law enforcement agencies

Lacey-type legislation in SADC

Theft of fish?



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**Draft regulations on foreign vessels**

**New crime: Failure to prevent corrupt activities**

**Review of MLRA**

**Appointment of FCOs  
as EMIs**

**Priority Crimes Committee: Joint operations**

**Membership of SADC MCS Centre Board**

**Working on new electronic surveillance tools**







Jim  
Clark  
Horn

