



SOUTH AFRICAN  
**MARITIME SAFETY**  
AUTHORITY

# A call for sustainable change to curb Fisheries Crime

*International Symposium on FishCRIME , Cape Town  
13 October 2015*



SAFE SHIPS • CLEAN SEAS



# PRESENTATION OUTLINE

- ❑ SAMSA Role and Mandate
- ❑ The United Nations Agencies
- ❑ International Maritime Instruments/Conventions:
  - I. Torremolinos & STCW-F
  - II. Work in Fishing C188
- ❑ Port State Control
- ❑ Re-discovering sustainable 'CHANGE'



# SAMSA'S ROLE AND MANDATE

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## **SAMSA Legal Mandate (Act 5, 1998)**

### **SAFETY**

**To ensure the safety of life and property at sea**

### **POLLUTION**

**To prevent and combat pollution of the marine environment by ships**

### **PROMOTING SOUTH AFRICA'S MARITIME INTERESTS**

**To promote Republic's Maritime Interests**

## SAMSA FUNCTIONS IN TERMS OF SAMSA ACT 5 OF 1998



### **SAMSA focuses on;**

- ❑ Regulate safety legislation for the purpose of improving the safety culture within the fishing vessels, and promulgate legislation to give effect to IMO/ILO conventions.
- ❑ Safety surveys are conducted to S.A registered & licenced vessels annually, & to foreign vessels, when required.



# UNITED NATIONS AGENCIES



## **International Maritime Organization (IMO)**

The agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.

## **International Labour Organization (ILO)**

The agency that promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.



# CONVENTIONS

- ❑ The 1993 Torremolinos Protocol (Cape Town Agreement of 2012) on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels  
*(to ensure safety of life at sea, particularly on high seas, to fishing vessels not less than 24m length)*
- ❑ International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel (STCW-F)  
*(is intended addresses training and certification standards for skippers and watch keepers on fishing vessels of more than 24m, for engineers on vessels of more than 750 kW and for crew in charge of radio communication)*



# CONVENTIONS



- Work in Fishing Convention No.188, 2007 - (South Africa is one of only 5 countries that have ratified)

*(The **Convention** No.188 is to ensure that fishers worldwide have decent work through a modern legal instrument that can be widely ratified)*

*“When all enter into force , that will assist in the fight against IUU fishing, child labour, human trafficking and forced labour.”*



- The first area (UN Conventions) is achieved by ensuring **safety of life and property**, as well as **marine environmental protection**, within South African waters and beyond, through:
  - ✓ Port State Control ship surveys
  - ✓ Search and Rescue services
  - ✓ Salvage tug services to protect the marine environment
  - ✓ Coastal State Control
  - ✓ Qualification and Certification of seafarers
  
- Align Global Instruments with domestic legislation in order to observe and comply with world best practices.

# PORT STATE CONTROL

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- ❑ **Port State Control (PSC)** - is the inspection of foreign ships for the purpose of verifying the competency of the master and officers on board, and condition of the ship and its equipment comply with the requirements of international conventions and that the vessel is manned and operated in compliance with applicable international law.
- ❑ SAMSA carries Port State surveys on vessels calling in SA ports, as required under the IMO procedures. Thus, SA ensure that it fully comply with the International effort to ensure – ‘Safe ships’
- ❑ ***SAMSA respond to complaints before react;***

SAMSA reacts to reports of unseaworthy ships, which may result in vessel being detained. These vessels are often found to be overloaded, in a state of neglect, or subject of a crew complaint.

- ❑ **Unless**; there are obvious unseaworthy, then we take actions in terms of domestic law. Some deficiencies are clearly hazardous to safety, health, or the environment, the PSCO would require the hazard to be rectified before the ship sail or detain the vessel or even issue a formal prohibition of the ship to operate.
- ❑ The Inspection's focus is on safety-related non-conformities i.e. validity of safety equipment, expired certificates and non-compliance and most of the vessel that perform illegal operations do not comply with these measures.
- ❑ Port State Control (PSC) to ensure that foreign flagged fishing vessels visiting South African ports comply with the required standards.



# RE-DISCOVERING THE GAME PLAN



- ❑ Promote transparency, communication, co-operation and collaborated efforts (within the country & across borders);
- ❑ Promote political buy-in;
- ❑ Break silo's and promote an Integrated Governance;
  - Promote an integrated approach (Business-Unusual), e.g. Operation Phakisa – Initiative 5.
  - Have common goals & ratify to universal instruments.
  - Encourage shared resources and capacity – e.g. Highly innovative & advanced technology.
  - Establish a mechanism of Information sharing & regular reporting of criminal activities.
  - Root-out corruption – i.e. name, shame & expose transgressors and apply heavy fines/sentences – even instances of corrupt officials.
- ❑ Strengthen co-operation & collaborations;
- ❑ Promote social dialogue with interested and affected parties;





- We need to be ahead of the game:
- Looking at cases & other challenges presented – we see “organised crime”
- ***Its time to be pro-active and be a step ahead of the game!***



**THANK YOU!**

