



SCENARIO 2



ILLEGAL HARVESTING OF MARINE RESOURCES AND OVER-FISHING

Facts: Community members observe a fishing company harvesting rock lobster at night and transporting it. They also suspect that the company may be over-fishing as the fish populations in that area have started to reduce in numbers. The community is concerned that the company may be exceeding fishing quotas, under-reporting catches, and illegally transporting and exporting harvested fish and lobster, threatening marine biodiversity and local livelihoods. There is also reasonable suspicion that the activities of the company may be linked to an organised poaching network that has been operating in the country.

S SPOT THE VIOLATION

Illegal harvesting of marine life and over-fishing breaches the Marine Living Resources Act, 1998 (MLRA). The Act sets out strict rules to conserve, manage, and control the use of South Africa's marine living resources.

In terms of the MLRA, fishing and harvesting marine species requires a valid permit and one must adhere to the required quotas, size limits and seasonal restrictions. Harvesting beyond these limits or without a permit is unlawful.

Over-harvesting disrupts marine ecosystems,

depletes species and threatens long-term sustainability. The MLRA criminalises activities that harm these resources, including unlawfully selling, exporting or possessing marine life and offenders may face fines, imprisonment and seizure of vessels and catch.

Illegal harvesting isn't just about breaking rules—it directly harms biodiversity, public resources, and human livelihoods, which is why the MLRA treats it as a criminal offence.

Signs of illegal harvesting of marine life or over-fishing:

- Suspicious night fishing
- unlicensed harvesting
- hidden transport
- unusually large quantities
- community reports of missing marine resources
- deactivating vessel tracking or monitoring systems to operate "dark" or in unauthorised areas such as marine protected areas
- moving catch from fishing vessels to refrigerated cargo vessels while at sea to avoid port inspections
- fishing in closed areas or during banned seasons
- Reduction in the size of fish being caught (shows younger fish is being caught before they have a chance to reproduce)
- Decline in catch rates (fishers spend more

time and effort at sea but bring back smaller, less valuable catches)

- Fish species start to decline or become rare replaced by less desirable or smaller species
- Economic decline: local fishers and market traders experience lower incomes and job losses due to fewer fish being caught
- Increase in conflict as competition for fewer resources leads to fights among local fishers and industrial or foreign vessels
- Increased prices in local sea food making it unaffordable for the local community
- Destruction of coral reefs and marine ecosystems

A ASSESS - WHAT INFORMATION IS NEEDED?

- Document observations: date, time, location, quantity, and method of harvesting (be precise on GPS location if possible)
- Take photos/videos of harvesters and vehicles if safe (including names of the ship/transport and identifying features)
- Check if the company holds a valid permit or licence

**request a copy of their licences by submitting a PAIA request. The licences will contain information on what the company is allowed to do including method of fishing/harvesting, timelines, areas they are allowed to operate in etc*

- Collect witness statements from community members
- Community patrols can assist in observing fishing activities
- Check the law and local fishing regulations to confirm the allowed fishing limits and quotas and authorised fishing areas

F FILE - REPORT THE ISSUE

You can report the crime to:

1. THE EMIs (DFFE)

NB: this is usually the best route for initial reporting as they allocate the matter to the appropriate authority and have investigators specialising in marine resources

- Submit the violation and all the information you gathered to support the report
- Provide information such as the description of the activity, location, time, vehicle/vessel being used including registration numbers, details of the offender and any photos and videos
- *when reporting via this route, your matter is logged and allocated to the appropriate authority which may include specialised fishery compliance officers

2. THE SAPS — this route is usually used for reporting active poaching, armed threats or large-scale syndicates in fisheries crime

- Include a sworn statement (A1 affidavit) with all collected evidence: photos, witness statements, locations, and suspected offenders.
- Be specific of exact location, time and description of the species being harvested (if possible)
- Request a case number and follow up regularly.

**NB: Do not confront poachers directly as they may be part of a dangerous criminal syndicate.*

3. THE HAWKS — this route is largely for large crime syndicates

- Include detailed information in your report (description of the illegal activity and the syndicates mode of operation)
- Names and identity of people involved
- Vehicles or boats being used (description, registration numbers)

CASE STUDY: S V BENGIS

In this case the South African company Hout Bay Fishing Industries, led by Arnold Bengis, was prosecuted for large scale illegal harvesting and over-fishing of West Coast and South Coast rock lobster over a 14 year period. The syndicate knowingly exceeded quotas, under reported catches, bribed fishery control officers to hide their activities and exported illegally harvested lobster to the USA, Europe and the Far East.

In the Wynberg Regional Court, Hout Bay Fishing pleaded guilty to multiple offences and was convicted, resulting in fines and forfeiture of vessels and illegal catch. The Bengis family was also convicted in the

United States, where they pleaded guilty to smuggling and conspiracy under U.S. law and were sentenced to imprisonment and significant forfeiture/restoration orders. The US Court ordered the defendants to pay substantial restitution to South Africa for the damage caused to its fishing industry, which ultimately led to a forfeiture order of over \$37 million in 2017 (roughly R500 million).

The case highlighted the severity of wildlife exploitation, the need for strong enforcement of marine protection laws, and the value of international cooperation in combating illegal, unreported and unregulated fishing.

- Location (specific places where the harvesting, storing or processing occurs)
- Attach evidence of the illegal activity (videos, photos or documentation)

E ENSURE - FOLLOW UP UNTIL ACTION IS TAKEN

- Request CAS number or reference number and use it to follow up on the case
- Authorities may seize illegal stock and equipment and arrest the offenders.
- Offenders can face criminal prosecution, fines, and imprisonment
- Community members may be called to testify as witnesses

SOME QUICK CONTACTS:

SAPS Emergency Number: 10111
(For in-progress, active incidents).

SAPS Crime Stop Hotline
(Anonymous): 08600 10111
(For anonymous tip-offs. You will receive a secret code number).

My SAPS App:
Can be used to report activities anonymously.

National Environmental Crimes & Incidents Hotline: 0800 205 005
(Available 24/7)

E: envirocrime@dffe.gov.za
E: complaints@environment.gov.za

The Hawks
(serious organised crime investigation, i.e crimes involving syndicates): 012 846 4590;
E: CorruptionReports@saps.gov.za
E: Corruption.ReportsHO@saps.gov.za

12 USEFUL INFORMATION

A Commissioner of Oaths is a person legally authorised to administer oaths or affirmations and certify sworn statements (affidavits), confirming that the contents are declared truthful. Note: Any police officer at the station can act as Commissioner of Oaths, you do not need a special official for this. NB: You do not need to

SAMPLE AI STATEMENT

SAPS Case Number: (To be filled in by police)

Station: (Name of the police station)

Date: (DD/MM/YYYY)

Time: (HH:MM)

Complainant's Details: [insert details]

- **Full Name:**
- **ID Number:**
- **Residential Address:**
- **Contact Number:**
- **Occupation:**

Accused's Details (if known): [insert details]

Company Name: (Name of the mining company)

Company Address: (Physical location and operational site)

Responsible Individuals (if known): (Names of directors, managers, or responsible officials)

Other Identifying Details: (insert any details that could assist in identifying the perpetrator)

Statement of Events:

I, (**Full Name per your ID**), hereby state under oath that the following events took place, which I believe constitute an environmental crime under the **National Environmental Management Act, 1998 (NEMA) (Act No. 107 of 1998)**:

1. **Date & Time of Incident:** (Provide exact details or estimated timeline of pollution activities)
2. **Location of Incident:** (Describe the affected area, including the specific water source impacted)

3. Description of the Violation:

- The **(name of mining company)** has been discharging **(describe pollutants, e.g., toxic chemicals, heavy metals, untreated wastewater, etc.)** into **(name of river, dam, or groundwater source)**.
- This pollution has **(describe effects, e.g., contaminated drinking water, fish deaths, changes in water colour/smell, etc.)**.
- The pollution contravenes **Section 28 (Duty of Care) of NEMA**, which requires any person who causes environmental harm to take reasonable measures to prevent or remedy it.

4. Impact on People and Environment:

- Residents of **(affected community/village)** have reported **(describe health effects, e.g., skin rashes, stomach illnesses, respiratory issues, loss of livestock, etc.)**.
- Farmers and local communities have lost access to clean water, impacting their livelihoods.

5. Witnesses (if any): (Names, addresses, and contact details of affected individuals, community members, or environmental experts)

6. Supporting Evidence: (List any available evidence, such as water test results, photographs, videos, expert reports, or medical records of affected persons)

I believe that these actions violate the **National Environmental Management Act (NEMA) and related environmental regulations** and request that a **criminal investigation be initiated** against **(mining company name and responsible parties, if known)**. I further request that appropriate enforcement action, including penalties, remediation orders, and possible prosecution, be taken.

Complainant's Declaration:

I understand that making a false statement is a criminal offence.

Signature of Complainant: _____

Date: _____

Commissioner of Oaths (Police Officer Signature & Rank): _____

Date: _____

This sample is framed around a NEMA/water pollution complaint, but can be adapted for any environmental crime (air pollution, illegal dumping, habitat destruction, mining without a licence, etc.).

USEFUL CONTACT INFORMATION

ENVIRONMENTAL VIOLATIONS

Department of Forestry Fisheries and Environment (DFFE)

T: 0800 205 005 (Hotline – free call)
E: envirocrime@dffe.gov.za
www.dffe.gov.za

WATER VIOLATIONS

Department of Water & Sanitation (DWS)

T: 0800 200 200 (Call centre)
T: 0800 701 701 (Fraud & corruption hotline)

**Only for fraudulent activities. In the event of water violations, the complainant must contact the DWS Regional Offices or the CMA.*
www.dws.gov.za

DWS REGIONAL OFFICES OR CATCHMENT MANAGEMENT AGENCIES (CMA)

Gauteng

T: (012) 392 1300
A: 285 Francis Baard Street, Bothongo Plaza East, Pretoria

Mpumalanga

T: (013) 759 7300
A: Prorom Building, Nelspruit

Limpopo

T: (015) 290 1200
A: Azmo Place, Polokwane

KwaZulu-Natal

T: (031) 336 2700
A: Southern Life Building, 9th Floor, 88 Joe Slovo Street, Durban

Free State

T: (051) 405 9000
A: Bloem Plaza, Bloemfontein

North West

T: (018) 387 9500
A: Cnr Dr. James Moroka Drive and Sekame Road, Mmabatho

Northern Cape

T: (053) 830 8800
A: 28 Central Road, Kimberley

Western Cape

T: (021) 941 6000
A: 52 Voortrekker Road, Sigma Building, Bellville

Eastern Cape

T: (043) 604 5400
A: 2 Hargreaves Ave, King William's Town

MINING VIOLATIONS

Department of Mineral & Petroleum Resources (DMPR) Head Office

Head office

T: 012 444 3000
E: nemacomplaints@dmre.gov.za
www.dmre.gov.za

DMPR REGIONAL OFFICES

Gauteng

T: (011) 358 9700 – don't have an email as an alternative to the phone number.
A: UCS Building, Cnr Smit & Rissik St, Braamfontein

Mpumalanga

T: (013) 653 0500
 Regional Manager: Aubrey Tshivandekano
E: Lydia.maphopha@dmpr.gov.za
A: Crescent Centre, Cnr Mandela Rd & OR Tambo, eMalahleni

Limpopo

T: (015) 287 4700
E: thivhulawi.kolani@dpr.gov.za
A: Broll Building, 101 Dorp Street, Polokwane

KwaZulu-Natal

T: (031) 335 9600
 Deputy director: Karoon Moodley
E: Karoon.moodley@dmpr.gov.za
A: Durban Bay House, 333 Smith Street, Durban

Free State

T: (057) 391 1300
A: DMR Building, 314 Stateway St, Welkom

Northwest (Klerksdorp)

T: (018) 487 9830 – contact server

error when calls are made.

A: VUT Building, Cnr Prinsloo & Voortrekker St

Northern Cape (Kimberly)

T: (053) 807 1700
E: ndlelenhle.zindela@dmpr.gov.za
E: Ntombi.mayekiso@dmpr.gov.za
A: Perm Building, 65 Phakamile Mabija St, Kimberley

Northern Cape (Springbok)

T: (027) 712 8160
E: ndlelenhle.zindela@dmpr.gov.za
A: Hopley Centre, Cnr Van der Stel & Van Riebeeck St

Western Cape

T: (021) 427 1000
A: Atterbury House, 9th Fl, Cnr Riebeeck & Lower Burg St, Cape Town

Eastern Cape (PE)

T: (041) 396 3900
A: Pier 14, 444 Governer Mbeki Road, Port Elizabeth

Eastern Cape (Mthatha)

T: (047) 532 4488
A: PRD Building, 96 Sutherland Road, Mthatha

MINE HEALTH AND SAFETY INSPECTORATE

Principal Inspectors of Mines

Gauteng

T: (011) 358 9700
A: UCS Building, Cnr Smit & Rissik St, Braamfontein, Johannesburg

Mpumalanga

T: 0136530538
A: Crescent Centre, Cnr Mandela Rd & OR Tambo, eMalahleni

Limpopo

T: (015) 287 4740
A: Broll Building, 101 Dorp Street, Polokwane

KwaZulu-Natal

T: (031) 335 9626
A: Durban Bay House, 333 Smith Street, Durban

Free State**T:** (057) 391 1371**A:** DMR Building, 314 Stateway St, Welkom**Northwest (Klerksdorp)****T:** (018) 462 9039**A:** VUT Building, Cnr Prinsloo & Voortrekker St, Klerksdorp**Northwest (Rustenburg)****T:** (014) 594 9246**A:** Waterfall Mall Office Park, Cnr Kock & Modithoa St, Rustenburg**Northern Cape****T:** (053) 830 1734/38**A:** Perm Building, 65 Phakamile Mabija St, Kimberley**Western Cape****T:** 0834961050**A:** Atterbury House, 9th Fl, Cnr Riebeeck & Lower Burg St, Cape Town**Eastern Cape****Gqeberha (Port Elizabeth)****T:** (041) 585 9097**A:** Pier 14, 444 Govenor Mbeki Road,**Head Office (Pretoria)****T:** 012 444 3000**A:** 70 Meintjies Street, Sunnyside, Pretoria**TO REPORT GOVERNMENT MALADMINISTRATION OR THE STATE'S FAILURE TO ACT****Office of the Public Protector****T:** 0800 11 20 40 (Toll-free)**T:** 012 366 7000**E:** registrations@pprotect.org**www.pprotect.org****HUMAN RIGHTS VIOLATIONS
SA Human Rights Commission (SAHRC)****T:** 011 877 3600**E:** complaints@sahrc.org.za
(Complaints)**E:** info@sahrc.org.za (General Info)

Online complaints

www.sahrc.org.za/lodge-complaints**LEGAL SUPPORT****Centre for Environmental Rights (CER)****T:** +27 21 447 1647**E:** info@cer.org.za**www.cer.org.za****NOT SURE WHERE TO START?****Ask Karabo - Community****Environmental Rights Resource**

Provides simple and straightforward information on environmental rights in South Africa

www.askkarabo.co.za

Routes your complaint to the correct government department (DFFE, DWS or DMPR)

www.reportaviolation.co.za

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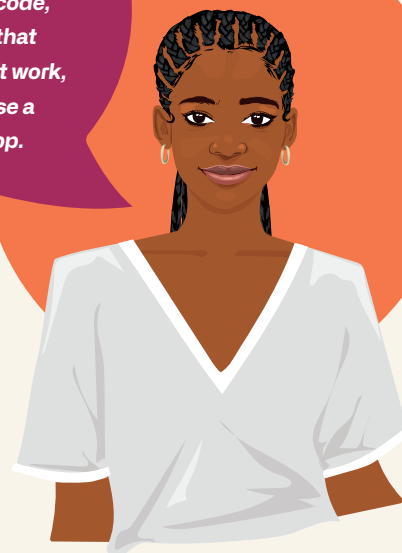
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WANT TO KNOW MORE ABOUT YOUR ENVIRONMENTAL RIGHTS?

ASK KARABO

HOW TO SCAN A QR CODE

Open your phone's camera,
point it at the QR code,
and tap the link that
appears. If it doesn't work,
move closer or use a
QR scanner app.



Want to know more about your environmental rights? Use **Ask Karabo**, an online platform that connects you with experts who can answer your environmental law questions.

HOW TO INTERACT WITH ASK KARABO

1. Visit the website: **www.askkarabo.co.za**
2. Click on "Register" or "Type Your Question Here" to create an account
(You may need to wait a few moments for your email verification code)
3. Verify your account and log in
4. Submit your question
(e.g. "What is the role of the SAPS in environmental crimes?")
5. Receive an expert response within 48 hours

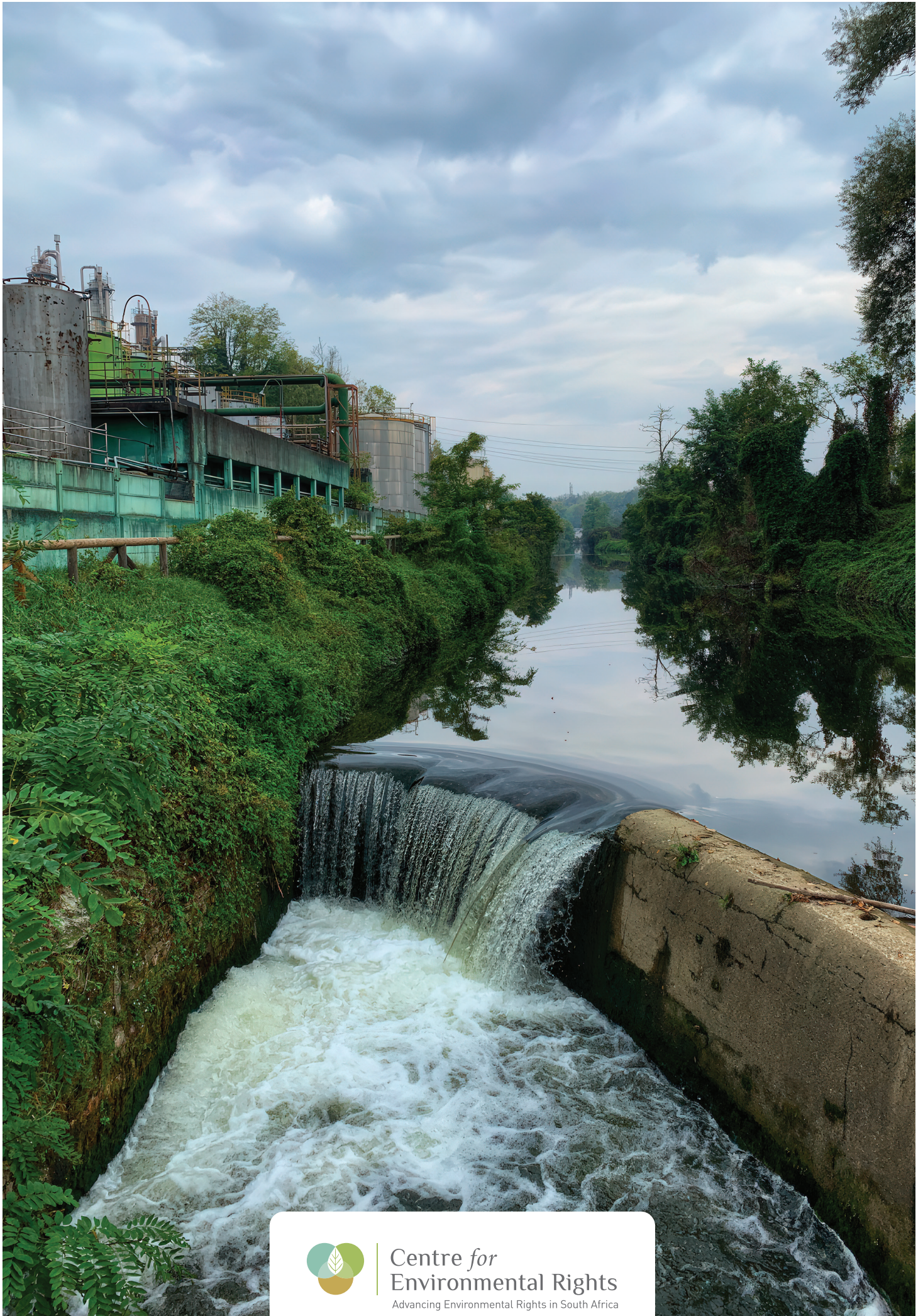


REPORT ENVIRONMENTAL VIOLATIONS

If you want to report an environmental violation, use the official reporting portal:

www.reportaviolation.co.za





Centre for
Environmental Rights
Advancing Environmental Rights in South Africa