

Chapter 11: Marine and Environmental Law Enforcement Strategy

1. Introduction

The City of Cape Town has over 300km's of coastline, one of its greatest economic, social and environmental assets. The City's jurisdiction is determined by the high-water mark; however, economic, recreational, environmental and illegal activities operate across these jurisdictional boundaries.

The inshore marine and coastal environment including the adjacent terrestrial environment is a central component to Cape Town offering many positive opportunities and attributes. Unfortunately, the increasing trend of illegal activities and the lack of adherence to our country's laws and City's by-laws are impacting negatively on the marine and coastal environment, with a subsequent negative impact on residents, local livelihood opportunities and the ecotourism potential of the City.

2. Rationale

Marine and coastal management is a national government competency, but lack of resources, institutional complications, and an extensive national coastal and marine environment has resulted in limited actual and visible policing in the inshore marine and coastal environment, including the small boat harbours in Cape Town.

The Department of Agriculture, Forestry and Fisheries (DAFF) has an active programme in supporting municipalities to become operationally effective in the near inshore marine and coastal environment within the municipal boundaries in order that they may support DAFF's law enforcement and compliance efforts.

There is increasing recognition that poor inshore coastal and marine law enforcement has a direct relationship with Cape Town's many social challenges, including:

- Loss of recreational areas for the general public due to criminal activity and related safety concerns.
- Lawlessness across the spectrum from minor offences to serious offences being considered the societal norm with little or no consequences.
- Poor public perception of the authorities' ability to regulate and manage society in an equitable and fair manner.
- Natural resource depletion, through unsustainable practices, impacting on economic and employment sustainability.

The City of Cape Town has prioritised law enforcement and compliance as one of the key strategies to create the Opportunity City, the Safe City, the Caring City, the Inclusive City and the Well-run City. In this regard Mayoral Committee Member for Safety and Security, Alderman J.P Smith has provided his support and approval for the development of a City of Cape Town Marine and Environmental Law Enforcement Strategy and an associated specialised Marine and Environmental Law Enforcement Unit.

This draft strategy outlines the elements and priorities of the Marine and Environmental Law Enforcement Strategy for the City.

3. Strategic Objectives

The following five key strategic objectives collectively form the Marine and Environmental Law Enforcement Strategy. Progress and success of the strategy will be measured and monitored both in the law enforcement achievements on the ground as well as in meeting and implementing each of these five strategic objectives:

Strategic Objective 1:

In partnership with DAFF, Table Mountain National Park (TMNP), CapeNature, Dept. Environmental Affairs (DEA), SAPS Border Police, South African Maritime Safety Authority (SAMSA), SARS Customs and Dept. Environmental Affairs and Development Planning (DEADP) develop and formalise a joint Cooperative Marine and Environmental Law Enforcement Strategy that includes formal partnership agreements between relevant agencies as required for collaborative action and operations.

This strategy is to be developed to focus on joint operations that target and focus on marine poaching, compliance with the Marine Living Resources Act (Act 18 of 1998) by commercial rights/ permit holders and recreational fishers and to improve inter-agency cooperation and actions.

Strategic Objective 2:

Establish a specialist City Marine and Environmental Law Enforcement Unit, within Law Enforcement and Specialised Services that is highly visible, effective and able to respond to marine and coastal transgressions throughout the City's jurisdictional area.

In collaboration with the Environmental Resource Management Department, develop the Marine and Environmental Law Enforcement unit into a specialised unit that is properly equipped, capacitated and trained to handle all coastal, marine and terrestrial environmental law enforcement transgressions, with clearly branded and identifiable City vessels and vehicles.

The specialised unit would be tasked with addressing the following key enforcement priority areas:

1. Public Safety and security at coastal facilities and amenities by addressing hotspots through targeted actions, general awareness raising and communication with the public and public water safety and rescue.
2. Visible coastal inshore boat patrols and policing, especially during peak season and during periods of increased activity in the inshore coastal environment (ecotourism, fishing etc.)
3. Interface and management of recreational/commercial fishing conflict areas (e.g. jetski's, trek netters etc.)
4. Policing and regulating off road vehicles in the coastal zone.
5. Inspecting recreational fishing permits and activities.
6. Application of the Marine Living Resources Act (Act 18 of 1998) regulations.
7. Proactive approach to identifying and responding to new threats and hot spot areas.
8. Application of environmental legislation and regulations in the coastal zone.
9. React and manage all coastal law enforcement emergencies and issues as they arise.
10. Provide access control, support and policing at slipways during peak activity times.

Strategic Objective 3:

Establish a coastal and marine hotline reporting number through City's central call centre that is widely communicated to the public. Ensure that all calls are answered, recorded and responded to.

Strategic Objective 4:

Complete an assessment of coastal infrastructure development and requirements that would facilitate improved marine and environmental law enforcement, reduce pressure on existing infrastructure and increase legal economic and social opportunities thereby taking back the space from criminal elements.

Strategic Objective 5:

Complete an assessment of regulatory coastal signage to ensure that the coast line is adequately and appropriately regulated and the public are well informed.

4. Steps to Achieving the Five Strategic Objectives

In working towards achieving the five Strategic Objectives, the following requirements have been prioritised for action:

1. Governing Legislation

Assessment of applicable legislation and current mandates in terms of the legislation.

2. Define Roles and Responsibilities

The roles and responsibilities of the various City branches in dealing with marine and coastal law enforcement and compliance must be clearly defined and communicated.

3. Staff Assessment

An initial audit of the current resources and capacity within the existing Law Enforcement Section's Marine Unit and other relevant branches within the City is required:

- a) Number of personnel
- b) Structure, responsibility, reporting lines and contact details.
- c) Current operating budget allocations
- d) Available resources and equipment
- e) Current areas of operation
- f) Current hours of operation
- g) Current "*modus operandi*" of day to day operational effectiveness.

4. Priority training interventions

- a) Skippers license
- b) Boat and jet ski handling
- c) Fisheries Inspectorate Training
- d) Marine and boating regulations
- e) Marine Living Resources Act regulations
- f) Other marine and coastal regulations/by-laws
- g) Life saving and first aid

5. Roles and Responsibilities

ERMD will assist with coordination, facilitation and support to the specialised Marine and Environmental Law Enforcement Unit and lead the collaboration with partner agencies such as DAFF, DEA, SAPS Border Unit, CapeNature and TMNP.

Law Enforcement and Specialised Services branch will provide the financial and human resources identified in the strategy and together with ERMD investigate potential future funding sources to expand, capacitate, equip and maintain the effectiveness of the specialised Marine and Environmental Law Enforcement Unit.